

of the facts so that we can do what is required under law and get to the bottom of what actually took place. This is not a partisan matter. It is an American matter that must be investigated so that we can continue to protect our democracy against outside attacks.

This resolution expresses the sense of the House that the whistleblower complaint received on August 12, 2019, by the Inspector General of the Intelligence Community should be transmitted immediately to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Our Constitution demands respect for the rule of law. As a Member of Congress, I will continue to uphold our American principles and values. I urge passage of this resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 577, the previous question is ordered on the resolution, as amended.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HIMES. Madam 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 question will be postponed.

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HOMELAND SECURITY IMPROVEMENT ACT

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to House Resolution 577, I call up the bill (H.R. 2203) to increase transparency, accountability, and community engagement within the Department of Homeland Security, provide independent oversight of border security activities, improve training for agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ESPAILLAT). Pursuant to House Resolution 577, in lieu of the amendment in the nature of a substitute recommended by the Committee on Homeland Security printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-27, modified by the amendment printed in House Report 116-217, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2203

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

SECTION 1. ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR BORDER AND IMMIGRATION ENFORCEMENT RELATED CONCERNs.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

“SEC. 711. OMBUDSMAN FOR BORDER AND IMMIGRATION ENFORCEMENT RELATED CONCERNs.

“(a) IN GENERAL.—Within the Department there shall be a position of Ombudsman for Border and Immigration Enforcement Related Concerns (in this section referred to as the ‘Ombudsman’), who shall—

“(1) be independent of Department agencies and officers;

“(2) report directly to the Secretary; and

“(3) have a background in immigration law, civil rights, and law enforcement.

“(b) FUNCTIONS.—It shall be the function of the Ombudsman to—

“(1) in coordination with the Inspector General of the Department, establish an independent, neutral, accessible, confidential, and standardized process to assist individuals (including aliens (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) in resolving complaints with respect to U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, a subcontractor, or a cooperating entity, which process shall include a publicly accessible website through which a complainant can check on the status of such a complaint;

“(2) identify and thereafter review, examine, and make recommendations to the Secretary to address chronic issues identified by the Ombudsman in carrying out the function described in paragraph (1);

“(3) establish a Border Oversight Panel in accordance with subsection (f); and

“(4) review compliance with departmental policies and standards of care for custody of aliens by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, including any violations of applicable policy or standards of care involving force-feeding.

“(c) CONFIDENTIALITY.—The existence of a complaint, including the identity of any Department employee implicated in a complaint, shall be kept confidential by the Ombudsman and, in the absence of the written consent of an individual who submits a complaint, the Ombudsman shall keep confidential the identity of and any identifying information relating to such individual. Such confidentiality requirement may not be considered as a factor of whether or not information under this subsection may be disclosed under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

“(d) ANNUAL REPORTING.—Not later than June 30 of each year beginning in the year after the date of the enactment of this section, the Ombudsman shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that includes, for the previous year, the following:

“(1) The number and types of complaints received under this section and for each complaint—

“(A) the component or subcomponent, subcontractor, or cooperating entity identified;

“(B) the demographics of the complainant; and

“(C) a description of the resolution of the complaint or the status of the resolution process.

“(2) Any complaint pattern that could be prevented or reduced by policy training or practice changes.

“(3) A description of any pattern of violations of any applicable policy or standards.

“(4) A description of each complaint received under this section with respect to which U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, a subcontractor, or a cooperating entity, as applicable, has taken action to resolve, and the time between receipt and resolution of each such complaint.

“(5) A description of complaints received under this section for which action has not been

taken after one year, and the period during which each complaint has been open.

“(6) Recommendations the Ombudsman has made under subsection (b)(2).

“(7) Other information, as determined appropriate by the Ombudsman.

“(e) APPOINTMENT OF BORDER COMMUNITIES LIAISON.—

“(1) IN GENERAL.—The Ombudsman, in conjunction with the Office for Civil Rights and Civil Liberties of the Department, shall appoint a Border Community Liaison (in this subsection referred to as the ‘Liaison’) in each U.S. Border Patrol sector on the northern and southern borders. Each Liaison shall report to the Ombudsman.

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

“(A) foster cooperation between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and border communities;

“(B) consult with border communities on the development of policies, directives, and programs of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement;

“(C) receive feedback from border communities on the performance of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

“(D) submit to the Ombudsman an annual report detailing their findings, feedback received from border communities, and recommendations to increase cooperation between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and border communities.

“(f) BORDER OVERSIGHT PANEL.—

“(1) ESTABLISHMENT.—The Ombudsman shall establish a Border Oversight Panel (in this subsection referred to as the ‘Panel’).

“(2) COMPOSITION.—

“(A) IN GENERAL.—The Panel shall be composed of 30 members selected by the Ombudsman.

“(B) CHAIRPERSON.—The Ombudsman shall be the chair of the Panel.

“(C) EXPERTISE.—Members of the Panel shall have expertise in immigration, local crime indices, civil and human rights, community relations, cross-border trade and commerce, quality of life indicators, or other experience the Ombudsman determines is appropriate, and shall include individuals who reside in or near border counties.

“(3) DUTIES.—The Panel shall evaluate and make recommendations regarding the border enforcement policies, strategies, and programs of the Department operating along the northern and southern borders of the United States to—

“(A) take into consideration the impact of such policies, strategies, and programs on border communities, including protecting due process, civil and human rights of border residents and visitors, and private property rights of land owners;

“(B) uphold domestic and international legal obligations;

“(C) reduce the number of migrant deaths; and

“(D) improve the safety of agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

“(g) STAFFING.—The Secretary shall take appropriate action to ensure the Ombudsman’s office is sufficiently staffed and resourced to carry out its duties effectively and efficiently.

“(h) TRAINING.—

“(1) IN GENERAL.—The Ombudsman shall conduct a yearly evaluation of all training given to agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

“(2) CONTENTS.—Each evaluation under paragraph (1) shall include whether the training referred to in such paragraph adequately addresses the following:

“(A) Best practices in community policing, cultural awareness, and carrying out enforcement actions near sensitive locations, such as

places of worship or religious ceremony, school or education-related places or events, courthouses or other civic buildings providing services accessible to the public, hospitals, medical treatment or health care facilities, public demonstrations, and attorney's offices (including a public defender or legal aid offices).

“(B) Policies for operating in locations where there are limitations on cooperation by local law enforcement.

“(C) Interaction with vulnerable populations, including instruction on screening, identifying, and responding to vulnerable populations, such as children, victims of human trafficking, and the acutely ill.

“(D) Standards of professional and ethical conduct, including the following:

“(i) Lawful use of force, de-escalation tactics, and alternatives to the use of force.

“(ii) Complying with chain of command and lawful orders.

“(iii) Conduct and ethical behavior toward the public in a civil and professional manner.

“(iv) Civil rights and legal protections for nationals of the United States and aliens.

“(v) Non-biased questioning.

“(vi) Sensitivity towards lesbian, gay, bisexual, transgender, and queer individuals.

“(vii) Permissible and impermissible social media activity.

“(viii) Sexual and other harassment and assault, including an assessment of whether adequate policies exist to resolve complaints.

“(E) Protecting the civil, constitutional, human, and privacy rights of individuals, with special emphasis on the scope of enforcement authority, including chain of evidence practices and document seizure, and use of force policies available to agents and officers.

“(F) Maintaining and updated understanding of Federal legal rulings, court decisions, and Department policies and procedures.

“(G) The scope of agents' and officers' authority to conduct immigration enforcement activities, including interviews, interrogations, stops, searches, arrests, and detentions, in addition to identifying and detecting fraudulent documents.

“(3) RECOMMENDATIONS.—Not later than 90 days after conducting each evaluation under paragraph (1), the Ombudsman shall develop, and submit to the Secretary, recommendations regarding any additional training.

“(4) FEEDBACK.—Not later than 180 days after receiving recommendations transmitted by the Ombudsman, the Secretary shall respond publicly and in writing with feedback on each of the recommendations, an action plan to implement any of such recommendations with which the Secretary concurs, and a justification for why any of such recommendations have been rejected.

“(i) ELECTRONIC TRACKING.—

“(1) IN GENERAL.—The Ombudsman, in coordination with the Commissioner of U.S. Customs and Border Protection, the Director of U.S. Immigration and Customs Enforcement, and the Office of Refugee Resettlement of the Department of Health and Human Services, shall develop recommendations for the establishment of an electronic tracking number system on a single interface, which shall be used to track the location of a child who has been separated from a parent, legal guardian, or other relative of such child, and which shall be accessible to agents and officers of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Office of Refugee Resettlement.

“(2) TRACKING NUMBER.—The recommendations developed under this subsection shall consider how a tracking number can be assigned to a child who has been separated from a parent, legal guardian, or other relative of such child that—

“(A) is transferrable;

“(B) may be shared easily on the electronic tracking system described in this subsection by agents and officers of—

“(i) U.S. Customs and Border Protection;

“(ii) U.S. Immigration and Customs Enforcement; and

“(iii) the Office of Refugee Resettlement of the Department of Health and Human Services; and

“(C) is interoperable with the electronic location records of a parent, legal guardian, or other relative of such child.

“(j) BODY-WORN CAMERAS.—

“(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this section, the Ombudsman, in coordination with the Commissioner of U.S. Customs and Border Protection, the Director of U.S. Immigration and Customs Enforcement, and labor organizations representing agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a plan for requiring, not later than one year after such date of enactment, the use of body-worn cameras by U.S. Border Patrol agents and U.S. Immigration and Customs Enforcement officers whenever such agents and officers are engaged in border security or immigration enforcement activities.

“(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

“(A) Benchmarks for implementation of the use of body-worn cameras within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

“(B) Policies, procedures, and training modules for the use of body-worn cameras by agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, including training modules relating to the appropriate use of such cameras and adverse action for non-compliance.

“(C) Mechanisms to ensure compliance with body-worn camera policies and procedures.

“(3) CONSIDERATIONS.—The plan required under paragraph (1) shall be informed by—

“(A) existing State and local policies requiring the use of body-worn cameras; and

“(B) principles regarding body-worn cameras published by major civil and human rights organizations.”

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by adding after the item relating to section 710 the following new item:

“Sec. 711. Ombudsman for Border and Immigration Enforcement Related Concerns.”

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security.

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Alabama (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on this measure.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2203, the Homeland Security Improvement Act, as amended, seeks to enhance accountability for how the Department of Homeland Security carries out its border security and immigration enforcement activities.

For years, the complaints process at DHS has been fragmented. While the inspector general of DHS reviews allegations of unlawful activity by Department personnel, other complaints must go through Customs and Border Protection or Immigration and Customs Enforcement first.

Further, the process for filing a complaint can be complicated and confusing. Additionally, there is no central mechanism for residents of border communities to speak out about how DHS' operations affect their day-to-day lives or the environment around them.

H.R. 2203, as we are considering it today, would establish a new ombudsman to carry out an independent, neutral, and confidential process to help resolve complaints with respect to the Department's border and immigration enforcement activities. The ombudsman would also note patterns in the types of complaints received to identify any systemic issues.

The communities most directly impacted by DHS' border and immigration enforcement activities are those that are on our borders with Mexico and Canada.

Under H.R. 2203, the ombudsman would appoint border community liaisons to serve in sectors along the northern and southern borders to foster better communication and meaningful engagement with these communities.

The ombudsman is also required to stand up a border oversight panel to make recommendations on border and immigration policies and programs with attention to DHS activities that affect due process, property rights, and the safety of migrants and officers.

H.R. 2203 is also intended to ensure greater oversight of the training that frontline personnel receive. Specifically, the ombudsman would annually evaluate the CBP and ICE agents and officers training, particularly on standards for professional and ethical conduct, and make recommendations on any needed improvements.

Additionally, the bill directs the ombudsman to develop an implementation plan to require the use of body-worn cameras by Border Patrol agents and ICE officers while engaged in border security or immigration enforcement activities.

While the current administration's activities in this area warrant heightened scrutiny, several issues, such as conditions in ICE detention or insufficient consultation with property owners by U.S. Border Patrol, have persisted for years.

H.R. 2203 represents a step in the right direction to bring greater transparency and accountability to DHS. I urge my colleagues to support this legislation.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 18, 2019.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 2203, the “Homeland Security Improvement Act” that fall with our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to waive sequential referral, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC July 18, 2019.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: Thank you for your letter regarding H.R. 2203, the “Homeland Security Improvement Act.” The Committee on Homeland Security recognizes that the Committee on the Judiciary has a jurisdictional interest in H.R. 2203, and I appreciate your effort to allow this bill to be considered on the House floor.

I concur with you that forgoing action on the 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 appointment of an appropriate number of conferees to any House—Senate conference involving this legislation.

I will include our letters on H.R. 2203 in the Congressional Record during floor consideration of this bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 25, 2019.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON: In order to expedite consideration of H.R. 2203, the Homeland Security Improvement Act, the Committee on Ways and Means has agreed to waive formal consideration of provisions that fall within the rule X jurisdiction of the Committee. We do so with the understanding that the authority given to the Ombudsman in Title II of the bill, relating to the enforcement activities of U.S. Customs and Border

Protection, does not include authority to enforce trade laws. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letter on this matter be included in the Congressional Record during floor consideration of H.R. 2203.

Sincerely,

RICHARD E. NEAL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 25, 2019.

Hon. RICHARD NEAL,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NEAL: Thank you for your letter regarding H.R. 2203, the “Homeland Security Improvement Act.” The Committee on Homeland Security recognizes that the Committee on Ways and Means has a jurisdictional interest in H.R. 2203, and I appreciate your effort to allow this bill to be considered on the House floor.

I concur with you that the authority given to the Ombudsman in Title II of the bill is not intended to include authority regarding trade law enforcement complaints. Should you choose to seek appointment of an appropriate number of conferees to any House—Senate conference involving this legislation, I would support that effort.

I will include our letters on H.R. 2203 in the Congressional Record during floor consideration of this bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to H.R. 2203.

Over this past fiscal year, law enforcement has encountered nearly a million migrants illegally crossing the southwest border.

For months, records of migrant families and unaccompanied children overwhelmed obsolete Customs and Border Protection facilities, creating an unprecedented humanitarian crisis. And for months, Democrats did nothing. They said the crisis wasn’t real. Then they said the President manufactured it.

Then, after months of ignoring pictures of children and families living in overcrowded conditions, Democrats finally agreed to the President’s request for emergency funding. Now, thanks to that funding and the administration’s efforts to reach agreements with Mexico and some Northern Triangle countries, the crisis has finally abated.

Congress should use this opportunity to advance a bipartisan bill to address the causes of the border crisis and prevent another one from happening. Unfortunately, Democrats have chosen to squander the opportunity. Instead, they decided to move yet another partisan messaging bill that stands no chance of becoming law.

All this bill does is waste taxpayers’ dollars on a duplicative new office de-

signed to demoralize law enforcement and serve the demands of illegal immigrants. It should really be called the illegal immigrant customer service act.

The bill creates a new ombudsman at the Department of Homeland Security to collect and review complaints made by illegal immigrants against Federal law enforcement officers.

The Department already has an Office of Inspector General and an Office for Civil Rights and Liberties required by law to collect and investigate complaints against DHS personnel, as well as recommended relief for the complainant. Both offices maintain tip lines for anonymous complaints and websites to collect complaints, and both regularly report to Congress on their caseload.

It is unclear how creating another bureaucrat with a duplicative mission will improve the current process. It is clear, however, that this new bureaucrat will further demoralize the men and women of law enforcement.

The bill empowers the ombudsman to scrutinize the training and conduct of ICE and CBP officers on an ongoing basis.

The bill also includes a bogus oversight panel comprised of so-called quality of life indicators to make recommendations on how ICE and CBP officers should carry out their law enforcement mission.

Every day, the men and women of ICE and CBP put their lives in danger to keep our families and communities safe. They faithfully and skillfully carry out their duty to enforce Federal immigration law. Congress should be moving legislation to thank them, not second-guess and criticize them.

Mr. Speaker, this legislation started out as an attempt by Democrats to appease radical leftwing open border activists. The original bill was chock-full of so many absurd provisions that the Speaker was forced to pull it from floor consideration in July. The bill has been rewritten six times to get it to this point where just enough Democrats will vote for it to pass it.

But it didn’t have to be such a partisan exercise. We could have worked together to move comprehensive legislation to truly prevent another crisis at our border.

Republicans are ready and willing to work with Democrats on serious proposals to reform our asylum laws to reduce the pull factors for illegal immigration, to protect vulnerable families and children from exploitation by human smugglers, to expand migrant processing and long-term housing facilities to eliminate dangerous overcrowding, and to hire additional immigration lawyers and judges to reduce the unprecedented backlog in asylum cases.

When this partisan bill fails to move in the Senate, I hope Democrats will finally choose policy over politics and will agree to work with Republicans on solutions to our border security problems.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. ESCOBAR), the sponsor of this legislation.

Ms. ESCOBAR. Mr. Speaker, I rise today in support of H.R. 2203, the Homeland Security Improvement Act.

I would first like to thank Speaker PELOSI and Chairman THOMPSON for their steadfast leadership and for helping get this bill to the floor. Mr. Speaker, this moment never would have been possible without Mr. THOMPSON's perseverance and hard work.

H.R. 2203 started at our southern border as a community-driven effort to boost accountability and transparency within DHS. To that end, I would like to especially thank the Border Network for Human Rights, an El Paso-based organization that works tirelessly to ensure migrants and border communities are treated with the dignity and respect that we all deserve.

Those of us who live within the 100-mile border enforcement zone have often had our civil rights impeded because some basic constitutional principles don't fully apply to us.

Since the creation of DHS in 2003, our government has spent over \$300 billion, including two supplemental bills passed this year, on the agencies that carry out immigration enforcement, largely within that 100-mile zone. This enormous taxpayer investment has created a situation where the American taxpayer spends more money on immigration enforcement than on all other Federal law enforcement agencies combined.

Unfortunately, especially for those of us who live within that 100-mile enforcement zone, this spending has not included corresponding oversight or accountability measures. This bill seeks to change that with the creation of an ombudsman for border and immigration-related concerns.

The ombudsman, in conjunction with the inspector general at DHS, will be charged with establishing an independent, neutral, and confidential process to assist individuals, including personnel, with complaints against Immigration and Customs Enforcement and U.S. Customs and Border Protection.

The ombudsman is also responsible for reviewing CBP and ICE compliance with all departmental policies and standards related to the treatment of migrants in custody.

This function was a priority for me after learning about child deaths in Federal custody; after having witnessed severe overcrowding in Border Patrol facilities; after hearing in my community, in El Paso, Texas, concerns from agents over and over again about leadership not listening to them and about policies they were forced to enforce; and after interviewing ICE detainees in my hometown who were subjected to force-feeding, an inhumane practice that is tantamount to torture.

I have heard countless times from my constituents and other border residents that they need to have a voice in crafting border policies because we are the ones most impacted. H.R. 2203 will allow them this opportunity through the establishment of both a border community liaison and a border oversight panel. Both seek to foster communication and cooperation between DHS and the community by giving border residents an opportunity to provide feedback and recommendations regarding border policies.

This panel will also help improve conditions for agents and officers. For example, one responsibility of the border oversight panel is to evaluate policies to enhance their safety.

The bill also requires the ombudsman to conduct annual evaluations of all training provided and will examine whether key areas are covered, including community policing, which builds trust; enforcement near sensitive locations; interacting with vulnerable populations; and professional and ethical conduct, such as lawful use of force, LGBTQ sensitivity, and sexual harassment.

El Paso has been at the epicenter of much of the humanitarian chaos our Nation has seen, like being the testing ground for the cruel family separation policy that continues to this day. To help speed up reunifications of these families, H.R. 2203 requires the ombudsman, in conjunction with the CBP Commissioner, ICE Director, and the Office of Refugee Resettlement, to develop recommendations for the establishment of an electronic tracking number system on a single, interoperable interface.

Finally, the ombudsman is responsible for developing a plan for outlining the use of body-worn cameras by Border Patrol agents and ICE officers when engaged in border security and immigration enforcement activities, something local police forces have embraced.

The plan must be crafted in conjunction with the CBP Commissioner, the ICE Director, and relevant labor organizations that represent these officers and agents. It must also consider existing State and local body-worn camera policies.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the gentlewoman from Texas (Ms. ESCOBAR) an additional 1 minute.

□ 1600

Ms. ESCOBAR. Mr. Speaker, it must also consider existing State and local body-worn camera policies and principles developed by major civil and human rights organizations, so that DHS can build upon best practices for each community.

This plan further ensures that safety needs are met, and trust is built.

All of these features will be invaluable tools to make sure that we address

our Nation's immigration challenges in a common sense and humane way.

Today, we have the opportunity to come together and begin to make a powerful and well-funded Federal agency more accountable to the Congress and to the people that they serve. The ombudsman's role will fill much needed gaps in transparency, oversight, training, and trust.

Mr. Speaker, I am very proud of this legislation. It comes right from the communities that are impacted the most. I urge my colleagues to support it.

Mr. ROGERS of Alabama. Mr. Speaker, I find it amazing that the majority, the Democrat majority, would like to see us prioritize establishing electronic medical records for illegal immigrants when we still haven't been able to provide that for veterans in our country or our military, and we have been working on it for years.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. JOYCE), a member of the Committee on Homeland Security.

Mr. JOYCE of Pennsylvania. Mr. Speaker, I rise today in opposition to H.R. 2203, yet another one of the majority's messaging bills that would do nothing to address the crisis on our southern border.

At home in Pennsylvania's 13th Congressional District, nearly 2,000 miles away from the southern border, this crisis is taking a tangible toll on our communities. As illicit drugs continue to pour across the southern border and infiltrate into my district, addiction and death are occurring.

If we continue to kick the solutions down the road, we are choosing simply not to act.

Today, we could be voting to stop the human trafficking, to stop the drug trafficking, to stop the cartels and the violent criminals who permeate into our country. H.R. 2203 does not address the real problems.

Instead of passing this do-nothing bill, I ask that we return to the Homeland Security Committee and work on a bipartisan basis to secure our border, to end the asylum loopholes, and to protect this great country.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GARCIA).

Ms. GARCIA of Texas. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I support H.R. 2203, a bill introduced by my dear friend from Texas, Congresswoman VERONICA ESCOBAR.

There is a humanitarian crisis at the southern border and within the American immigration system. The Homeland Security Improvement Act is a critical bill, not a do-nothing bill. It is a critical bill that addresses our Nation's immigration challenges at the border in a responsible and humane manner by ensuring accountability and oversight through the creation of an ombudsman.

Our American values, moral conscience, and Constitution require that we treat all individuals on American soil humanely and respectfully. This bill helps ensure that that happens.

Congress must continue working to finally end the humanitarian crisis at the southern border. This is a step in the right direction.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 2203.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. RUTHERFORD).

Mr. RUTHERFORD. Mr. Speaker, I thank my colleague from Alabama for yielding.

Mr. Speaker, we have a crisis at the border. Finally, our colleagues across the aisle have recognized that this is not a manufactured crisis.

Just this month, over 800,000 illegal aliens have now crossed our southern border in 2019. That is two times more than crossed in all of 2018.

These numbers are at historic highs in large part due to our broken immigration system that incentivizes illegal crossings, and H.R. 2203 does nothing to fix it.

This bill does nothing to stop children from being used as pawns by traffickers to cross our border. This bill does nothing to support law enforcement officers, which as a lifelong enforcement officer myself, I take particular issue with. This bill does nothing to hire more immigration judges, which are desperately needed in order to decrease the growing and historic backlog of cases that we have now seen. This bill does nothing to alleviate the pressure on our detention facilities.

In fact, this bill will make these problems worse; worse, Mr. Speaker.

Requiring the release of all migrants after 72 hours in detention will incentivize even more people to cross our southern border, because they are guaranteed to be released into the interior of our country.

This bill negates the positive steps that President Trump has taken to secure our southern border.

A bipartisan majority in the House and Senate did not support these ideas before when we passed the border supplemental in June, and they will not support them now.

Instead of giving law enforcement the resources they need to keep our communities safe, House Democrats are tiptoeing around real solutions, and are more interested in obstructing our President than solving problems for the American public.

Mr. Speaker, I encourage my colleagues to vote “no” on H.R. 2203.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the chairman and certainly the

ranking member for his position on this bill, but I rise with great enthusiasm to support H.R. 2203 by the distinguished gentlewoman from Texas, and as well to indicate to her that I had wished that the joy of doing this would be that we are passing productive legislation, but the sadness is that it is based upon the history and the evidence of what is going on at the southern border where she lives.

So I hope those who are waiting for this bill will realize that it is going to pass this House and that we are going to move this bill to the United States Senate and ask the Senate whether, in fact, they believe in the humanity of all people.

Let me share with you what this bill is about from my perspective. First of all, I take no backseat to dealing with the border patrol agents, the CBP, and any others.

In 2004, Senator Kerry and I, he in the Senate and I in the House, helped contribute to the modernizing of the border patrol, because when I went down to the border, they didn't have the tools that they needed. We gave them the night goggles, we gave them the kinds of equipment that they needed, those heavy terrain vehicles. We gave them the fast boats that they needed.

We gave them their equipment, recognizing that we had been organized just a few years as the Homeland Security Committee, and we wanted our border to be safe and secure, but at the same time, we wanted to make sure that we had comprehensive immigration reform. That was imploded when we could not pass a major bill that came to this House.

So I am curious why anyone would not want to have a bill that says it is the Homeland Security Improvement Act.

So I stand here in the name of Roger, 9 months old, who was separated from his parents by the Trump administration's heinous policies of family separation.

This bill deals with eliminating family separation.

I stand here for the mother who had had a baby, and 45 days after having that baby, she had not been to a hospital, but she was in a detention center.

I think it is fair that there be a policy for border patrol agents to wear those cameras, like any other law enforcement, to protect them and others; the limitation on the separation of families; the prohibition of exceeding 72 hours in short-term detention; the ombudsman, which is so important so that we have a fair investment.

To my friend that was on the floor dealing with human trafficking: Any day of the week, I will join him in a bill that deals with human trafficking. I held the first hearing by Homeland Security on human trafficking in the field almost 8 years ago, because Houston is a known epicenter for human trafficking.

But right now, we are dealing with the improvement of this Department, and I believe this commission is going to be important and crucial for migrant families and children that have been separated and abused by the Trump administration.

Do we want to see human beings in cages? Or do we want to have a fair system that protects the United States and the border from the intrusion of those who would do us harm?

A regular immigration system would allow these desperate families to come and be processed.

I would have wanted the Mexican program to be out. I would have wanted to have my amendment that deals with making sure that the FOIA amendment covers every detention center, private and nonprivate, that would have ensured that they had to report about what was going on inside these detention centers.

Those amendments were not allowed at this time, but we will work with the gentlewoman and work with Homeland Security to make sure that we do not have Members of Congress blocked from coming to these private detention centers that women and children are in.

But this is a good start. This gives tools to those who are in need of those particular tools.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for the additional time.

Mr. Speaker, I wanted to focus on this: We know in the past year, under this administration, seven-plus children have died. How many adults have also passed? It is as important to report the deaths of individuals in our own prison systems as it is to report migrant deaths. They are human beings.

It is important to be able to use and to understand the use of force. To every law enforcement officer, I say to their families, I want them to go home to their families. But to every human being who comes desperate for the hope and the blessings of America who has not come to do us harm, I want to be able to have the oversight that is in this bill, the accountability and transparency in that border area.

We all know that El Paso has been touted as the safest city in the Nation. It was not an immigrant that killed 22 people. It was not an immigrant whose violence and victimization and utilization of an automatic weapon caused the injuries to the people whom I had to visit in the hospitals of El Paso. It was not an immigrant.

Mr. Speaker, this is a worthy bill that will, in fact, provide the right direction for the Homeland Security Department. I rise to support H.R. 2203.

Mr. Speaker, I rise to speak in support of H.R. 2203, the Homeland Security Improvement Act.

I thank my colleague, Congresswoman ESCOBAR for her leadership in drafting this important piece of legislation.

As a member of the House Committees on the Judiciary and Homeland Security, I am well aware of the many problems associated with this Administration's immigration policy.

Independent Ombudsman:

Establishes an independent Ombudsman for Border and Immigration Related Concerns within DHS.

The functions of the Ombudsman include establishing an independent, neutral, and confidential process to assist individuals with complaints against Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).

Provides for annual reporting on the complaints filed, including the number and types of complaints received to identify trends and solve systemic problems.

Reviews compliance by CBP and ICE with all departmental policies and standards related to treatment of migrants in custody, including with respect to force-feeding.

Makes the complaint resolution process easy to follow by establishing a publicly available website.

Border Communities Liaison:

Directs the Ombudsman, in conjunction with the Office for Civil Rights and Civil Liberties at DHS, to appoint a Border Community Liaison in each Border Patrol sector along the northern and southern border to:

foster cooperation between ICE, CBP, and border communities;

consult with border communities on CBP and ICE policies, directives, and programs;

receive feedback from border communities about CBP and ICE activities in the region; and

report annually to the Ombudsman.

Border Oversight Panel:

Directs the Ombudsman to establish a Border Oversight Panel to evaluate and make recommendations regarding the border enforcement policies, strategies, and programs that directly affect border communities.

Specifically directs the Panel to pay special attention to the way DHS policies impact due process, property rights, legal obligations, and migrant and officer safety.

Training Evaluations:

Requires the Ombudsman to conduct annual evaluations of all training given to the agents and officers at CBP and ICE.

The Ombudsman must examine whether there is training in specific key areas including community policing, enforcement near sensitive locations, interacting with vulnerable populations, and professional and ethical conduct (like lawful use of force, LGBTQ sensitivity, and sexual harassment).

Mandates that the Ombudsman provide recommendations to the Secretary on additional training needs. The Secretary must respond to these recommendations publicly within 180 days with an action plan to implement such recommendations and a justification for why any of such recommendations have been rejected.

Body-Worn Cameras:

Directs the Ombudsman, in coordination with CBP Commissioner, ICE Director, and labor organizations representing agents and officers, to submit to Congress a plan for requiring the use of body-worn cameras by U.S. Border Patrol agents and ICE officers when

engaged in border security and immigration enforcement activities.

Provides that the plan must consider existing state and local body-worn camera policies and principles developed by major civil and human rights organizations.

I offered an amendment to H.R. 2203, that was not included in this final bill.

This Jackson Lee Amendment, listed as No. 6 on the Rules Committee Roster, makes a good bill better by creating an affirmative obligation on the part of Customs and Border Protection to provide access to records of entities that contract with the agency to provide services related to detention or removal of persons, including children.

The Jackson Lee Amendment states simply:

"In the case of a contractor including a State licensed, vetted, and qualified contractor, and a nonprofit entity, which has a contract with U.S. Customs and Border Protection for the provision of direct or support services associated with providing care for individuals, including unaccompanied alien children, apprehended at the southern border of the United States, any record of the contractor held by U.S. Customs and Border Protection shall be considered an agency record for purposes of section 552 on title 5, United States Code."

Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency.

It is often described as the law that keeps citizens in the know about their government.

Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.

The FOIA also requires agencies to proactively post online certain categories of information, including frequently requested records.

As Congress, the President, and the Supreme Court have all recognized, the FOIA is a vital part of our democracy.

I will continue to work with my colleagues on gaining greater transparency and oversight of CBP.

I ask my colleagues to join me in support of this bill.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. GUEST), a member of the Committee on Homeland Security.

Mr. GUEST. Mr. Speaker, as a member of the Committee on Homeland Security and a former prosecutor, I rise today to express my concerns regarding H.R. 2203.

While the bill is referred to as the Homeland Security Improvement Act, the legislation does not make improvements to our homeland security, and, in fact, would have no positive impact on resolving the crisis at our southwest border or preventing any future homeland security crisis.

It is the responsibility of Congress to fix gaps in our immigration system that benefit criminals such as human traffickers and drug smugglers.

Instead of addressing these needs, this bill would create even more loopholes.

H.R. 2203 would establish a new and unnecessary position at the Department of Homeland Security that would serve as an additional barrier for law enforcement officers charged with protecting our communities. This new position would overlap with existing positions at DHS, and a panel of appointees or bureaucrats with no prior experience in law enforcement would oversee the border and immigration enforcement process.

□ 1615

Democrats must recognize the efforts, dedication, and sacrifices made each day by members of our law enforcement community to uphold the rule of law. Rather than undermining their roles and duties, we should be focusing on how we can assist these brave men and women who work to maintain our Nation's security.

I recently introduced H.R. 3990, the Operation Stonegarden Authorization Act. This bill would establish a grant program for States bordering Mexico or Canada or those with a maritime border. These grants would provide much-needed resources to help Customs and Border Protection and local law enforcement officers efficiently carry out their mission on behalf of the American people.

I urge my colleagues on both sides of the aisle to join me in promoting respect for our law enforcement community and providing a sense of gratitude for the work they do to keep us, our families, and our communities safe.

As a member of the Committee on Homeland Security, I voted against this bill when it was considered in committee. Now, I strongly encourage my colleagues to join me in voting against this partisan measure and to, instead, work across the aisle to find real solutions, bipartisan solutions, to make America a safer place to live, to worship, and to raise a family.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, first, I thank Chairman THOMPSON for yielding and for his tremendous leadership not only on issues of security but on so many issues that affect our country.

Also, I thank Congresswoman VERONICA ESCOBAR, who I call my Congresswoman because she represents the wonderful people of my hometown of El Paso, Texas.

Mr. Speaker, I rise today to support H.R. 2203, the Homeland Security Improvement Act.

I have visited McAllen and Brownsville, Texas, and Homestead. I have witnessed children in cages, sleeping on concrete floors. I had a chance to talk to mothers and fathers who had no idea where their children were.

I served on the conference committee on homeland security as we moved to open the government earlier this year. I have to tell you, there were so many suggestions that were made that

weren't accepted. There were good, rational, concrete suggestions.

This is a critical bill that addresses some of those concerns.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. LEE of California. It creates an independent ombudsman, which will establish a confidential process to assist individuals with complaints against ICE and CBP.

Once more, this bill is important for our children and would develop recommendations for the establishment of an electronic tracking system to track the location of children who have been separated from a parent, legal guardian, or other relative.

We will not stand by while the Trump administration separates children from their families, so this bill takes an important step in the right direction.

By passing this bill today, we are putting critical protocols and protections in place for migrants, making sure that their well-being and health is uplifted at every step.

We cannot allow migrants to be abused by CBP and ICE any longer. It is past time to protect migrants who are seeking a chance to start a new life in America. It is past time we recognize people fleeing violence are human beings who deserve a chance to address and be part of a just immigration system.

Mr. Speaker, I urge my colleagues to vote "yes" on this vital bill.

I thank Chairman THOMPSON and Congresswoman ESCOBAR for finally getting this bill to the floor.

Mr. ROGERS of Alabama. Mr. Speaker, I have no further speakers, and I am prepared to close.

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

Mr. Speaker, this bill demonstrates just how disingenuous Democrats are about securing our borders and fixing our broken immigration system. Their Caucus is in such disarray on this issue that it took them 10 weeks and a hatchet just to find a compromise among themselves. Now, they are going to send another partisan messaging bill to the Senate, where it will promptly die.

Congratulations on the press release.

Mr. Speaker, we watched an unprecedented humanitarian crisis unfold on our Southwest border this year. It used to be that when this country faced a crisis, Democrats and Republicans came together to solve it and ensure it didn't happen again. Unfortunately, that is no longer the practice under Democratic control.

When Democrats are ready to legislate with real solutions to problems this country faces, Republicans stand ready to work with them. In the meantime, I urge all Members to oppose this bill, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Trump administration's cruel and inhumane approach to border and immigration enforcement has subjected DHS' frontline personnel and border communities to chaotic conditions. It has also hurt families and children.

From the Remain in Mexico policy that puts children and families in harm's way indefinitely to family separation to metering, the Trump administration has haphazardly reshaped how people who seek safety in the U.S. are treated. It is essential that there be greater transparency and accountability regarding what DHS is doing along the border. More remains to be done, but H.R. 2203 includes several first steps.

I urge my colleagues to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 577, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2203 is postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 54. Joint resolution relating to a national emergency declared by the President on February 15, 2019.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, September 19, 2019.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,

Washington, DC

DEAR MADAM SPEAKER: On September 19, 2019, pursuant to section 3307 of Title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider six resolutions included in the General Services Administration's Capital Investment and Leasing Programs.

I have enclosed copies of the resolutions adopted.

Sincerely,

PETER A. DEFAZIO,
Chairman.

Enclosures.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF TRANSPORTATION AND DEPARTMENT OF VETERANS AFFAIRS, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for a lease of up to 204,607 rentable square feet of space, including 104 official parking spaces, for the Department of Transportation and the Department of Veterans Affairs currently located at 901 Locust Street in Kansas City, MO at a proposed total annual cost of \$4,982,181 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 311 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 311 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not