

114TH CONGRESS
1ST SESSION

H. R. 3576

To increase transparency, accountability, and community engagement within U.S. Customs and Border Protection, provide independent oversight of border security activities, improve training for U.S. Customs and Border Protection agents and officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2015

Mr. O'ROURKE (for himself and Mr. PEARCE) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary and 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

A BILL

To increase transparency, accountability, and community engagement within U.S. Customs and Border Protection, provide independent oversight of border security activities, improve training for U.S. Customs and Border Protection agents and officers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Border Enforcement
3 Accountability, Oversight, and Community Engagement
4 Act of 2015”.

5 **SEC. 2. STAKEHOLDER AND COMMUNITY ENGAGEMENT.**

6 (a) DEPARTMENT OF HOMELAND SECURITY BORDER
7 OVERSIGHT COMMISSION.—

8 (1) ESTABLISHMENT.—There is established an
9 independent commission, which shall be known as
10 the “Department of Homeland Security Border
11 Oversight Commission” (in this Act referred to as
12 the “Commission”).

13 (2) ORGANIZATION.—

14 (A) LEADERSHIP.—The Commission shall
15 be led by a Chair and Vice Chair.

16 (B) SUBCOMMITTEES.—

17 (i) IN GENERAL.—The Chair shall es-
18 tablish within the Commission two sub-
19 committees that will be comprised of rep-
20 resentatives from each State on the north-
21 ern border and each State on the southern
22 border.

23 (ii) NORTHERN BORDER SUB-
24 COMMITTEE.—The northern border sub-
25 committee shall consist of ten members
26 from the northern border region, including

1 at least one uniformed, non-supervisory
2 agent or officer of U.S. Customs and Bor-
3 der Protection, in accordance with sub-
4 paragraph (C).

5 (iii) SOUTHERN BORDER SUB-
6 COMMITTEE.—The southern border sub-
7 committee shall consist of ten members
8 from the southern border region, including
9 at least one uniformed, non-supervisory
10 agent or officer of U.S. Customs and Bor-
11 der Protection, in accordance with sub-
12 paragraph (C).

13 (iv) ELECTION.—Members of the
14 northern and southern border subcommit-
15 tees shall elect the Chair and Vice Chair of
16 the Commission from among its members.
17 The Chair and Vice Chair may not be from
18 the same subcommittee.

19 (C) APPOINTMENT PROCESS.—Members of
20 the Commission shall be appointed as follows:

21 (i) The President shall appoint four
22 representatives from the northern border
23 region and four representatives from the
24 southern border region.

1 (ii) The House Speaker shall appoint
2 three representatives from the northern
3 border region and three representatives
4 from the southern border region.

5 (iii) The Senate Majority Leader shall
6 appoint three representatives from the
7 northern border region and three rep-
8 resentatives from the southern border re-
9 gion.

10 (D) APPOINTMENT DEADLINE.—Members
11 of the Commission shall be appointed not later
12 than 180 days after the date of the enactment
13 of this Act.

14 (E) TERMS OF OFFICE.—The Chair and
15 Vice Chair of the Commission shall serve for
16 terms of four years. Members of the northern
17 border and southern border subcommittees shall
18 serve for terms of four years.

19 (3) QUALIFICATIONS.—Membership on the
20 Commission and its subcommittees shall to the
21 greatest extent possible reside within 100 miles of
22 the northern or southern border and shall include
23 security experts, training experts, civil rights and
24 civil liberties experts, representatives of faith based
25 organizations, officials from local law enforcement

1 on the northern and southern borders, officials from
2 local government on the northern and southern bor-
3 ders, and business and civic organizations along the
4 northern and southern borders.

5 (4) MEETINGS.—

6 (A) COMMISSION.—The Commission shall
7 meet at least semiannually, and may convene
8 additional meetings as necessary.

9 (B) SUBCOMMITTEES.—The northern bor-
10 der and southern border subcommittees shall
11 meet at least quarterly, and may convene addi-
12 tional meetings as necessary.

13 (5) DUTIES.—The Commission, and the north-
14 ern border and southern border subcommittees,
15 shall—

16 (A) develop recommendations for improve-
17 ments regarding border enforcement policies,
18 strategies, and programs that take into consid-
19 eration their impact on border communities;

20 (B) evaluate policies, strategies, and pro-
21 grams of Federal agencies operating along the
22 northern and southern borders to—

23 (i) protect—

24 (I) due process;

1 (II) the civil and human rights of
2 border residents and visitors; and

3 (III) private property rights of
4 land owners;

5 (ii) reduce the number of migrant
6 deaths; and

7 (iii) improve the safety of agents and
8 officers of U.S. Customs and Border Pro-
9 tection;

10 (C) develop recommendations for improve-
11 ments regarding the safety of agents and offi-
12 cers of U.S. Customs and Border Protection
13 when such agents and officers are in the field;
14 and

15 (D) evaluate training, including estab-
16 lishing training courses related to management
17 and leadership skills for supervisors in each
18 Border Patrol sector and at each port of entry
19 on the northern and southern borders, the ex-
20 tent to which supervisory and management per-
21 sonnel practices at U.S. Customs and Border
22 Protection encourage and facilitate workforce
23 development for agents and officers, promote
24 agent and officer field safety, and post-FLETC
25 training and continuing education of border en-

1 forcement personnel in accordance with section
2 4.

3 (6) ADDITIONAL RESPONSIBILITIES.—

4 (A) IN GENERAL.—In carrying out the du-
5 ties specified in paragraph (5), the Commission
6 shall take into consideration any recommenda-
7 tions and evaluations agreed upon by the north-
8 ern border and southern border subcommittees.

9 (B) SUBCOMMITTEE REPORTS.—The
10 northern border and southern border sub-
11 committees shall annually submit to the Chair
12 and Vice Chair of the Commission a publically
13 available report containing the recommenda-
14 tions and evaluations of the subcommittees pur-
15 suant to paragraph (5).

16 (7) PROHIBITION ON COMPENSATION.—Mem-
17 bers of the Commission and the northern border and
18 southern border subcommittees may not receive pay,
19 allowances, or benefits from the Government by rea-
20 son of their service on the Commission or the sub-
21 committees.

22 (b) POWERS OF THE COMMISSION.—

23 (1) IN GENERAL.—

24 (A) HEARINGS AND EVIDENCE.—The
25 Commission or, on the authority of the Com-

mission, any subcommittee or member thereof,
may, for the purpose of carrying out this Act—

(i) hold such hearings, and sit and act
at such times and places, take such testi-
mony, receive such evidence, and admin-
ister such oaths, and

(ii) subject to subparagraph (B), re-
quire, by subpoena or otherwise, the at-
tendance and testimony of such witnesses
and the production of such books, records,
correspondence, memoranda, papers, and
documents,

as the Commission or such designated sub-
committee or designated member determines
necessary to carry out its duties under sub-
section (a)(5).

(B) SUBPOENAS.—

(i) ISSUANCE.—A subpoena may be
issued under this subsection only by—

(I) the Chair and Vice Chair of
the Commission; or

(II) a recorded vote of two-thirds
of the members of the northern border
or southern border subcommittees, as
the case may be.

1 (ii) SERVICE.—Subpoenas issued
2 under this subsection may be served by—

3 (I) any person designated by the
4 Chair or the Vice Chair of the Com-
5 mission; or

6 (II) any member of the Commis-
7 sion designated by a majority of the
8 Commission.

9 (iii) ENFORCEMENT.—

10 (I) IN GENERAL.—In the case of
11 contumacy or failure to obey a sub-
12 poena issued under this subsection,
13 the United States district court for
14 the judicial district in which the sub-
15 poenaed person resides, is served, or
16 may be found, or where the subpoena
17 is returnable, may issue an order re-
18 quiring such person to appear at any
19 designated place to testify or to
20 produce documentary or other evi-
21 dence. Any failure to obey the order of
22 the court may be punished by the
23 court as contempt of that court.

24 (II) ADDITIONAL MEASURES.—In
25 the case of any failure of an individual

1 to comply with any subpoena issued
2 under this section, the Commission,
3 may, by a majority vote, certify a
4 statement of fact constituting such
5 failure to the appropriate United
6 States attorney.

7 (iv) LIMITATION.—A subpoena may
8 be issued only if the Commission certifies
9 to the Secretary of Homeland Security
10 that such issuance is necessary to carry
11 out its duties under subsection (a)(5), and
12 that all reasonable efforts will be taken to
13 limit the disclosure of personally identifi-
14 able information to the greatest extent pos-
15 sible.

16 (c) SAVINGS PROVISION.—Nothing in this Act may
17 be construed as affecting in any manner the investigative
18 and disciplinary procedures of U.S. Customs and Border
19 Protection or the Department of Homeland Security with
20 respect to agents and officers of U.S. Customs and Border
21 Protection.

22 (d) REPORTS.—

23 (1) ANNUAL REPORTS.—The Commission shall
24 annually submit to the Secretary of Homeland Secu-
25 rity a publically available report containing informa-

tion on the activities, findings, and recommendations of the Commission, including the northern border and southern border subcommittees, for the preceding year.

(2) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on each report required under paragraph (1).

SEC. 3. ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR BORDER AND IMMIGRATION RELATED CONCERNS.

(a) IN GENERAL.—Section 452 of the Homeland Security Act of 2002 (6 U.S.C. 272) is amended to read as follows:

“SEC. 452. OMBUDSMAN FOR BORDER AND IMMIGRATION RELATED CONCERNS.

“(a) IN GENERAL.—There shall be within the Department an Ombudsman for Border and Immigration Related Concerns (in this section referred to as the ‘Ombudsman’). The individual appointed as Ombudsman shall have a background in immigration or civil liberties law or law enforcement. The Ombudsman shall report directly to the Secretary.

1 “(b) ORGANIZATIONAL INDEPENDENCE.—The Sec-
2 retary shall take appropriate action to ensure the inde-
3 pendence of the Ombudsman’s office from other officers
4 or employees of the Department engaged in border secu-
5 rity or immigration activities.

6 “(c) STAFFING.—The Secretary shall take appro-
7 priate action to ensure that the Ombudsman’s office is
8 sufficiently staffed and resourced to carry out its duties
9 effectively and efficiently.

10 “(d) FUNCTIONS.—The functions of the Ombudsman
11 shall be as follows:

12 “(1) To establish an independent, neutral, and
13 appropriately confidential process to receive, inves-
14 tigate, resolve, and provide redress, including immi-
15 gration relief, monetary damages, or any other ac-
16 tion determined appropriate, for complaints, griev-
17 ances, or requests for assistance from individuals,
18 associations, and employers regarding the border se-
19 curity and immigration activities of the Department.

20 “(2) To conduct inspections of the facilities, in-
21 cluding contract facilities, of U.S. Customs and Bor-
22 der Protection, U.S. Immigration and Customs En-
23 forcement, and U.S. Citizenship and Immigration
24 Services.

1 “(3) To assist individuals and families who
2 have been victims of crimes committed by aliens or
3 of violence near the United States border, and indi-
4 viduals and families impacted by situations in which
5 the Department has exercised force.

6 “(4) To identify areas in which individuals, as-
7 sociations, and employers have identified concerns
8 with respect to interacting with U.S. Customs and
9 Border Protection, U.S. Immigration and Customs
10 Enforcement, or U.S. Citizenship and Immigration
11 Services.

12 “(5) To propose changes in the administrative
13 practices of U.S. Customs and Border Protection,
14 U.S. Immigration and Customs Enforcement, and
15 U.S. Citizenship and Immigration Services to miti-
16 gate problems identified under this section.

17 “(6) To review, examine, and make rec-
18 ommendations regarding the border security and im-
19 migration and enforcement activities of U.S. Cus-
20 toms and Border Protection, U.S. Immigration and
21 Customs Enforcement, and U.S. Citizenship and Im-
22 migration Services.

23 “(7) To establish a uniform and standardized
24 complaint process regarding complaints against all
25 U.S. Customs and Border Protection officers, Bor-

1 der Patrol agents, and CBP Agricultural Specialists
2 for violations of standards of professional conduct.
3 Such complaint process shall have the following com-
4 ponents:

5 “(A) Require that all complaints receive an
6 independent review and investigation completed
7 not later than one year from the date of receipt
8 of each such complaint.

9 “(B) Require that complainants receive
10 written confirmation of receipt of their com-
11 plaints not later than 90 days from the date of
12 receipt of each such complaint, and a written
13 summary regarding the outcome of such com-
14 plaints not later than one year after such date
15 of receipt, including findings of fact, rec-
16 ommended action, and available redress.

17 “(C) Feature a centralized multilingual on-
18 line complaint form that includes street ad-
19 dress, toll-free telephone number, and electronic
20 mailbox address to permit an individual to file
21 an immigration or border-related complaint and
22 submit supporting evidence through the portal
23 of choice of any such individual. Information re-
24 lating to such form shall be visible at ports of
25 entry and at Border Patrol interior checkpoints.

1 “(D) Include procedures for referring com-
2 plaints to the Office for Civil Rights and Civil
3 Liberties, Office of the Inspector General, or
4 other appropriate agency of the Department of
5 Homeland Security.

6 “(E) Establish a publicly accessible na-
7 tional, standardized database capable of track-
8 ing and analyzing complaints and their resolu-
9 tion.

10 “(F) Provide publicly accessible records,
11 with copies of complaints, and their resolutions
12 permanently preserved and available for inspec-
13 tion, while maintaining the confidentiality of
14 complainants’ identities.

15 “(8) To establish an online detainee locator sys-
16 tem for individuals held in U.S. Customs and Border
17 Protection custody.

18 “(e) COMPLAINANTS.—The following shall apply to
19 all complainants:

20 “(1) Any interested party, including a legal rep-
21 resentative, may file a complaint through the com-
22 plaint procedure pursuant to subsection (d)(7).

23 “(2) Complainants and other individuals identi-
24 fied in a complaint shall be protected from retalia-
25 tory action by law enforcement or by any officer of

1 the United States based on the content of such com-
2 plaint, and no information contained in a complaint
3 that is germane to such complaint may be used as
4 evidence in any removal or criminal proceedings
5 against the complainant or any individual identified
6 in such complaint.

7 “(3) Neither the filing of a complaint nor the
8 contents of a complaint shall in any way confer im-
9 munity or otherwise impact any removal or criminal
10 proceedings against a complainant or an individual
11 identified in such complaint.

12 “(4) No personally identifiable information re-
13 lated to an individual involved in a complaint which
14 would result in identification of such individual may
15 be published.

16 “(5) Complainants shall receive full assistance
17 from the Department in filing complaints, including
18 language assistance, accommodations for disabilities,
19 and accurate and complete responses to their ques-
20 tions.

21 “(f) OTHER RESPONSIBILITIES.—In addition to the
22 functions specified in subsection (d), the Ombudsman
23 shall—

24 “(1) monitor the coverage and geographic allo-
25 cation of local offices of the Ombudsman, including

1 appointing local ombudsmen for border and immi-
2 gration related concerns;

3 “(2) evaluate and take personnel actions (in-
4 cluding dismissal) with respect to any employee of
5 the Ombudsman;

6 “(3) recommend disciplinary action, including
7 contract termination, suspension, and debarment, or
8 termination, suspension, and sanctions, to the appro-
9 priate departmental entity regarding any contractor
10 proven to have violated departmental policies or pro-
11 cedures while executing any border security or immi-
12 gration activity;

13 “(4) make available a paper-based complaint
14 form that includes the same information as the on-
15 line-based complaint form and that is available upon
16 request at all ports of entry along the northern and
17 southern borders and at Border Patrol stations in
18 each Border Patrol sector;

19 “(5) refer to the Inspector General of the De-
20 partment any complaints of the violation of depart-
21 mental policies or procedures by any Department
22 employee relating to border security or immigration
23 activity;

24 “(6) provide a complainant with a summary of
25 the outcome of any action taken in response to a

1 complaint, grievance, or request for assistance from
2 such complainant, including any findings of fact,
3 recommended action, and available redress; and

4 “(7) be subject to subparagraph (B) of section
5 7114(a)(2) of title 5, United States Code, with re-
6 spect to all Ombudsman investigations and inter-
7 views.

8 “(g) REQUEST FOR INVESTIGATIONS.—The Ombuds-
9 man is authorized to request the Inspector General of the
10 Department to conduct inspections, investigations, and
11 audits related to subsections (d), (e), and (f).

12 “(h) COORDINATION WITH DEPARTMENT COMPO-
13 NENTS.—

14 “(1) IN GENERAL.—The Director of U.S. Citi-
15 zenship and Immigration Services, the Assistant
16 Secretary of U.S. Immigration and Customs En-
17 forcement, and the Commissioner of U.S. Customs
18 and Border Protection shall each establish proce-
19 dures to provide formal responses to recommenda-
20 tions submitted to such officials by the Ombudsman
21 within 60 days of receiving such recommendations.

22 “(2) ACCESS TO INFORMATION.—The Secretary
23 shall establish procedures to provide the Ombuds-
24 man access to all departmental records necessary to
25 execute the responsibilities of the Ombudsman under

1 subsection (d) or (f) not later than 60 days after a
2 request from the Ombudsman for such information.

3 “(3) JOINT INTAKE CENTER CONSOLIDATION.—
4 The Secretary shall establish procedures to consoli-
5 date all border and immigration related complaints
6 submitted to the Joint Intake Center of the Depart-
7 ment to the Ombudsman. Such procedures shall in-
8 clude the following:

9 “(A) Authorization for the Ombudsman to
10 refer cases to the Inspector General or the Of-
11 fice of Internal Affairs of the Department or af-
12 filiated agency for investigation and remedi-
13 ation of specific cases.

14 “(B) Authorization for the Ombudsman to
15 refer cases to U.S. Customs and Border Protec-
16 tion or U.S. Immigration and Customs Enforce-
17 ment, as the case may be, for investigation and
18 remediation by chain of command within each
19 respective agency.

20 “(i) PUBLIC OUTREACH.—The Secretary shall—

21 “(1) take all appropriate action to advise the
22 public regarding the existence, duties, responsibil-
23 ities, and grievance processes of the Ombudsman’s
24 office; and

25 “(2) shall promulgate regulations to ensure—

1 “(A) the public’s ability to file grievances
2 with the Ombudsman’s office electronically; and

3 “(B) that absent written permission of all
4 affected parties, all documents submitted to the
5 Ombudsman’s office are used solely by the Om-
6 budsman’s office to advance the purposes de-
7 scribed in this section.

8 “(j) ANNUAL REPORTING.—Not later than June 30
9 of each year beginning in the year after the date of the
10 enactment of this subsection, the Ombudsman shall sub-
11 mit to the appropriate congressional committees a report
12 that includes the following:

13 “(1) The number and type of complaints re-
14 ceived in each Border Patrol sector, the demo-
15 graphics of complainants, the results of investiga-
16 tions, including violations of standards and any dis-
17 ciplinary actions taken, and an identification of any
18 complaint patterns that could be prevented or re-
19 duced by policy training or practice changes.

20 “(2) An inventory of complaints referred to in
21 paragraph (1) for which action has been taken and
22 the time between receipt and resolution of each such
23 complaint.

24 “(3) An inventory of complaints referred to in
25 paragraph (1) for which action has not been taken

1 after one year, the period during which each com-
2 plaint has been open, and the reason for failure to
3 resolve each such complaint.

4 “(4) Recommendations the Ombudsman has
5 made to improve the services and responsiveness of
6 U.S. Citizenship and Immigration Services, U.S. Im-
7 migration and Customs Enforcement, and U.S. Cus-
8 toms and Border Protection, and any responses re-
9 ceived from each such component or the Department
10 regarding such recommendations.

11 “(5) Information relating to consolidation of
12 complaints submitted to the Joint Intake Center of
13 the Department, in accordance with paragraph (3)
14 of subsection (h).

15 “(6) Other information as the Ombudsman de-
16 termines advisable.

17 “(k) ESTABLISHMENT OF BORDER COMMUNITIES LI-
18 AISON OFFICE.—

19 “(1) IN GENERAL.—The Ombudsman, in con-
20 junction with the Office for Civil Rights and Civil
21 Liberties of the Department, shall establish a Bor-
22 der Community Liaison Office (in this subsection re-
23 ferred to as the ‘Liaison Office’) in each Border Pa-
24 trol sector on the northern and southern borders.

1 “(2) PURPOSES.—Each Liaison Office under
2 this subsection shall—

3 “(A) foster cooperation between the Border
4 Patrol, the Office of Field Operations of the
5 Department, and border communities;

6 “(B) consult with border communities on
7 the development of policies, directives, and pro-
8 grams of the Border Patrol and the Office of
9 Field Operations; and

10 “(C) receive feedback from border commu-
11 nities on the performance of the Border Patrol
12 and the Office of Field Operations.

13 “(3) MEMBERSHIP.—Each Liaison Office shall
14 be comprised of representation from the community
15 and U.S. Customs and Border Protection, including
16 at least the following:

17 “(A) One member of the community in
18 which each Border Patrol sector is located who
19 has expertise in migration, local public safety,
20 civil and human rights, the local community, or
21 community relations.

22 “(B) One non-uniformed Border Patrol
23 agent with significant experience working for
24 the Border Patrol.

1 “(C) One non-uniformed U.S. Customs
2 and Border Protection officer with significant
3 experience working for U.S. Customs and Bor-
4 der Protection.

5 “(1) REPORT ON THE IMPACT OF BORDER ENFORCE-
6 MENT TECHNOLOGIES AND OPERATIONS ON BORDER
7 COMMUNITIES.—Not later than 180 days after the date
8 of the enactment of this section, the Secretary shall sub-
9 mit to the appropriate congressional committees a report
10 that assesses current efforts and technologies used at
11 United States borders, and the impact on border commu-
12 nities of such efforts and technologies on civil rights, pri-
13 vate property rights, privacy rights, and civil liberties.

14 “(m) GAO REPORT ON THE EXTENT OF CBP AC-
15 TIVITIES, OPERATIONS, AND CLAIMED AUTHORITY.—Not
16 later than one year after the date of the enactment of this
17 section, the Comptroller General of the United States shall
18 submit to the appropriate congressional committees a re-
19 port that assesses the following issues:

20 “(1) How far into the United States interior
21 the current activities, operations (including check-
22 points), and claimed authority of U.S. Customs and
23 Border Protection extend.

1 “(2) The extent to which the area of activities,
2 operations, and claimed authority referred to in
3 paragraph (1) is necessary.

4 “(3) The effectiveness of U.S. Customs and
5 Border Protection’s interior enforcement and its im-
6 pact on civil, constitutional, and private property
7 rights.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of the Homeland Security Act of 2002 is amended by
10 amending the item relating to section 452 to read as fol-
11 lows:

 “Sec. 452. Ombudsman for Border and Immigration Related Concerns.”.

12 **SEC. 4. TRAINING AND CONTINUING EDUCATION.**

13 (a) MANDATORY TRAINING AND CONTINUING EDU-
14 CATION TO PROMOTE CBP AGENT AND OFFICER SAFETY
15 AND PROFESSIONALISM.—The Secretary of Homeland Se-
16 curity shall ensure that every agent and officer of U.S.
17 Customs and Border Protection receives a minimum of 19
18 weeks of training that are directly related to the mission
19 of the Border Patrol and the Office of Field Operations
20 of the Department of Homeland Security before the initial
21 assignment of such agents and officers, and eight hours
22 of continuing education annually thereafter.

23 (b) FLETC.—The Secretary of Homeland Security,
24 acting through the Commissioner of U.S. Customs and
25 Border Protection, shall work in consultation with the Di-

1 rector of the Federal Law Enforcement Training Centers
2 to establish guidelines and curriculum for the training of
3 agents and officers of U.S. Customs and Border Protec-
4 tion under subsection (a).

5 (c) CONTINUING EDUCATION.—The Secretary of
6 Homeland Security shall annually require all agents and
7 officers of U.S. Customs and Border Protection who are
8 required to undergo training under subsection (a) to par-
9 ticipate in continuing education to maintain and update
10 understanding of Federal legal rulings, court decisions,
11 and Department of Homeland Security policies, proce-
12 dures, and guidelines related to relevant subject matters.

13 (d) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary of Homeland
15 Security shall submit to the Committee on Homeland Se-
16 curity of the House of Representatives and the Committee
17 on Homeland Security and Governmental Affairs of the
18 Senate a report identifying the guidelines and curriculum
19 established pursuant to subsection (a).

20 (e) ASSESSMENT.—Not later than six years after the
21 date of the enactment of this Act, the Comptroller General
22 of the United States shall submit to the Committee on
23 Homeland Security of the House of Representatives and
24 the Committee on Homeland Security and Governmental
25 Affairs of the Senate a report that assesses the training

1 and education, including continuing education, required
2 under this section.

3 **SEC. 5. MANAGEMENT OF PORTS OF ENTRY.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Home-
6 land Security shall submit to the Committee on Homeland
7 Security of the House of Representatives and the Com-
8 mittee on Homeland Security and Governmental Affairs
9 of the Senate a report that contains an assessment of the
10 current standards and guidelines for managing ports of
11 entry under the control of the Department of Homeland
12 Security. Such assessment shall include information relat-
13 ing to the following:

14 (1) Staffing levels and the need for additional
15 staffing.

16 (2) Rules governing the actions of Office of
17 Field Operations agents.

18 (3) Average delays for transit through air, land,
19 and sea ports of entry.

20 (4) An assessment of existing efforts and tech-
21 nologies used for border security, and the effect of
22 the use of such efforts and technologies on facili-
23 tating trade at ports of entry and their impact on
24 civil rights, private property rights, privacy rights,
25 and civil liberties.

1 (5) The economic impact of the policies and
2 practices of CBP Agricultural Specialists and Office
3 of Field Operations work.

4 (6) Physical infrastructure and technological
5 needs at ports of entry.

6 (b) UPDATES.—Based upon the information and as-
7 sessment contained in the report required under sub-
8 section (a), the Secretary of Homeland Security shall es-
9 tablish updated guidelines and standards for managing
10 ports of entry under the control of the Department of
11 Homeland Security to address any identified needs or
12 shortcomings at such ports of entry, including, if applica-
13 ble, the following:

14 (1) Increasing levels of staffing of CBP Agricul-
15 tural Specialists at ports of entry at which delays
16 hinder or negatively impact the local or national
17 economies.

18 (2) Increasing the use of or updating tech-
19 nology at ports of entry at which there are average
20 delays of over two hours based on U.S. Customs and
21 Border Protection data collected during the previous
22 fiscal year.

23 (3) Publishing rules on the handling of docu-
24 ments at ports of entry.

1 (4) Establishing standards of conduct and de-
2 meanor when interacting with vulnerable popu-
3 lations, such as children and victims of human traf-
4 ficking, and individuals with border crossing cards.

5 (5) Establishing training courses relating to
6 management and leadership skills for supervisors
7 and managers at ports of entry.

8 **SEC. 6. REPORTING REQUIREMENTS.**

9 (a) CBP REPORT ON MIGRANT DEATHS.—Not later
10 than 180 days after the date of the enactment of this Act,
11 the Commissioner of U.S. Customs and Border Protection
12 shall submit to the Committee on Homeland Security of
13 the House of Representatives and the Committee on
14 Homeland Security and Governmental Affairs of the Sen-
15 ate a report relating to deaths occurring along the United
16 States-Mexico border, including information on the fol-
17 lowing:

18 (1) The number of documented migrant deaths.

19 (2) A geographical breakdown of where such
20 migrant deaths occur.

21 (3) To the extent possible, the cause of death
22 for each migrant.

23 (4) The extent to which border technology,
24 physical barriers, and enforcement programs have
25 contributed to such migrant deaths.

1 (5) A detailed description of U.S. Customs and
2 Border Protection programs or plans to reduce the
3 number of migrant deaths along the border, includ-
4 ing an assessment on the effectiveness of water sup-
5 ply sites and rescue beacons.

6 (b) GAO REPORT ON MIGRANT DEATHS.—Not later
7 than 90 days after the submission of the report required
8 under subsection (a), the Comptroller General of the
9 United States shall review such report to determine the
10 following:

11 (1) The validity of U.S. Customs and Border
12 Protection’s statistical analysis of migrant deaths.

13 (2) The extent to which U.S. Customs and Bor-
14 der Protection has adopted simple and low-cost
15 measures, such as water supply sites and rescue bea-
16 cons, to reduce the frequency of migrant deaths.

17 (3) The extent to which U.S. Customs and Bor-
18 der Protection measures the effectiveness of its pro-
19 grams to address the frequency of migrant deaths.

20 (4) The extent of data and information sharing
21 and cooperation between U.S. Customs and Border
22 Protection, local and State law enforcement, foreign
23 diplomatic and consular posts, and nongovernmental
24 organizations to accurately identify deceased individ-

1 uals and notify family members and compare infor-
2 mation to missing persons registries.

3 (c) GAO REPORT ON USE OF FORCE.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this Act, the
6 Comptroller General of the United States shall ex-
7 amine the extent to which U.S. Customs and Border
8 Protection has clarified use of force policies, includ-
9 ing the following (and any recommendations related
10 to the following):

11 (A) The extent to which U.S. Customs and
12 Border Protection has implemented new train-
13 ing tactics to improve use of force policies, in-
14 cluding how the use of force policy conforms to
15 Department of Homeland Security and Federal
16 law enforcement best practices.

17 (B) The extent to which U.S. Customs and
18 Border Protection has identified additional or
19 alternative weapons and equipment, including
20 protective gear and body-worn cameras, to im-
21 prove agents' and officers' abilities to lawfully
22 and properly engage and interact with individ-
23 uals.

24 (C) Efforts to review and enhance current
25 training and tactics related to use of force, and

1 to implement reforms to ensure agents and offi-
2 cers are better equipped to assess and respond
3 to threats.

4 (D) The extent to which U.S. Customs and
5 Border Protection has established a stakeholder
6 engagement framework to better inform and en-
7 hance U.S. Customs and Border Protection's
8 use of force training.

9 (E) The extent to which U.S. Customs and
10 Border Protection has established metrics to
11 track the effectiveness of use of force training
12 and to ensure the reporting of all uses of force
13 for review to determine whether the force used
14 was justified and whether it could have been
15 avoided through different tactics or training,
16 better supervision, different tools, adherence to
17 policy, or changes in policy.

18 (F) How U.S. Customs and Border Protec-
19 tion could implement best law enforcement
20 practices to improve policies for transparent
21 communication with family members of individ-
22 uals injured or killed by U.S. Customs and Bor-
23 der Protection agents' and officers' uses of
24 force, including updates on any pending inves-
25 tigations, and policies for timely notification of

1 such injuries and deaths following such uses of
2 force to the Commissioner of U.S. Customs and
3 Border Protection, the Joint Intake Center of
4 the Department of Homeland Security, the Of-
5 fice of Inspector General of the Department,
6 the Office for Civil Rights and Civil Liberties of
7 the Department, and the Office of Public Af-
8 fairs of the Department, Congress, and the ap-
9 plicable consulates, if appropriate.

10 (G) How recommendations and requests
11 made by agents and officers of U.S. Customs
12 and Border Protection have been received, re-
13 viewed, and if possible implemented into U.S.
14 Customs and Border Protection and Depart-
15 ment of Homeland Security use of force policies
16 and best practices.

17 (H) The extent to which U.S. Customs and
18 Border Protection electronically tracks personal
19 searches and seizures of personal items at the
20 border, and an assessment of how such infor-
21 mation is used to inform U.S. Customs and
22 Border Protection policies and procedures.

23 (2) IMPLEMENTATION OF GAO FINDINGS.—The
24 Secretary of Homeland Security shall direct the
25 Commissioner of U.S. Customs and Border Protec-

1 tion to implement any recommendations contained in
2 the report required under paragraph (1). If the Sec-
3 retary does not so implement such recommendations,
4 the Secretary shall submit to the Committee on
5 Homeland Security of the House of Representatives
6 and the Committee on Homeland Security and Gov-
7 ernmental Affairs of the Senate a written notifica-
8 tion explaining why such recommendations are not
9 being so implemented.

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