

Pilot site reports did not contain complete information about installed TWIC readers' and access control systems' design.

The seeks to address the problems outlined in the GAO report by directing the Secretary to issue a corrective action plan based on the assessment that responds to the findings of a cost-benefit analysis of the program and enhances security or reduces security risk for such facilities and vessels.

Following the assessment the Comptroller General, within 120 days must: review the extent to which the submissions implement certain recommendations issued by the Comptroller General, and inform Congress as to the responsiveness of the submission.

Prohibits the Secretary from issuing a final rule requiring the use of transportation security card readers until: the Comptroller General informs Congress that the submission is substantially responsive to the GAO recommendations, and the Secretary issues an updated list of transportation security card readers that are compatible with active transportation security cards.

My Congressional District is located in Houston Texas, which is home to one of the world's busiest ports.

The Port of Houston is critical infrastructure: According to the Department of Commerce in 2012, Texas exports totaled \$265 billion.

The Port of Houston is a 25-mile-long complex of diversified public and private facilities located just a few hours' sailing time from the Gulf of Mexico.

In 2012 ship channel-related businesses contribute 1,026,820 jobs and generate more than \$178.5 billion in statewide economic impact.

For the past 11 consecutive years, Texas has outpaced the rest of the country in exports.

1st ranked US port in foreign tonnage
2nd ranked US port in total tonnage
7th ranked US container port by total TEUs in 2012

Largest Texas port with 46% of market share by tonnage

Largest Texas container port with 96% market share in containers by total TEUs in 2012

Largest Gulf Coast container port, handling 67% of US Gulf Coast container traffic in 2012

2nd ranked US port in terms of cargo value (based on CBP Customs port definitions)

The Government Accountability Office (GAO), reports that this port, and its waterways, and vessels are part of an economic engine handling more than \$700 billion in merchandise annually.

The Port of Houston houses approximately 100 steamship lines offering services that link Houston with 1,053 ports in 203 countries.

The Port of Houston has \$15 billion petrochemical complex, the largest in the nation and second largest worldwide.

The bill will address the underlying concerns regarding Transportation Worker Identification Credentials documented by the Government Accountability Office report published in May 2013.

When Congress enacted the SAFE Ports Act in 2006, we directed the Secretary of Homeland Security to implement a biometric credential program to ensure that individuals with unescorted access to sensitive areas in ports and vessels were vetted and known.

However, under the Homeland Security Committee's oversight responsibilities we

learned that, as implemented by TSA and the Coast Guard, there are weaknesses in the program.

One of the greatest engines our economy has is the Port of Houston, which hosts a \$15 billion petrochemical complex, the largest in the nation and second largest worldwide?

The Port of Houston petrochemical complex supplies over 40 percent of the nation's base petrochemical manufacturing capacity.

What happens at the Port of Houston affects the entire nation.

For this reason, I introduced H.R. 3202, with the support of Subcommittee Chairman MILLER as an original cosponsor, to ensure that Congress receives an independent scientific assessment of the program and to require the Secretary to issue a corrective action plan in response to the assessment.

Indeed, the Government Accountability Office has identified serious shortcomings with the TWIC program, as implemented, that may undermine the program's intended purpose and make it difficult to justify program costs, particularly the costs to workers.

Other considerations for security are in the infrastructure necessary to make sure that there is an ability to electronically check the credential of workers as they enter ports.

The required assessment should give Congress the information it needs to determine how best to proceed with the program.

I want to point out that in Committee, language was integrated to ensure that clarified that pending rulemaking would not be impacted by the bill and refined the scope of the assessment we are seeking.

The Department has said that the final rule for biometric readers will be published in January 2015.

There is great interest in that final rule, particularly there is interest in how many ports and vessels will be required to install readers for biometric cards.

If the final rule requires only a limited number of vessels and ports to have biometric readers, as has been previously proposed by the Department, we will certainly need to have a discussion about what this means for the approximately 2 million truckers, longshoremen and port workers who today are required to carry biometric cards to do their jobs.

BILL BACKGROUND

The nationwide recognition of the Transportation Worker Identification Credential (TWIC) promotes security and standardization.

A common credential enables facility and vessel operators as well as federal, state, local, tribal, and territorial law enforcement entities to verify the identity of individuals—a step that was not feasible prior to TWIC implementation with potentially thousands of different facility-specific credentials.

TWIC also allows transportation workers to move among facilities, vessels, and geographic regions as needed for routine market demands and during emergencies, while still maintaining security.

"In the interest of security and in order to provide proper stewardship of appropriated funds and collected TWIC fees, I introduced legislation to insist that DHS demonstrate how the TWIC Program will improve maritime security.

The Transportation Worker Identification Credential Assessment Act will require the Secretary of Homeland Security to complete and submit to Congress and GAO a com-

prehensive assessment of the effectiveness of the TWIC Program at enhancing or reducing security risks for maritime facilities and vessels.

The comprehensive assessment will be completed by an independent, not-for-profit laboratory.

Many problems and vulnerabilities persist and will have to be resolved if the TWIC Program is to ever realize the security benefits envisioned by Congress.

I want to express my appreciation to Chairman MILLER for the bipartisan nature of the work on this and all the bills that originate in our Subcommittee and thank you and your staff for their cooperation.

I ask my colleagues on both sides of the aisle to strongly support this bipartisan bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3202, as amended.

The question was taken.

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

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

UNITED STATES CUSTOMS AND BORDER PROTECTION AUTHORIZATION ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3846) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3846

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 "United States Customs and Border Protection Authorization Act".

SEC. 2. ESTABLISHMENT OF UNITED STATES CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended to read as follows:

"SEC. 411. ESTABLISHMENT OF UNITED STATES CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.

"(a) IN GENERAL.—There is established in the Department an agency to be known as United States Customs and Border Protection.

"(b) COMMISSIONER OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—There shall be at the head of United States Customs and Border Protection a Commissioner of United States Customs and Border Protection (in this section referred to as the 'Commissioner'), who shall be appointed by the President, by and with the advice and consent of the Senate.

“(c) DUTIES.—The Commissioner shall—

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

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

“(3) detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States, in cases in which such persons are entering, or have recently entered, the United States;

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

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

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

“(7) enforce and administer all immigration laws, as such term is defined in paragraph (17) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as necessary for the inspection, processing, and admission of persons who seek to enter or depart the United States, and as necessary to ensure the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons unlawfully entering, or who have recently unlawfully entered, the United States, in coordination with United States Immigration and Customs Enforcement and United States Citizenship and Immigration Services;

“(8) develop and implement screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound;

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

“(10) in coordination with the Secretary, deploy technology to collect the data necessary for the Secretary to administer the biometric entry and exit data system pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b);

“(11) In coordination with the Under Secretary for Management of the Department, ensure United States Customs and Border Protection complies with Federal law, the Federal Acquisition Regulation, and the Department's acquisition management directives for major acquisition programs of United States Customs and Border Protection;

“(12) enforce and administer—

“(A) the Container Security Initiative program under section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945; Public Law 109-347); and

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

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

“(14) carry out the training required under subsection (l); and

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

“(d) DEPUTY COMMISSIONER.—There shall be in United States Customs and Border Protection a Deputy Commissioner who shall assist the Commissioner in the management of United States Customs and Border Protection.

“(e) UNITED STATES BORDER PATROL.—

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

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

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

“(A) serve as the law enforcement office of United States Customs and Border Protection with primary responsibility for interdicting persons attempting to illegally enter or exit the United States or goods being illegally imported to or exported from the United States at a place other than a designated port of entry;

“(B) deter and prevent illegal entry of terrorists, terrorist weapons, persons, and contraband; and

“(C) carry out other duties and powers prescribed by the Commissioner.

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

“(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Air and Marine Operations.

“(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Air and Marine Operations an Assistant Commissioner, who shall report to the Commissioner.

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

“(A) serve as the law enforcement office within United States Customs and Border Protection with primary responsibility to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States in the air and maritime environment;

“(B) oversee the acquisition, maintenance, and operational use of United States Customs and Border Protection integrated air and marine forces;

“(C) provide aviation and marine support for other Federal, State, and local law enforcement agency needs, as appropriate; and

“(D) carry out other duties and powers prescribed by the Commissioner.

“(g) OFFICE OF FIELD OPERATIONS.—

“(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Field Operations.

“(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Field Operations an Assistant Commissioner, who shall report to the Commissioner.

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

“(A) deter and prevent terrorists and terrorist weapons from entering the United States at such ports of entry;

“(B) conduct inspections at such ports of entry to safeguard the United States from terrorism and illegal entry of persons;

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

“(D) in coordination with the Commissioner, facilitate and expedite the flow of legitimate travelers and trade;

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

“(F) carry out other duties and powers prescribed by the Commissioner.

“(4) NATIONAL TARGETING CENTER.—

“(A) IN GENERAL.—There is established in the Office of Field Operations a National Targeting Center.

“(B) EXECUTIVE DIRECTOR.—There shall be at the head of the National Targeting Center an Executive Director, who shall report to

the Assistant Commissioner of the Office of Field Operations.

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

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

“(ii) identify, review, and target travelers and cargo for examination;

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

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

“(5) ANNUAL REPORT ON STAFFING.—Not later than 30 days after the date of the enactment of this section and annually thereafter, the Assistant Commissioner shall submit to the appropriate congressional committees a report on the staffing model for the Office of Field Operations, including information on how many supervisors, front-line United States Customs and Border Protection officers, and support personnel are assigned to each Field Office and port of entry.

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

“(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Intelligence and Investigative Liaison.

“(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Intelligence and Investigative Liaison an Assistant Commissioner, who shall report to the Commissioner.

“(3) DUTIES.—The Office of Intelligence and Investigative Liaison shall—

“(A) develop, provide, coordinate, and implement intelligence capabilities into a cohesive intelligence enterprise to support the execution of the United States Customs and Border Protection duties and responsibilities;

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

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

“(D) carry out other duties and powers prescribed by the Commissioner.

“(i) OFFICE OF INTERNATIONAL AFFAIRS.—

“(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of International Affairs.

“(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of International Affairs an Assistant Commissioner, who shall report to the Commissioner.

“(3) DUTIES.—The Office of International Affairs, in collaboration with the Office of International Affairs of the Department, shall—

“(A) coordinate and support United States Customs and Border Protection's foreign initiatives, policies, programs, and activities;

“(B) coordinate and support United States Customs and Border Protection's personnel stationed abroad;

“(C) maintain partnerships and information sharing agreements and arrangements with foreign governments, international organizations, and United States agencies in support of United States Customs and Border Protection duties and responsibilities;

“(D) provide necessary capacity building, training, and assistance to foreign border control agencies to strengthen global supply chain and travel security;

“(E) coordinate mission support services to sustain United States Customs and Border Protection's global activities;

“(F) coordinate, in collaboration with the Office of Policy of the Department, as appropriate, United States Customs and Border

Protection's engagement in international negotiations; and

“(G) carry out other duties and powers prescribed by the Commissioner.

“(J) OFFICE OF INTERNAL AFFAIRS.—

“(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Internal Affairs.

“(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Internal Affairs an Assistant Commissioner, who shall report to the Commissioner.

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

“(A) investigate criminal and administrative matters and misconduct by officers, agents, and other employees of United States Customs and Border Protection;

“(B) perform investigations of United States Customs and Border Protection applicants and periodic reinvestigations (in accordance with section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341; Public Law 108-458)) of officers, agents, and other employees of United States Customs and Border Protection, including investigations to determine suitability for employment and eligibility for access to classified information;

“(C) conduct polygraph examinations in accordance with section 3(1) of the Anti-Border Corruption Act of 2010 (Public Law 111-376);

“(D) perform inspections of United States Customs and Border Protection programs, operations, and offices;

“(E) conduct risk-based covert testing of United States Customs and Border Protection operations, including for nuclear and radiological risks;

“(F) manage integrity of United States Customs and Border Protection counter-intelligence operations, including conduct of counter-intelligence investigations;

“(G) conduct research and analysis regarding misconduct of officers, agents, and other employees of United States Customs and Border Protection; and

“(H) carry out other duties and powers prescribed by the Commissioner.

“(K) STANDARD OPERATING PROCEDURES.—

“(1) IN GENERAL.—The Commissioner shall establish—

“(A) standard operating procedures for searching, reviewing, retaining, and sharing information contained in communication, electronic, or digital devices encountered by United States Customs and Border Protection personnel at United States ports of entry;

“(B) standard use of force procedures officers and agents of United States Customs and Border Protection may employ in the execution of their duties, including the use of deadly force and procedures for deescalating confrontations, where possible;

“(C) a uniform, standardized, and publicly-available procedure for processing and investigating complaints against officers, agents, and employees of United States Customs and Border Protection for violations of professional conduct, including the timely disposition of complaints and a written notification to the complainant of the status or outcome, as appropriate, of the related investigation, in accordance with section 552a of title 5, United States Code (commonly referred to as the ‘Privacy Act’ or the ‘Privacy Act of 1974’);

“(D) an internal, uniform reporting mechanism regarding incidents involving the use of deadly force by an officer or agent of United States Customs and Border Protection, including an evaluation of the degree to which the procedures required under subparagraph (B) were followed; and

“(E) standard operating procedures, acting through the Assistant Commissioner for Air

and Marine Operations and in coordination with the Office of Civil Rights and Civil Liberties and the Office of Privacy of the Department, to provide command, control, communication, surveillance, and reconnaissance assistance through the use of unmanned aerial systems, including the establishment of—

“(i) a process for other Federal, State, and local law enforcement agencies to submit mission requests;

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

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

“(iv) a process for establishing agreements with other Federal, State, and local law enforcement agencies regarding reimbursement for such mission costs; and

“(v) a process regarding the protection and privacy of data and images collected by United States Customs and Border Protection through the use of unmanned aerial systems.

“(2) REQUIREMENTS REGARDING CERTAIN NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (A) of paragraph (1) shall require—

“(A) in the case of a search of information conducted on an electronic device by United States Customs and Border Protection personnel, the Commissioner to notify the individual subject to such search of the purpose and authority for such search, and how such individual may obtain information on reporting concerns about such search; and

“(B) in the case of information collected by United States Customs and Border Protection through a search of an electronic device, if such information is transmitted to another Federal agency for subject matter assistance, translation, or decryption, the Commissioner to notify the individual subject to such search of such transmission.

“(3) EXCEPTIONS.—

“(A) IN GENERAL.—The Commissioner may withhold the notifications required under paragraphs (1)(C) and (2) if the Commissioner determines that such notifications would impair national security, law enforcement, or other operational interests.

“(B) TERRORIST WATCH LISTS.—

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

“(ii) COMPLAINTS.—If the complainant using the process established under subparagraph (C) of paragraph (1) is included on a Government-operated or Government-maintained terrorist watch list, the notification required under such subparagraph shall not apply.

“(4) UPDATE AND REVIEW.—The Commissioner shall review and update every three years the standard operating procedures required under this subsection.

“(5) AUDITS.—The Inspector General of the Department of Homeland Security shall develop and annually administer an auditing mechanism to review whether searches of electronic devices at or between United States ports of entry are being conducted in conformity with the standard operating procedures required under subparagraph (A) of paragraph (1). Such audits shall be submitted to the appropriate congressional committees and shall include the following:

“(A) A description of the activities of officers and agents of United States Customs and Border Protection with respect to such searches.

“(B) The number of such searches.

“(C) The number of instances in which information contained in such devices that were subjected to such searches was retained, copied, shared, or entered in an electronic database.

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

“(E) The number of instances in which information collected from such device was subjected to such searches was transmitted to another Federal agency, including whether such transmission resulted in a prosecution or conviction.

“(6) REQUIREMENTS REGARDING OTHER NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (B) of paragraph (1) shall require—

“(A) in the case of an incident of the use of deadly force by United States Customs and Border Protection personnel, the Commissioner to notify the appropriate congressional committees; and

“(B) the Commissioner to provide to such committees a copy of the evaluation pursuant to subparagraph (D) of such paragraph not later than 30 days after completion of such evaluation.

“(6) REPORT ON UNMANNED AERIAL SYSTEMS.—The Commissioner shall submit to the appropriate congressional committees an annual report that reviews whether the use of unmanned aerial systems are being conducted in conformity with the standard operating procedures required under subparagraph (E) of paragraph (1). Such reports—

“(A) shall be submitted with the President's annual budget;

“(B) may be submitted in classified form if the Commissioner determines that such is appropriate; and

“(C) shall include—

“(i) a detailed description of how, where, and for how long data and images collected through the use of unmanned aerial systems by United States Customs and Border Protection is collected and stored; and

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

“(1) TRAINING.—

“(1) IN GENERAL.—The Commissioner shall require all agents and officers of United States Customs and Border Protection to participate in a specified amount of continuing education (to be determined by the Commissioner) to maintain an understanding of Federal legal rulings, court decisions, and departmental policies, procedures, and guidelines.

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

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

“(B) for each training course offered, the duration of training and the average amount of time an officer must be absent from work to complete such training course; and

“(C) certification of each training course by a supervising officer that the officer is able to carry out the function for which the training was provided, and if training has been postponed, the basis for postponing such training.

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

“(A) develop training requirements for United States Customs and Border Protection officers to ensure that such officers have sufficient training to conduct primary

and secondary inspections at United States ports of entry; and

“(B) measure progress toward achieving the training requirements referred to in subparagraph (A).

“(m) SHORT TERM DETENTION STANDARDS.—

“(1) ACCESS TO FOOD AND WATER.—The Commissioner shall make every effort to ensure that adequate access to food and water is provided to an individual apprehended and detained by a United States Border Patrol agent between a United States port of entry as soon as practicable following the time of such apprehension or during subsequent short term detention.

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

“(A) IN GENERAL.—The Commissioner shall ensure that an individual apprehended by a United States Border Patrol agent is provided with information concerning such individual's rights, including the right to contact a representative of such individual's government for purposes of United States treaty obligations.

“(B) FORM.—The information referred to in subparagraph (A) may be provided either verbally or in writing, and shall be posted in the detention holding cell in which such individual is being held. The information shall be provided in a language understandable to such individual.

“(3) DAYTIME REPATRIATION.—When practicable, repatriations shall be limited to daylight hours and avoid locations that are determined to have high indices of crime and violence.

“(4) SHORT TERM DETENTION DEFINED.—In this subsection, the term ‘short term detention’ means detention in a United States Border Patrol processing center for 72 hours or less, before repatriation to a country of nationality or last habitual residence.

“(5) REPORT ON PROCUREMENT PROCESS AND STANDARDS.—Not later than 180 days after the date of the enactment of this section, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the procurement process and standards of entities with which United States Customs and Border Protection has contracts for the transportation and detention of individuals apprehended by agents or officers of United States Customs and Border Protection. Such report should also consider the operational efficiency of contracting the transportation and detention of such individuals.

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

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

“(B) make publicly available information collected pursuant to such inspections, including information regarding the requirements under paragraphs (1) and (2) and, where appropriate, issue recommendations to improve the conditions of such facilities.

“(n) WAIT TIMES TRANSPARENCY.—

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

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

“(B) make information about such wait times available to the public in real time through the United States Customs and Border Protection Web site;

“(C) submit to the appropriate congressional committees quarterly reports that include compilations of all such wait times and a ranking of such United States airports by wait times; and

“(D) provide adequate staffing at the United States Customs and Border Protec-

tion information center to ensure timely access for travelers attempting to submit comments or speak with a representative about their entry experiences.

“(2) CALCULATION.—The wait times referred to in paragraph (1)(A) shall be determined by calculating the time elapsed between an individual's entry into the United States Customs and Border Protection inspection area and such individual's clearance by a United States Customs and Border Protection officer.

“(o) OTHER AUTHORITIES.—

“(1) IN GENERAL.—The Secretary may establish such other offices or Assistant Commissioners (or other similar officers or officials) as the Secretary determines necessary to carry out the missions, duties, functions, and authorities of United States Customs and Border Protection.

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

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

(b) SPECIAL RULES.—

(1) TREATMENT.—Section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section, shall be treated as if included in such Act as of the date of the enactment of such Act, and, in addition to the functions, missions, duties, and authorities specified in such amended section 411, United States Customs and Border Protection shall continue to perform and carry out the functions, missions, duties, and authorities under section 411 of such Act as in existence on the day before such date of enactment, and section 415 of such Act.

(2) RULES OF CONSTRUCTION.—

(A) RULES AND REGULATIONS.—Notwithstanding paragraph (1), nothing in this Act may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law, including section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such rule or regulation shall continue to have full force and effect on and after such date.

(B) OTHER ACTIONS.—Notwithstanding paragraph (1), nothing in this Act may be construed as affecting in any manner any action, determination, policy, or decision pursuant to section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such action, determination, policy, or decision shall continue to have full force and effect on and after such date.

(c) CONTINUATION IN OFFICE.—

(1) COMMISSIONER.—The individual serving as the Commissioner of Customs on the day before the date of the enactment of this Act may serve as the Commissioner of United States Customs and Border Protection on and after such date of enactment until a Commissioner of United States Customs and Border Protection is appointed under section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(2) OTHER POSITIONS.—The individuals serving as Assistant Commissioners and other officers and officials under section 411 of the Homeland Security Act of 2002 on the day before the date of the enactment of this Act may serve as the appropriate Assistant Commissioners and other officers and officials

under such section 411 as amended by subsection (a) of this section unless the Commissioner of United States Customs and Border Protection determines that another individual should hold such position or positions.

(d) REFERENCE.—

(1) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking “Commissioner of Customs, Department of Homeland Security” and inserting “Commissioner of United States Customs and Border Protection, Department of Homeland Security”.

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

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

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

SEC. 3. REPEALS.

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

SEC. 4. CLERICAL AND CONFORMING AMENDMENTS.

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

(1) in title I—

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

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

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

(ii) in subparagraph (G), by striking “A Director of the Office of Counternarcotics Enforcement.” and inserting “A Director for United States Immigration and Customs Enforcement.”;

(2) in title IV—

(A) by striking the title heading and inserting “**BORDER, MARITIME, AND TRANSPORTATION SECURITY**”; and

(B) in subtitle A—

(i) by striking the subtitle heading and inserting “**Border, Maritime, and Transportation Security Responsibilities and Functions**”; and

(ii) in section 402 (6 U.S.C. 202)—

(I) in the section heading, by striking “**RESPONSIBILITIES**” and inserting “**BORDER, MARITIME, AND TRANSPORTATION RESPONSIBILITIES**”; and

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

(C) in subtitle B—

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

(ii) in section 412(b) (6 U.S.C. 212), by striking “United States Customs Service” each place it appears and inserting “United States Customs and Border Protection”;

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

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

(v) in section 415 (6 U.S.C. 215)—

(I) in paragraph (7), by inserting before the colon the following: “, and of United States Customs and Border Protection on the day before the effective date of the United States Customs and Border Protection Authorization Act”; and

(II) in paragraph (8), by inserting before the colon the following: “, and of United States Customs and Border Protection on the day before the effective date of the United States Customs and Border Protection Authorization Act”;

(D) in subtitle C—

(i) by striking section 424 (6 U.S.C. 234) and inserting the following new section:

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

“Notwithstanding any other provision of this Act, the Transportation Security Administration shall be maintained as a distinct entity within the Department.”; and

(ii) in section 430 (6 U.S.C. 238)—

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

“(a) ESTABLISHMENT.—There is established in the Department an Office for Domestic Preparedness.”;

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

(III) in subsection (c)(7), by striking “Directorate” and inserting “Department”; and

(E) in subtitle D—

(i) in section 441 (6 U.S.C. 251)—

(I) by striking the section heading and inserting “TRANSFER OF FUNCTIONS”; and

(II) by striking “Under Secretary for Border and Transportation Security” and inserting “Secretary”; and

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

“SEC. 444. EMPLOYEE DISCIPLINE.

“Notwithstanding any other provision of law, the Secretary may impose disciplinary action on any employee of United States Immigration and Customs Enforcement and United States Customs and Border Protection who willfully deceives Congress or agency leadership on any matter.”;

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

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

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

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

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

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

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

(4) by striking the item relating to subtitle B of title IV and inserting the following:

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

(5) by striking the item relating to section 441 and inserting the following:

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

(6) by striking the item relating to section 442 and inserting the following:

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

SEC. 5. REPORTS AND ASSESSMENTS.

(a) REPORT ON CONTRACT MANAGEMENT ACQUISITION AND PROCUREMENT PERSONNEL.—

Not later than 60 days after the date of the enactment of this Act and biennially thereafter, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(1) the number of contract management acquisition and procurement personnel assigned to the Office of Technology Innovation and Acquisition (or successor office) of United States Customs and Border Protection, categorized by position;

(2) the average aggregate value of the contracts each contract officer, contract specialist, and contract officer representative employee is responsible for managing; and

(3) the number of additional acquisition and procurement personnel, categorized by position, and contract management specialists United States Customs and Border Protection would need to ensure compliance with Federal acquisition standards, departmental management directives, and United States Customs and Border Protection contracting needs.

(b) REPORT ON MIGRANT DEATHS.—Not later 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall, to the extent practicable, make publically available information that the United States Border Patrol has collected on migrant deaths occurring along the United States-Mexico border, including information on the following:

(1) The number of documented migrant deaths.

(2) The location where such migrant deaths occurred.

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

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

(5) A description of United States Customs and Border Protection programs or plans to reduce the number of migrant deaths along the border, including an assessment on the effectiveness of water supply sites and rescue beacons.

(c) REPORT ON BUSINESS TRANSFORMATION INITIATIVE.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report on United States Customs and Border Protection’s Business Transformation Initiative, including locations where the Initiative is deployed, the types of equipment utilized, a description of protocols and procedures, information on wait times at such locations since deployment, and information regarding the schedule for deployment at new locations.

(d) REPORT ON UNACCOMPANIED ALIEN CHILDREN APPREHENDED AT THE BORDER.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on unaccompanied alien children apprehended at the borders of the United States. Such report shall include the following:

(1) Information on the number, nationality, age, and location of the apprehensions of such unaccompanied alien children in the current fiscal year and for each of the three prior fiscal years.

(2) The average length of time an unaccompanied alien child is in the custody of United States Customs and Border Protection before being transferred to the custody of another Federal agency in the current fiscal year and for each of three prior fiscal years.

(3) A description of current and planned activities to discourage efforts to bring unaccompanied alien children to the United States without authorization.

(4) A description of training provided to officers and agents of United States Customs and Border Protection regarding unaccompanied alien children, including the number of such officers and agents who are so trained.

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

(6) An assessment of whether current facilities utilized by United States Customs and Border Protection to house unaccompanied alien children are adequate to comply with all applicable laws, regulations, and standards regarding housing, feeding, and providing medical care for such children.

(7) An identification and assessment of the factors causing unaccompanied alien children to migrate to the United States, including an assessment of how perceptions of enforcement policies and economic and social conditions, including incidents of violence, in countries of origin or last habitual residence may be attributed to a rise in attempted entries into the United States.

(8) Information on United States Border Patrol resources spent to care for unaccompanied alien children in the custody of the United States Border Patrol, including the number of United States Border Patrol agents assigned to care for unaccompanied alien children.

(9) Future estimates of Department of Homeland Security resources needed to care for expected increases in unaccompanied alien children.

(10) An identification of any operational or policy challenges impacting the Department of Homeland Security as a result of any expected increase in unaccompanied alien children.

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

(e) PORT OF ENTRY INFRASTRUCTURE NEEDS ASSESSMENTS.—Not later 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall assess the physical infrastructure and technology needs at the 20 busiest land ports of entry (as measured by United States Customs and Border Protection) with a particular attention to identify ways to—

(1) improve travel and trade facilitation;

(2) reduce wait times;

(3) improve physical infrastructure and conditions for individuals accessing pedestrian ports of entry;

(4) enter into long-term leases with non-governmental and private sector entities;

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

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

(f) UNMANNED AERIAL SYSTEMS STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of

the Senate a strategy for its Unmanned Aerial Systems program. Such strategy shall include, at a minimum, the following:

(1) The mission and goals of such program.

(2) The expected level of unmanned aerial systems operations.

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

(g) **REPORT ON BIOMETRIC EXIT DATA CAPABILITY AT AIRPORTS.**—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the efforts of United States Customs and Border Protection, in conjunction with the Directorate Science and Technology of the Department of Homeland Security, to evaluate technologies to provide a biometric exit capability at airports. Such report shall include the technologies tested, the results of such tests to date, plans for any future testing, and a schedule of anticipated deployment of those or other technologies.

(h) **CBP OFFICER TRAINING.**—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the current capacity of United States Customs and Border Protection to hire, train, and deploy additional United States Customs and Border Protection officers, including an assessment of any additional resources necessary to hire, train, and deploy United States Customs and Border Protection officers to meet staffing needs, as identified by the United States Customs and Border Protection staffing model.

(i) **REPORT ON THE SECURITY OF UNITED STATES INTERNATIONAL BORDERS.**—Not later than 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall develop and implement specific metrics for measuring the status of security of United States international borders at and between ports of entry, including measuring the effectiveness of current border security resource allocations uniformly across all United States Customs and Border Protection sectors, informed by input from individuals and relevant stakeholders who live and work near such borders, and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such metrics and such status.

(j) **PERSONAL SEARCHES.**—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on supervisor-approved personal searches conducted in the previous year by United States Customs and Border Protection personnel. Such report shall include the number of personal searches conducted in each sector and field office, the number of invasive personal searches conducted in each sector and field office, whether personal searches were conducted by Office of Field Operations or United States Border Patrol personnel, and how many personal searches resulted in the discovery of contraband.

SEC. 6. INTERNATIONAL INITIATIVES.

(a) **NORTH AND CENTRAL AMERICAN BORDER SECURITY COOPERATION INITIATIVE.**—The Sec-

retary of Homeland Security, in coordination with the Secretary of State, shall engage with the appropriate officials of the Government of Canada and the Government of Mexico to assess the specific needs of the countries of Central America to maintain the security of the international borders of such countries and determine the support needed by such countries from the United States, Canada, and Mexico, to meet such needs.

(b) **CARIBBEAN COOPERATION INITIATIVE.**—The Secretary of Homeland Security, in coordination with the Secretary of State, shall engage with appropriate officials of the governments of the countries of the Caribbean to establish a program to assess the specific needs of such countries to address the unique challenges of maritime border security.

(c) **MEXICO'S SOUTHERN BORDER SECURITY INITIATIVE.**—The Secretary of Homeland Security, in coordination with the Secretary of State, shall engage with appropriate officials of the Government of Mexico to assess the specific needs to help secure Mexico's southern border from undocumented aliens, drugs, weapons and other contraband.

(d) **REPORTING.**—The Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Foreign Relations of the Senate a report on the assessment of needs carried out under this section.

SEC. 7. TREATMENT OF CERTAIN APPLICATIONS FOR PORT OF ENTRY STATUS.

The Commissioner of United States Customs and Border Protection shall give priority consideration to an application for port of entry status submitted by any commercial airport if such airport served at least 100,000 deplaned international passengers in the previous calendar year.

SEC. 8. TRUSTED TRAVELER PROGRAMS.

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

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

(2) makes available to the United States Government the information described in paragraph (1) through another means of reporting.

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

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

(1) Congress established the Foreign Language Award Program (FLAP) to incentivize employees at United States ports of entry to utilize their foreign language skills on the job by providing a financial incentive for the use of the foreign language for at least ten percent of their duties after passage of competency tests. FLAP incentivizes the use of more than two dozen languages and has been instrumental in identifying and utilizing United States Customs and Border Protection officers and agents who are proficient in a foreign language.

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

(3) Through FLAP, foreign travelers are aided by having an officer at a port of entry

who speaks their language, and United States Customs and Border Protection benefits by being able to focus its border security efforts in a more effective manner.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that FLAP incentivizes United States Customs and Border Protection officers and agents to attain and maintain competency in a foreign language, thereby improving the efficiency of operations for the functioning of United States Customs and Border Protection's security mission, making the United States a more welcoming place when foreign travelers find officers can communicate in their language, and helping to expedite traveler processing to reduce wait times.

SEC. 10. PROHIBITION ON NEW APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise made available for such purposes.

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

The Chair recognizes the gentlewoman from Michigan.

□ 1615

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3846, the United States Customs and Border Protection Authorization Act, and I certainly want to thank my colleagues, the chairman of the full Homeland Security Committee, Mr. MCCAUL, and the ranking member, Mr. THOMPSON, and my ranking member on the subcommittee, Ms. JACKSON LEE.

The Homeland Security Committee has a strong history of collaboration and bipartisanship, and I think this bill illustrates our ability to find consensus as we work to strengthen the homeland.

This is a very important day not only for the men and women of Customs and Border Protection, CBP, but also for the U.S. House of Representatives. This past week actually marks the 10-year anniversary of the release of the 9/11 Commission's recommendations to Congress. While most of these recommendations were implemented, unfortunately, several remained unfulfilled or incomplete.

Among one of the most important incomplete recommendations was for Congress to create a single, principal point of oversight and review for homeland security. The fractured jurisdiction over the Department of Homeland

Security has certainly limited Congress' ability to provide effective guidance to the third largest agency in the Federal Government. In the 10 years since the Department was created, it has never had a comprehensive reauthorization; and, as a result, components such as Customs and Border Protection have never been authorized in statute since being transferred to the Department of Homeland Security through the Homeland Security Act of 2002.

While there remain several committees with overlapping oversight of the Department of Homeland Security, I believe this legislation that is on the floor today is a testament that this body can still work together to fulfill Congress' primary responsibilities under the Constitution.

As I mentioned, CBP, with more than 44,000 law enforcement officers and agents, has never been formally authorized in statute. As a result, CBP operates on devolved authority granted to the Secretary of Homeland Security and on guidance provided by Congress through annual appropriation bills rather than from specific authority accorded to the component by its authorizers.

H.R. 3846, the United States Customs and Border Protection Authorization Act, is the first attempt by Congress since the passage of the Homeland Security Act of 2002 and the creation of the Department of Homeland Security to clearly delineate the current authorities and responsibilities of the largest Federal law enforcement entity in our Nation. The fact that this agency has been operating for as long as they have without a clear statutory mandate from Congress and the American people certainly is a problem that needs to be corrected.

The Homeland Security Act, when passed nearly 12 years ago, was sort of a snapshot in time that reflects the choices made by Congress to quickly cobble together 22 agencies. Now is the time to update the statute and make changes where necessary to reflect the current security missions of the Department within CBP, which have significantly evolved over the last decade.

For example, after DHS was created, most of the authority for the work CBP currently performs was vested in a position called the Under Secretary of Border and Transportation Security. And if you haven't heard of it lately, it is because it was eliminated by then-Secretary Chertoff in 2005. Nonetheless, the position remains in law. I use that as an example.

So this bill is a first step in fixing outdated provisions from the source legislation that created the Department. Congress has the responsibility to give the Department of Homeland Security and its components the necessary direction through the regular authorization process, and this measure is a very important first step in doing so.

This bill provides a basic outline of the missions and responsibilities that

we give to the Commissioner of CBP and its subcomponents—such as the Office of Field Operations, the United States Border Patrol, the Office of Air and Marine Operations, the Office of Intelligence and Investigative Liaison, and the Office of International Affairs—so they know what this Congress expects.

In addition to fixing the outdated provisions in the law, this legislation goes a long way in ensuring transparency and oversight in CBP. This bill also contains strong accountability measures to ensure that agents and officers respect civil rights, civil liberties and use force policies, especially with regard to the use of deadly force.

With the ongoing crisis of unaccompanied children crossing the border in ever-increasing numbers, making sure that we understand the root causes of the surge is vitally important as well. This bill includes a provision that takes a very hard look at why these children are coming so that we can provide the men and women of the Border Patrol and CBP the tools to stem the tide.

Issues like the recent surge remind us of why we need to continually update the authorities of key law enforcement agencies within the Department of Homeland Security. CBP's mission continues to change, and this Congress has a duty to give our officers and the agents proper authorities to carry out their important work.

Finally, I want to commend the work and the assistance of CBP and the Department of Homeland Security over the past 2 years since we have started the intricate task of cleaning up the Homeland Security Act. Their assistance really helped to make this bill much better.

I urge my colleagues, Mr. Speaker, to support this good government, commonsense legislation.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 26, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing concerning H.R. 3846, the "United States Customs and Border Protection Authorization Act of 2014," which was favorably reported out of your Committee on June 11, 2014.

Given that numerous provisions in the bill are within the jurisdiction of the Committee on Ways and Means, I appreciate that you have addressed these provisions in response to the Committee's concerns. As a result, in order to expedite floor consideration of the bill, the Committee on Ways and Means will forego action on H.R. 3846. This is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3846, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 30, 2014.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 3846, the "United States Customs and Border Protection Authorization Act of 2014." I acknowledge that by forgoing action on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters in the report accompanying H.R. 3846 and in the Congressional Record during consideration of this measure on the floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,
MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 24, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing concerning H.R. 3846, the "United States Customs and Border Protection Authorization Act," which your Committee ordered reported on June 11, 2014.

As a result of your having consulted with the Committee on the provisions in our jurisdiction and in order to expedite the House's consideration of H.R. 3846, the Committee on the Judiciary will not assert a jurisdictional claim over this bill by seeking a sequential referral. However, this is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on the Judiciary with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill.

Sincerely,
BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 24, 2014.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding the Committee on the Judiciary's jurisdictional interest in H.R. 3846, the "United States Customs and Border Protection Authorization Act." I acknowledge that by foregoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would

support your effort to seek an appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I will include your letter and this response in the Congressional Record during consideration of this bill on the House floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on the Judiciary as H.R. 3846 moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Ms. JACKSON LEE. I yield myself such time as I may consume.

I rise in strong support of H.R. 3846, the United States Customs and Border Protection Authorization Act.

Mr. Speaker, I am a proud original cosponsor of the bill sponsored by my subcommittee chairman, the gentlewoman from Michigan (Mrs. MILLER). We are working throughout this Congress in a bipartisan manner, and it seems that our particular subcommittee has been particularly energized by a number of issues that have come to the attention of the American people.

This is an authorization bill that is long overdue. U.S. Customs and Border Protection is among the largest and most significant of the Department of Homeland Security's components. CBP is charged with ensuring the security of America's borders while facilitating legitimate trade and travel.

I want to take a moment, Mr. Speaker, to just offer my appreciation for the hardworking men and women that come under CBP. They are on the border. They are on the northern and southern borders. They are in our ports, both airports and seaports, and so I think it is appropriate for us to take a moment and express our appreciation.

Might I also, just as another aside, express my appreciation for the transportation security work of the TSOs. As we were working on their issues, we lost one of our very brave agents in the last year. All of them should be appreciated.

Again, despite the essential nature of CBP's mission, it has not been authorized in law since the recognition of the Department of Homeland Security announced by Secretary of Homeland Security Michael Chertoff 9 years ago this month. It is imperative that CBP is authorized in law to ensure that Congress can conduct proper oversight of the agency and its programs. This legislation does just that.

I am very pleased to have been part of crafting legislation that really responds to an important need: giving the guidelines and infrastructure and structure to make sure that we have a security arm of the DHS that really works, that we appreciate, and that has a guideline to operate effectively. I am pleased that the bill includes several amendments offered by Democratic members during consideration by the Homeland Security Committee.

Again, I want to thank Chairman MCCAUL and Ranking Member THOMP-

SON of the full committee for their bipartisan efforts, working with Chairman MILLER and myself on this legislation.

I was particularly pleased that the committee accepted an amendment I offered to help address the recent surge in the number of unaccompanied children entering the U.S. at increasingly younger ages, particularly in my home State of Texas. Let me be very clear: this is a humanitarian crisis and an issue that I think we are finding our way forward on, and I hope as we are passing this legislation, we will also pass the emergency supplemental that is needed for this issue and many others. This issue requires immediate attention from Congress given that the welfare of so many children is at stake.

I am also pleased that, during committee consideration, an amendment offered by the gentlewoman from California (Ms. SANCHEZ) was adopted to enhance CBP's oversight of an adherence to short-term detention standards at these facilities. While these facilities are not intended to house individuals for long-term immigration detention, it is imperative that basic standards are adhered to in order to ensure the health and well-being of people, including children in CBP custody.

So many of us have gone to the border in years past. I have been in many detention facilities over the years as I have served on this committee. We know that standards are important for whatever facility that we have. Whether they are detention facilities for adults who are coming across illegally or other resources that are needed, we must have a standard.

I am also pleased that the committee accepted an amendment offered by the gentleman from California (Mr. SWALWELL) stating that CBP may not enter into or renew a Trusted Traveler Program agreement with a foreign government unless that government reports lost and stolen passport data to Interpol. We know that passengers on Malaysia Airlines Flight 370 were traveling on stolen passports, and that enormous tragedy is still unsolved. While the U.S. has relatively limited ability to ensure foreign governments utilize Interpol's database, encouraging them to report their own lost and stolen passports improves the quality of Interpol's list used by the U.S. to screen travelers to and from our country.

That said, I was disappointed the committee did not accept an amendment I offered to increase, by an additional 2,000, the number of CBP officers deployed at our ports of entry. I think we are seeing that there have been a number of State efforts that this number of CBP officers might have countered, and I look forward to us continuing to pursue opportunities to increase those numbers.

Congress recently provided the resources necessary to hire 2,000 additional CBP officers, but still more are needed. I understand current budgetary

constraints, but so many of the challenges CBP faces at our ports of entry are related to or affected by persistent staffing shortages. Congress has a responsibility to do its part to alleviate these shortages, and I hope to continue to work with my colleagues on both sides of the aisle on this important issue.

That said, I strongly support the bill and am pleased that Customs and Border Protection will, for the first time in the years that they have been organized, in 2014, under the present chairman and myself, the ranking member, be authorized in its current form.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. MCCAUL), the chairman of the Committee on Homeland Security, who has been a very passionate advocate for this particular piece of legislation. It really has been under his direction that we have worked on this very much together.

Mr. MCCAUL. Mr. Speaker, I first want to commend the chairwoman of the Subcommittee on Border and Maritime Security and the ranking member, Ms. JACKSON LEE, for their hard work and efforts in trying to secure the border, first and foremost, but also in achieving what has never been achieved before, and that is an authorization bill for Customs and Border Patrol.

In the history of the Congress, this is the first time. It is very important, Mr. Speaker, that we do this. It is very important that we support our men and women in blue and in green, Customs and Border Patrol, for the hard work and dedication day in and day out in what some would say is a thankless job. What we are doing, what Chairwoman MILLER and Ranking Member JACKSON LEE have done, for the first time Congress has recognized them and validated them in their mission to secure the border that they do day in and day out.

I need not go into details about the latest border crisis that we are suffering through. Certainly the gentlewoman from Texas (Ms. JACKSON LEE) knows as well as I do that this is a crisis that demands action, a call to action, and a solution from Congress.

I believe that authorizing CBP is a first step, but it is also the first step toward this committee authorizing the entire Department of Homeland Security. It is my goal within the next year, for the first time in the history of Congress, to authorize the Department of Homeland Security.

And shame on us, shame on Congress for never authorizing this Department. You don't think that impacts morale? You don't think it gives a misguided message from the Congress that we don't support them? I think, above all, what this bill does is it says: we support you; we support you in your job.

These Border Patrol officers that I see down there, these agents, they get

rocks thrown at them. They get shot at. They have to deal in harsh conditions and the heat. And the customs agents at the ports of entry, I can't think of—someone would say “thankless,” but I can't think of a more important job in terms of protecting the sovereignty of the United States and protecting our borders day in and day out from threats that come in.

□ 1630

Mr. Speaker, if 60,000 children can just walk right across our border in the Rio Grande Valley sector, what does that say about our state of border security? What does that say? I met with the general of SOUTHCOM, General Kelly, and he told me: If they are coming in, what else is coming into the United States?

That is why this bill is so important, that is why border security is so important. I pledge to my committee members and to this Congress that we are going to get this job done. This is the first step, the beginning and the first step to finally getting this job done. We can report back to the American people that we have finally once and for all secured the border of the United States of America.

Mr. Speaker, I rise in support of H.R. 3846, the United States Customs and Border Protection Authorization Act, and thank Chairwoman MILLER for her hard work on this legislation. This measure would authorize U.S. Customs and Border Protection for the first time ever. It also provides greater transparency, accountability and oversight of the nation's largest law enforcement agency. U.S. Customs and Border Protection has an important mission of securing the homeland, while simultaneously ensuring the flow of legitimate trade and travel at our nation's borders.

The Commissioner of CBP must oversee an agency that includes the Office of Field Operations, the U.S. Border Patrol, the Office of Air and Marine, and numerous other subcomponents responsible for a range of missions from acquiring and maintaining technology on the border, to conducting polygraph investigations to ensure new hires do not have derogatory backgrounds. As an agency with more than 44,000 Federal Law Enforcement Officers, it is absolutely essential that Congress authorize CBP, and other DHS components, on a routine basis.

This past week marked the ten year anniversary of the release of the 9/11 Commission's recommendations to Congress. Among the most important incomplete recommendations was for Congress to create a single, principal point of oversight and review for homeland security. Unfortunately, the number of committees and subcommittees overseeing DHS has only increased since this recommendation was first offered, and has resulted in significant strains on DHS leadership, who are required to answer to multiple Committees that sometimes provide contradictory guidance.

Authorizing the Department and its components like CBP, thus fulfilling our obligations as an authorizing committee, remains my top priority for this Committee. As Chairman of the House Homeland Security Committee, I can certainly attest that fractured jurisdiction over

the Department of Homeland Security has limited Congress' ability to provide effective guidance to DHS. In the ten years since the Department was created, it has never had a comprehensive reauthorization. Similarly, components such as U.S. Customs and Border Protection, have never been authorized in statute since being transferred to the Department of Homeland Security in 2002, despite undergoing significant reorganizations in the nearly twelve years since the Department's establishment.

Thus, I want to thank my colleagues, and especially Chairman CAMP and the Committee on Ways and Means, for their collaboration in bringing this legislation to the Floor.

This measure has strong bipartisan support, and includes more than 30 amendments offered by Committee members of both parties, during the subcommittee and full committee markups. As a result, this measure passed the Committee unanimously, which truly represents the cooperation we strive to achieve. I would like to thank Ranking Member THOMPSON for his work on this bill and the contributions of our Democratic Members.

I urge my colleagues to support this bill, which will authorize U.S. Customs and Border Protection for the first time, and will provide greater transparency, accountability, and oversight over this important component.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Let me offer just a few thoughts. I am delighted to associate myself with a very important point that the chairman of the committee made, and I will use the terminology “authorization equals affirmation.”

It is important for us in this Congress to affirm an agency that is handling some of the most precious responsibilities, alongside of the intelligence community, alongside of the United States military, Defense. It is Homeland Security. That is why this is a first start toward making sure that we are, in fact, looking to affirm or reauthorize the importance of this particular agency.

What I would say is that, when we were crafting this bill along with my chairwoman as she introduced this legislation, we were somewhat before this rising surge, and we began to think about what we needed to do to get in front of it. I am very glad that I laid the framework in my language in the bill dealing with having DHS find out what are the causes, how do we address the issue of unaccompanied children that are coming. We might have used the term “surge.” It was a surge, but it wasn't at that point.

I believe that facts are crucial, and I think it is important that this bill will encourage some of the things that have already been done. The President has met with the three Presidents of Honduras, Guatemala, and El Salvador to determine and assess what the reasons are, how extreme the violence is. The stories are horrific.

And then, of course, to separate out the children who are running toward the men and women in green and begin to look at the border and securing the

border, which none of us quarrel with. We realize that there have been some strides—we have worked with the Mexican government—but we also know that drug cartels, drug smugglers, sex traffickers, and human traffickers still prevail, because bad guys are always prevailing. We have to make sure that mixed into those bad guys that have those particular desires are not terrorists that will come and disturb this community or this Nation.

I think this bill lays a good framework for us to collaborate with so many others.

I want to thank Chairman MILLER for the bipartisan nature of the work on this bill, and the bills that originate from our committee. I would like to say that this is only the beginning.

I am looking forward to our committee partnering with Judiciary, and that we look to a reauthorization of ICE, which is a partner to the work that is being done on Homeland Security. I think it can be done. We have set a good model here today. As we make our way through the Department of Homeland Security, we have set a very good model on how we can affirm the vitality, the vigorousness, and the crucialness of these subagencies in providing for domestic security.

With that, I reserve the balance of my time.

Mrs. MILLER of Michigan. I would just advise, Mr. Speaker, I have no further speakers, so if the gentlewoman would like to close, I am prepared to close, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I am prepared to close. I am going to conclude my remarks by indicating that I want to, again, express my appreciation for the work that we have done.

As a Houstonian, and as the chairman indicated, we are Texans, we see this, we have seen it, we live with our neighbors, but, more importantly, we live with our friends on the border. Members of Congress are our friends, are our neighbors, and they are a part of this great Nation as well. It gives me a special sense of pride and responsibility to be able to work with their needs.

As someone who has representation over one of the largest ports, along with some of my other colleagues in Houston, the Houston port, these are very important issues. I think America needs to realize that when we safeguard our ports, provide for these agents, and give them an infrastructure of authorization, we affirm them. We are securing the homeland.

I think the border towns have handled this humanitarian crisis with great valor and a great sense of what America is all about. We need to respond to their needs, but we also need to address this question from a perspective of the humanitarian issue that it is and a balanced perspective of securing the border.

I think we have begun that process with this legislation, and I ask my colleagues to support it.

I yield back the balance of my time.

Mr. Speaker, I rise in strong support of H.R. 3846, the "United States Customs and Border Protection Authorization Act."

I am proud to be an original cosponsor of the bill, sponsored by my Subcommittee Chairman, the gentlelady from Michigan, Mrs. MILLER.

U.S. Customs and Border Protection is among the largest and most significant of the Department of Homeland Security's components.

CBP is charged with ensuring the security of America's borders while facilitating legitimate trade and travel.

Despite the essential nature of CBP's mission, it has not been authorized in law since the reorganization of the Department of Homeland Security announced by Secretary of Homeland Security Michael Chertoff nine years ago this month.

It is imperative that CBP is authorized in law to ensure that Congress can conduct proper oversight of the agency and its programs.

This legislation does just that.

I am pleased that the bill includes several amendments offered by Democratic Members during consideration by the Homeland Security Committee.

I was particularly pleased that the Committee accepted an amendment I offered to help address the recent surge in the number of unaccompanied children entering the U.S., at increasingly younger ages, particularly in my home state of Texas.

This issue requires immediate attention from Congress, given that the welfare of so many children is at stake.

I am also pleased that during Committee consideration an amendment offered by the gentlelady from California, Ms. SANCHEZ, was adopted to enhance CBP's oversight of and adherence to short-term detention standards at its facilities.

While these facilities are not intended to house individuals for long-term immigration detention, it is imperative that basic standards are adhered to in order to ensure the health and wellbeing of people, including children, in CBP custody.

I am also pleased that the Committee accepted an amendment offered by the gentleman from California, Mr. SWALWELL, stating that CBP may not enter into or renew a trusted traveler program agreement with a foreign government unless that government reports lost and stolen passport data to INTERPOL.

We know that passengers on Malaysia Airlines Flight 370 were traveling on stolen passports.

While the U.S. has relatively limited ability to ensure foreign governments utilize INTERPOL's database, encouraging them to report their own lost and stolen passports improves the quality of INTERPOL's lists used by the U.S. to screen travelers to and from our country.

That said, I was disappointed that the Committee did not accept an amendment I offered to increase by an additional 2,000 the number of CBP officers deployed at our ports of entry.

Congress recently provided the resources necessary to hire 2,000 additional CBP officers, but still more are needed.

I understand current budgetary constraints, but so many of the challenges CBP faces at

our ports of entry are related to or affected by persistent staffing shortages.

Congress has a responsibility to do its part to alleviate those shortages and I hope to continue to work with my colleagues, on both sides of the aisle, on this important issue.

That said, I strongly support the bill and am pleased that Customs and Border Protection will, for the first time, be authorized in its current form.

In closing, I would like to thank the gentlelady from Michigan, Mrs. MILLER, for the bipartisan process.

I believe we produced a solid bill that should garner broad bi-partisan support in the House today.

I am particularly pleased that at this time when there is so much rancor about the Administration's response to the influx of fleeing unaccompanied children at our Southwest Border, we are standing together to authorize resources for the CBP to continue to do its part.

With that Mr. Speaker, I urge my colleagues to support H.R. 3846, the United States Customs and Border Protection Authorization Act.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I would just say in closing, first of all, I thought that the chairman of the Homeland Security Committee, Mr. MCCAUL, made some excellent, excellent remarks. One of the things that he said that is absolutely true, and I know all of us feel this, is every time we talk to a CBP officer, one of the men and women who so bravely secure our borders, they can't quite believe that Congress has never authorized their agency. It is not a great thing for their morale that we have never really paid them the attention that they deserve.

So I think this bill is, as I said at the beginning of my remarks, such an important first step for this Congress to be able to do that.

With the humanitarian crisis that is happening at our southern border with this tsunami of unaccompanied children that is coming in, we all see the video each and every day of our brave men and women, our CBP officers, trying to handle that. They have responsibilities there, things that they are doing there that are taking them away, quite frankly, as they are handling the children, taking them away from their duties and responsibilities of stopping the drug cartels, et cetera, from entering our borders. I just think this bill is incredibly important.

I would also mention as well, as we talk about the issues on the southern border, which are certainly in all of our news each and every day, but America has more than one border. We have the northern border as well. I see the dean of the House, Mr. DINGELL, is on the floor. He and I, both being from the northern border State of Michigan, have worked together very diligently on northern border issues. We have in Michigan the two busiest northern border crossings on the entire northern tier of our Nation there. Again, our CBP officers have stopped so many that wish our Nation harm, whether

that is human smuggling or drug smuggling or what have you, we have some unique dynamics on the northern border as well, as well as our maritime border.

Mr. Speaker, this is a very, very important bill. Again, securing the homeland is certainly foremost of all of our responsibilities.

I would once again urge our colleagues to support H.R. 3846, the United States Customs and Border Protection Authorization Act, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3846, the "United States Customs and Border Protection Authorization Act."

The bill before us today seeks to authorize U.S. Customs and Border Protection (CBP) for the first time since the establishment of the Department of Homeland Security.

As one of the largest operational components within DHS, CBP is charged with the critical, dual mission of securing our Nation's borders while facilitating legitimate trade and travel.

It is imperative that CBP is authorized in law in a manner consistent with its current organizational structure.

Only then can Congress conduct full and appropriate oversight of the agency and its activities.

The bill before us today serves that purpose by establishing CBP, its leadership structure, and its functions in law.

I am pleased to say that H.R. 3846 is a bipartisan product that has benefitted from input from Members on both sides of the aisle during the Committee process. Democratic Members of the Committee on Homeland Security offered important amendments on unaccompanied children crossing the border; electronic searches at the border; standards at short-term detention facilities; and professionalism and accountability for CBP personnel.

I want to congratulate the Chairman and Ranking Member of the Subcommittee on Border and Maritime Security, Rep. CANDICE MILLER and Rep. JACKSON LEE, for their hard work on this measure.

The bill before us today reflects the results of the bipartisan spirit in which they conduct their work, and it should be something all Members can give their strong support.

Mr. Speaker, I urge my colleagues to support H.R. 3846, the "United States Customs and Border Protection Authorization Act."

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3846, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL CYBERSECURITY AND CRITICAL INFRASTRUCTURE PROTECTION ACT OF 2014

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3696) to amend the Homeland Security Act of 2002 to make certain improvements regarding cybersecurity