

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, S. 1481.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANTI-BORDER CORRUPTION ACT OF 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I move to suspend the rules and pass the bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Border Corruption Act of 2010".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

SEC. 4. PROGRESS REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from Michigan (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of S. 3243, the Anti-Border Corruption Act of 2010, and yield myself such time as I may consume.

Madam Speaker, we all have a stake in ensuring that the agency in charge of securing our border is strong and effective. Accordingly, I believe that corruption anywhere in the ranks of Customs and Border Protection, or CBP, must be dealt with swiftly and effectively. Now, having gone to our border, both northern and southern border, I am well aware that there is a lot of hard work, sacrifice, and professionalism that goes on among our CBP personnel. In fact, I have engaged with them over the years.

S. 3243, however, will foster greater integrity throughout the CBP by requiring polygraph tests for all its law enforcement applicants and directing CBP leadership to conduct periodic reinvestigations on current personnel to root out any corruption—very important in light of the extreme conditions, particularly on the southern border, and the fight that we have against drug cartels and violence.

The men and women of Customs and Border Protection, CBP, serve on the front line in extreme heat, terrible cold, and other difficult circumstances to protect the Nation against homeland security and criminal threats, and we are enormously grateful to them.

I am proud of the strides that Congress has made over the years to bol-

ster the efforts of these fine men and women by, among other things, doubling the size of the Border Patrol from about 10,000 agents in FY 2002 to more than 20,000 in FY 2009. I am very pleased that having served on that committee since its origin, and having served under Chairman THOMPSON, that was one of our number one priorities. In fact, legislation that I introduced became, ultimately, part of a Senate bill that helped increase the number of Border Patrol agents at the border, the southern border in particular.

Traditional smuggling routes and networks have been disrupted because of our Federal efforts to secure the border. But in response, smugglers and other criminal organizations are actively seeking out other ways to conduct their illegal activity. They have, in some cases, resorted to infiltrating and weakening CBP from within its ranks.

While the majority of CBP employees are not corrupt and are putting their lives on the line every day to keep America secure, there are some who are undermining their efforts. Let me remind my colleagues: The majority of CBP employees are not corrupt, and we thank them for their sacrifice. However, enactment of this bill will strengthen personnel integrity, result in greater hiring efficiency, and protect those who are doing their job every single day.

According to CBP, approximately 15 percent of applicants received a polygraph examination last year. Of those, about 60 percent were found unsuitable for service. CBP has also found that less than 1 percent of applicants cleared by polygraph testing failed the required background investigation. It shows that this process will work. In contrast, roughly 22 percent of applicants who do not undergo this testing fail their background investigations.

Maintaining workforce integrity is a continuous process that does not end with preemployment screening. With the aggressive growth in CBP, the agency has struggled to keep up with its periodic reinvestigations of certain personnel. S. 3243 would require CBP to initiate reinvestigation within 6 months of enactment and report to Congress on its progress, all toward the idea of ensuring the integrity of law enforcement at a very crucial time in America's history.

I urge my colleagues to join me in supporting the passage of S. 3243, because this legislation will help bolster CBP's ability to ensure integrity throughout the ranks of this critical Homeland Security agency. And, frankly, I believe the men and women who are doing their job every day will welcome this kind of process in order to be able to stand alongside of those men and women just like them.

I urge support.

I reserve the balance of my time.

Mrs. MILLER of Michigan. I yield myself as much time as I may consume.

Madam Speaker, I rise today to speak about S. 3243, which will require Customs and Border Protection, the CBP, to begin polygraph testing for all new applicants for law enforcement positions before being hired and to initiate periodic background reinvestigations for all of its law enforcement personnel.

First, I would like to sincerely commend the work that the Border Patrol agents and the CBP officers across the Nation do each and every single day. These brave men and women stand on the front lines. They endure hardships. They face dangerous and heavily armed drug cartels along the southern border. And agents like Brian Terry, who lost his life, actually, last week and is an agent from Michigan who, I believe, is being laid out at a funeral parlor in the city of Detroit as we speak, lay down their lives to protect our border and our Nation. And, of course, the challenges faced by CBP agents, as well, along the northern border are also being met.

The important work being done by our Border Patrol and CBP officers to control the legal flow of both people and goods while deterring smuggling has made them a target of these drug cartels and other criminal organizations who want to recruit them to help smuggle drugs and money across our borders.

Corruption amongst border agents, unfortunately, is not a new problem. But as our enforcement efforts along the border have grown, so have the number of corruption cases. Since 2003, 129 CBP officers have been arrested on corruption charges. Last year alone, there were 576 allegations of corruption.

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CBP's internal affairs office has stated that less than 15 percent of applicants receive a polygraph test, despite agency policy that requires that all applicants are supposed to take this test. CBP procedure also requires periodic background reinvestigations for employees to occur at least every 5 years. However, Madam Speaker, there is currently a backlog of over 10,000 cases, which could increase to 19,000 by the end of this fiscal year. This bill will make it mandatory for all CBP applicants to be prescreened with a polygraph examination and will require CBP to clear the backlog of reinvestigations within 6 months.

This bill will go a long, long way to preventing people like Margarita Crispin from becoming a CBP agent. Ms. Crispin, as an example, was hired by CBP in 2003, at which time she had already been recruited by the Juarez cartel. Almost immediately after completing her training, she began helping drug traffickers smuggle narcotics into the U.S.; and by the time she was arrested in 2007, she had allowed more than 2,200 pounds of marijuana to cross over our border.

Ms. Crispin was, unfortunately, not unique among CBP officers. In recent

years, we have seen the Vilareal brothers, who helped smuggle an untold number of Mexicans and Brazilians across the border before quitting CBP and then fleeing into Mexico.

Perhaps most disturbing, however, as an example, was the case of Michael Gilliland, who was a highly respected 16-year veteran of CBP who was arrested on corruption charges in 2007. Mr. Gilliland became involved with a woman who belonged to a smuggling organization and before long began taking bribes to help smuggle people and narcotics into the United States.

Madam Speaker, this illustrates how important it is that CBP not only give polygraph exams to new applicants, but to also clear their backlog and re-investigate their employees every few years.

Our efforts to secure the border since 9/11 have made it more difficult for criminal organizations to smuggle people and narcotics into our country, but this has only made them more desperate. It is important to ensure that the outstanding work being done by our Border Patrol agents isn't tarnished by a few corrupt individuals who could be screened out before they have the opportunity to do harm.

With the passage of this legislation, we can close this loophole and ensure that only the most trustworthy agents are employed by CBP.

Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to join the gentlelady from Michigan to offer my deepest sympathy for the fallen Customs and Border Patrol agent who lost his life in the line of duty, in the line of battle, if you will, and to express this country's gratefulness again for his service.

So in tribute to those who we recognize every day put their lives on the front line, we want to ensure that we have the kind of force of men and women that will uphold the highest standards of integrity that even under pressure in this very hostile climate of drug cartels, human trafficking and smuggling and massiveness of criminal activity and intent to do harm to the United States, that we provide the atmosphere for these men and women to do their job.

Madam Speaker, as you have heard, the enactment of S. 3243 will force a greater integrity through CBP. Passage of S. 3243 by the House of Representatives today will allow this important measure to be presented to the President for his signature in recognition of the sacrifice of all of these men and women at our borders.

I encourage my colleagues to join me in supporting S. 3243 and, as we do this, look forward to comprehensively addressing this immigration concern in this Nation and really move this Nation forward in a nonpartisan and bipartisan manner.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of S. 3243, the Anti-Border Corruption Act.

The men and women of Customs and Border Protection (CBP) are the guardians of our Nation's borders.

They protect our ports of entry and areas in between against homeland security threats, including illicit trafficking and other criminal activity, while facilitating legitimate trade and travel.

The vast majority of CBP personnel are committed to the border security mission.

However, there have been instances in recent years of individuals seeking and securing employment with CBP for the express purpose of engaging in smuggling and other criminal activities.

For example, last December, Border Patrol Agent Raquel Esquivel was sentenced to 15 years in prison for informing smugglers on the location of patrols.

She reportedly joined the Border Patrol based on the recommendation of a high school friend and drug smuggler who convinced her it was a "good career move" for both of them.

More recently, just last week, a Customs Officer based at Atlanta's Hartsfield-Jackson Airport was arrested in one of the largest ecstasy pill seizures in the country.

The officer was charged with conspiring to launder drug money, bulk cash smuggling and attempting to bring weapons onto an aircraft. He allegedly used his badge to bypass security and avoid screening.

H.R. 3243 would strengthen CBP by enhancing the agency's personnel integrity policies.

Specifically, the bill would require CBP to:

(1) require all applicants for CBP law enforcement positions to undergo polygraph examinations; and

(2) commence background re-investigations of certain employees within six months of enactment.

CBP deploys more than 57,000 employees each day.

On a typical day, they process about one million passengers and pedestrians; execute more than two thousand apprehensions between ports and over one hundred criminal arrests at ports of entry.

Given this high-threat environment, it is not surprising that drug trafficking organizations have turned their attention to infiltrating and compromising CBP.

The dramatic increases in staffing have also contributed to personnel vulnerabilities.

The Border Patrol has seen its agents double from approximately 10,000 agents in FY 2002 to more than 20,000 in FY 2009.

This rate of growth has made it difficult for CBP to pace with periodic personnel re-investigations.

I urge passage of S. 3243 which takes some important steps to help prevent the hiring of those who seek to infiltrate CBP for terrorist or criminal purposes and ensure that re-investigations are conducted on a regular basis to weed out any potential corruption.

Ms. JACKSON LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 3243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. JACKSON LEE of Texas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NORTHERN BORDER COUNTERNARCOTICS STRATEGY ACT OF 2010

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Border Counternarcotics Strategy Act of 2010".

SEC. 2. NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3502) is amended by inserting after section 1110 the following:

"SEC. 1110A. REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

"(a) DEFINITIONS.—In this section, the terms 'appropriate congressional committees', 'Director', and 'National Drug Control Program agency' have the meanings given those terms in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701).

"(b) STRATEGY.—Not later than 180 days after the date of enactment of this section, and every 2 years thereafter, the Director, in consultation with the head of each relevant National Drug Control Program agency and relevant officials of States, local governments, tribal governments, and the governments of other countries, shall develop a Northern Border Counternarcotics Strategy and submit the strategy to—

"(1) the appropriate congressional committees (including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives);

"(2) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Indian Affairs of the Senate; and

"(3) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Natural Resources of the House of Representatives.

"(c) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

"(1) set forth the strategy of the Federal Government for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through ports of entry and between ports of entry on the border;

"(2) state the specific roles and responsibilities of each relevant National Drug Control Program agency for implementing the strategy;

"(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement the strategy; and

"(4) reflect the unique nature of small communities along the international border between the United States and Canada, ongoing cooperation and coordination with Canadian law enforcement authorities, and variations in the volumes of vehicles and pedestrians crossing through ports of entry along the international border between the United States and Canada.

"(d) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

"(1) a strategy to end the illegal trafficking of drugs to or through Indian reservations on or near the international border between the United States and Canada; and

"(2) recommendations for additional assistance, if any, needed by tribal law enforcement agencies relating to the strategy, including an evaluation of Federal technical and financial assistance, infrastructure capacity building, and interoperability deficiencies.

"(e) LIMITATION.—

"(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall not change the existing agency authorities and this section shall not be construed to amend or modify any law governing interagency relationships.

"(2) LEGITIMATE TRADE AND TRAVEL.—The Northern Border Counternarcotics Strategy shall be designed to promote, and not hinder, legitimate trade and travel.

"(f) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—

"(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall be submitted in unclassified form and shall be available to the public.

"(2) ANNEX.—The Northern Border Counternarcotics Strategy may include an annex containing any classified information or information the public disclosure of which, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Madam Speaker, H.R. 4748 amends the Office of National Drug Control Policy Reauthorization Act of 2006 to require the Director of the National Drug Control Policy to submit to Congress a northern border counternarcotics strategy.

The United States' northern border with Canada is the longest open border in the world, spanning 12 States and over 4,000 miles. The House initially passed this bill 5 months ago, recognizing the increased amount of drug trafficking and related criminal activity occurring near the Canadian border, including on Indian reservations in that area.

To combat this development, H.R. 4748 requires the creation of a northern border counternarcotics strategy similar to what has been in place for our southwest border for several years. This will promote more effective consultation and coordination between Federal law enforcement agencies so that we can bring new force to our efforts to curb the flow of illegal drugs across the northern border and the crime it brings in its wake. In addition, H.R. 4748 gives Indian tribes with reservations on or near the Canadian border a consulting role in implementing the strategy on their reservations.

This bill is the result of efforts by our colleague, the gentleman from New York (Mr. OWENS), whose district spans 250 miles of the border on land along the St. Lawrence River and on Lake Erie. The Homeland Security chairman, the gentleman from Mississippi (Mr. THOMPSON), helped to shape the bill and bring it to the floor last summer. The Senate has now returned the bill with some modest, but helpful, refinements; and I urge my colleagues to support this revised version so that we can send it to the President.

I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Madam Speaker, H.R. 4748, the Northern Border Counternarcotics Strategy Act, requires the Director of the Office of National Drug Control Policy, ONDCP, to develop a counternarcotics strategy for the U.S. Canadian border. The House passed this legislation last July. The Senate made several technical and conforming changes to the language and sent it back to the House for final consideration.

Significant attention has been paid to drug trafficking along our southern border with Mexico, but the northern border with Canada is also a major transit point for high-potency marijuana, Ecstasy, and other illegal drugs. According to the 2010 National Drug Threat Assessment, Asian drug trafficking organizations produce the drug Ecstasy in Canada and then smuggle it across the northern border into the U.S. America's northern border is remote, heavily wooded and sparsely populated, ideal for smugglers seeking to move their product into the U.S. undetected.

In 2006, Congress directed the ONDCP to prepare a counternarcotics strategy for our southwestern border. H.R. 4748 mirrors this strategy, but for our northern border.

While we continue to address drug trafficking across our southern border, we must not lose sight of the ease with which our northern border can be exploited by dangerous drug smugglers. I urge my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield the balance of my time to the gentleman from New York (Mr.