

115TH CONGRESS  
1ST SESSION

# H. R. 3020

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2017

Mr. O'ROURKE (for himself and Mr. PEARCE) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Border Enforcement  
3 Accountability, Oversight, and Community Engagement  
4 Act of 2017”.

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

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

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

13 (2) ORGANIZATION.—

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

16 (B) SUBCOMMITTEES.—

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

24 (ii) NORTHERN BORDER SUB-  
25 COMMITTEE.—

- 12 (aa) Maine.
- 13 (bb) Michigan.
- 14 (cc) Montana.
- 15 (dd) New York.
- 16 (ee) North Dakota.
- 17 (ff) Ohio.
- 18 (gg) Vermont.
- 19 (hh) Washington.

(III) OPERATION.—For purposes  
of membership on the northern border  
subcommittee, each State in the  
northern border region may appoint  
one member to serve on such sub-  
committee.

14 (aa) Arizona.

15 (bb) California.

(cc) Nevada.

17 (dd) New Mexico.

18 (ee) Texas.

(iv) ELECTION.—Members of the northern and southern border subcommittees shall elect the Chair and Vice Chair of the Commission from among its members. The Chair and Vice Chair may not be from the same subcommittee.

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

(i) The President shall appoint three representatives from the northern border region and three representatives from the southern border region.

(ii) The Speaker of the House of Representatives shall appoint two representatives from the northern border region and two representatives from the southern border region.

(iii) The Majority Leader of the Senate shall appoint two representatives from the northern border region and two representatives from the southern border region.

(iv) The Minority Leader of the House of Representatives shall appoint one representative from the northern border re-

1 gion and one representative from the  
2 southern border region.

3 (v) The Minority Leader of the Senate  
4 shall appoint one representative from the  
5 northern border region and one representa-  
6 tive from the southern border region.

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

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

16 (3) QUALIFICATIONS.—Members of the Com-  
17 mission and its subcommittees shall to the greatest  
18 extent possible reside within 100 miles of the north-  
19 ern or southern border, and shall include security  
20 experts, training experts, civil rights and civil lib-  
21 erties experts, representatives of faith based organi-  
22 zations, officials from local law enforcement on the  
23 northern and southern borders, officials from local  
24 government on the northern and southern borders,

1 and individuals representing business and civic orga-  
2 nizations along the northern and southern borders.

3 (4) MEETINGS.—

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

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

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

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

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

21 (i) protect—

22 (I) due process;

23 (II) the civil, human, and privacy  
24 rights of border residents and visitors;  
25 and

(D) evaluate training, including establishing training courses related to management and leadership skills for supervisors in each U.S. Border Patrol sector and at each port of entry on the northern and southern borders, the extent to which supervisory and management personnel practices at U.S. Customs and Border Protection encourage and facilitate workforce development for agents and officers, promote agent and officer field safety, and post-FLETC training and continuing education of border enforcement personnel in accordance with section 4.

1                             (6) ADDITIONAL RESPONSIBILITIES.—

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

7                             (B) SUBCOMMITTEE REPORTS.—The  
8                             northern border and southern border sub-  
9                             committees shall annually submit to the Chair  
10                             and Vice Chair of the Commission a publicly  
11                             available report containing the recomme-  
12                             ndations and evaluations of the subcommittees pur-  
13                             suant to paragraph (5).

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

20                             (b) POWERS OF THE COMMISSION.—

21                             (1) IN GENERAL.—

22                             (A) HEARINGS AND EVIDENCE.—The  
23                             Commission or, on the authority of the Com-  
24                             mission, any subcommittee or member thereof,  
25                             may, for the purpose of carrying out this Act—

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

15 (B) SUBPOENAS.—

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

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

(I) any person designated by the Chair or the Vice Chair of the Commission; or

(II) any member of the Commission designated by a majority of the Commission.

(iii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as contempt of that court.

(II) ADDITIONAL MEASURES.—In the case of any failure of an individual to comply with any subpoena issued under this section, the Commission,

1               may, by a majority vote, certify a  
2               statement of fact constituting such  
3               failure to the appropriate United  
4               States attorney.

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

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

20               (d) REPORTS.—

21               (1) ANNUAL REPORTS.—The Commission shall  
22               annually submit to the Secretary of Homeland Secu-  
23               rity a publicly available report containing informa-  
24               tion on the activities, findings, and recommendations  
25               of the Commission, including the northern border

1 and southern border subcommittees, for the pre-  
2 ceding year.

3 (2) CONGRESSIONAL NOTIFICATION.—The Sec-  
4 retary of Homeland Security shall brief the Com-  
5 mittee on Homeland Security of the House of Rep-  
6 resentatives and the Committee on Homeland Secu-  
7 rity and Governmental Affairs of the Senate on each  
8 report required under paragraph (1).

9 **SEC. 3. ESTABLISHMENT OF THE OFFICE OF THE OMBUDS-**

10 **MAN FOR BORDER AND IMMIGRATION RE-**  
11 **LATED CONCERNs.**

12 (a) IN GENERAL.—Section 452 of the Homeland Se-  
13 curity Act of 2002 (6 U.S.C. 272) is amended to read  
14 as follows:

15 **“SEC. 452. OMBUDSMAN FOR BORDER AND IMMIGRATION**  
16 **RELATED CONCERNs.**

17 “(a) IN GENERAL.—There shall be within the De-  
18 partment an Ombudsman for Border and Immigration Re-  
19 lated Concerns (in this section referred to as the ‘Ombuds-  
20 man’). The individual appointed as Ombudsman shall have  
21 a background in immigration or civil liberties law or law  
22 enforcement. The Ombudsman shall report directly to the  
23 Secretary.

24 (b) ORGANIZATIONAL INDEPENDENCE.—The Sec-  
25 retary shall take appropriate action to ensure the inde-

1 pendance of the Ombudsman's office from other officers  
2 or employees of the Department engaged in border secu-  
3 rity or immigration activities.

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

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

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

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

23           “(3) To assist individuals and families who  
24 have been victims of crimes committed by aliens or  
25 of violence near the United States border, and indi-

1       viduals and families impacted by situations in which  
2       the Department has exercised force.

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

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

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

20           “(7) To establish a uniform and standardized  
21      complaint process regarding complaints against all  
22      U.S. Customs and Border Protection officers, U.S.  
23      Border Patrol agents, and CBP Agricultural Spe-  
24      cialists for violations of standards of professional

1 conduct. Such complaint process shall have the fol-  
2 lowing components:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           “(2) promulgate regulations to ensure—

1               “(A) the public’s ability to file grievances  
2               with the Ombudsman’s office electronically; and  
3               “(B) that absent written permission of all  
4               affected parties, all documents submitted to the  
5               Ombudsman’s office are used solely by the Om-  
6               budsman’s office to advance the purposes de-  
7               scribed in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22               “(B) One nonuniformed U.S. Border Pa-  
23 trol agent with significant experience working  
24 for the U.S. Border Patrol.

1               “(C) One nonuniformed U.S. Customs and  
2               Border Protection officer with significant expe-  
3               rience working for U.S. Customs and Border  
4               Protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (1) The number of documented migrant deaths.

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

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

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

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

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

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

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

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

3 (c) GAO REPORT ON USE OF FORCE.—

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

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

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

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

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

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

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

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

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

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

10      (d) CBP REPORT ON USE OF BODY CAMERAS.—

11       (1) IN GENERAL.—Not later than 90 days after  
12       the date of the enactment of this Act, the Commis-  
13       sioner of U.S. Customs and Border Protection shall  
14       submit to the Committee on Homeland Security of  
15       the House of Representatives and the Committee on  
16       Homeland Security and Governmental Affairs of the  
17       Senate a report relating to the use, practices, and  
18       procedures of body cameras within U.S. Customs  
19       and Border Protection, including information on the  
20       following:

21           (A) The number of body cameras currently  
22       in active use within U.S. Customs and Border  
23       Protection.

(B) The location, broken down by station, not sector, in which such body cameras are in use.

4 (C) The rank and position of agents and  
5 officers of U.S. Customs and Border Protection  
6 at each such location who are assigned body  
7 cameras.

(E) The standing policy of U.S. Customs and Border Protection regarding the review of data from individual body cameras.

15 (F) The standing policy of U.S. Customs  
16 and Border Protection regarding the request  
17 for review of data from individual body cameras  
18 by either U.S. Customs and Border Protection  
19 personnel or civilians.

(G) The latest complaint reports from each sector and location with body cameras in current use.

1                   (2) DATA DEFINED.—For purposes of this sub-  
2       section, the term “data” means video and audio  
3       footage captured by a body camera during its use.

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