

**Suspend the Rules and Pass the Bill, H. R. 3846, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

113TH CONGRESS
2^D SESSION

H. R. 3846

To provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2014

Mrs. MILLER of Michigan (for herself, Mr. McCAUL, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes.

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 “United States Customs
3 and Border Protection Authorization Act”.

4 **SEC. 2. ESTABLISHMENT OF UNITED STATES CUSTOMS AND**
5 **BORDER PROTECTION.**

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

9 **“SEC. 411. ESTABLISHMENT OF UNITED STATES CUSTOMS**
10 **AND BORDER PROTECTION; COMMISSIONER,**
11 **DEPUTY COMMISSIONER, AND OPERATIONAL**
12 **OFFICES.**

13 “(a) IN GENERAL.—There is established in the De-
14 partment an agency to be known as United States Cus-
15 toms and Border Protection.

16 “(b) COMMISSIONER OF UNITED STATES CUSTOMS
17 AND BORDER PROTECTION.—There shall be at the head
18 of United States Customs and Border Protection a Com-
19 missioner of United States Customs and Border Protec-
20 tion (in this section referred to as the ‘Commissioner’),
21 who shall be appointed by the President, by and with the
22 advice and consent of the Senate.

23 “(c) DUTIES.—The Commissioner shall—

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

1 “(2) facilitate and expedite the flow of legiti-
2 mate travelers and trade;

3 “(3) detect, respond to, and interdict terrorists,
4 drug smugglers and traffickers, human smugglers
5 and traffickers, and other persons who may under-
6 mine the security of the United States, in cases in
7 which such persons are entering, or have recently
8 entered, the United States;

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

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

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

17 “(7) enforce and administer all immigration
18 laws, as such term is defined in paragraph (17) of
19 section 101(a) of the Immigration and Nationality
20 Act (8 U.S.C. 1101(a)), as necessary for the inspec-
21 tion, processing, and admission of persons who seek
22 to enter or depart the United States, and as nec-
23 essary to ensure the detection, interdiction, removal,
24 departure from the United States, short-term deten-
25 tion, and transfer of persons unlawfully entering, or

1 who have recently unlawfully entered, the United
2 States, in coordination with United States Immigra-
3 tion and Customs Enforcement and United States
4 Citizenship and Immigration Services;

5 “(8) develop and implement screening and tar-
6 geting capabilities, including the screening, review-
7 ing, identifying, and prioritizing of passengers and
8 cargo across all international modes of transpor-
9 tation, both inbound and outbound;

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

13 “(10) in coordination with the Secretary, deploy
14 technology to collect the data necessary for the Sec-
15 retary to administer the biometric entry and exit
16 data system pursuant to section 7208 of the Intel-
17 ligence Reform and Terrorism Prevention Act of
18 2004 (8 U.S.C. 1365b);

19 “(11) enforce and administer—

20 “(A) the Container Security Initiative pro-
21 gram under section 205 of the Security and Ac-
22 countability for Every Port Act of 2006 (6
23 U.S.C. 945; Public Law 109–347); and

1 “(B) the Customs-Trade Partnership again
2 Terrorism program under sections 211 through
3 223 of such Act (6 U.S.C. 961-973);

4 “(12) establish the standard operating proce-
5 dures described in subsection (k);

6 “(13) carry out the training required under
7 subsection (l); and

8 “(14) carry out other duties and powers pre-
9 scribed by law or delegated by the Secretary.

10 “(d) DEPUTY COMMISSIONER.—There shall be in
11 United States Customs and Border Protection a Deputy
12 Commissioner who shall assist the Commissioner in the
13 management of United States Customs and Border Pro-
14 tection.

15 “(e) UNITED STATES BORDER PATROL.—

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

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

24 “(3) DUTIES.—The United States Border Pa-
25 trol shall—

1 “(A) serve as the law enforcement office of
2 United States Customs and Border Protection
3 with primary responsibility for interdicting per-
4 sons attempting to illegally enter or exit the
5 United States or goods being illegally imported
6 to or exported from the United States at a
7 place other than a designated port of entry;

8 “(B) deter and prevent illegal entry of ter-
9 rorists, terrorist weapons, persons, and contra-
10 band; and

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

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

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

17 “(2) ASSISTANT COMMISSIONER.—There shall
18 be at the head of the Office of Air and Marine Oper-
19 ations an Assistant Commissioner, who shall report
20 to the Commissioner.

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

23 “(A) serve as the law enforcement office
24 within United States Customs and Border Pro-
25 tection with primary responsibility to detect,

1 interdict, and prevent acts of terrorism and the
2 unlawful movement of people, illicit drugs, and
3 other contraband across the borders of the
4 United States in the air and maritime environ-
5 ment;

6 “(B) oversee the acquisition, maintenance,
7 and operational use of United States Customs
8 and Border Protection integrated air and ma-
9 rine forces;

10 “(C) provide aviation and marine support
11 for other Federal, State, and local law enforce-
12 ment agency needs, as appropriate; and

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

15 “(g) OFFICE OF FIELD OPERATIONS.—

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

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

23 “(3) DUTIES.—The Office of Field Operations
24 shall coordinate the enforcement activities of United

1 States Customs and Border Protection at United
2 States air, land, and sea ports of entry to—

3 “(A) deter and prevent terrorists and ter-
4 rorist weapons from entering the United States
5 at such ports of entry;

6 “(B) conduct inspections at such ports of
7 entry to safeguard the United States from ter-
8 rorism and illegal entry of persons;

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

12 “(D) in coordination with the Commis-
13 sioner, facilitate and expedite the flow of legiti-
14 mate travelers and trade;

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

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

19 “(4) NATIONAL TARGETING CENTER.—

20 “(A) IN GENERAL.—There is established in
21 the Office of Field Operations a National Tar-
22 geting Center.

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

1 Assistant Commissioner of the Office of Field
2 Operations.

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

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

10 “(ii) identify, review, and target trav-
11 elers and cargo for examination;

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

14 “(iv) carry out other duties and pow-
15 ers prescribed by the Assistant Commis-
16 sioner.

17 “(5) ANNUAL REPORT ON STAFFING.—Not
18 later than 30 days after the date of the enactment
19 of this section and annually thereafter, the Assistant
20 Commissioner shall submit to the appropriate con-
21 gressional committees a report on the staffing model
22 for the Office of Field Operations, including infor-
23 mation on how many supervisors, front-line United
24 States Customs and Border Protection officers, and

1 support personnel are assigned to each Field Office
2 and port of entry.

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

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

8 “(2) ASSISTANT COMMISSIONER.—There shall
9 be at the head of the Office of Intelligence and In-
10 vestigative Liaison an Assistant Commissioner, who
11 shall report to the Commissioner.

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

14 “(A) develop, provide, coordinate, and im-
15 plement intelligence capabilities into a cohesive
16 intelligence enterprise to support the execution
17 of the United States Customs and Border Pro-
18 tection duties and responsibilities;

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

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

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

3 “(i) OFFICE OF INTERNATIONAL AFFAIRS.—

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

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

11 “(3) DUTIES.—The Office of International Af-
12 fairs, in collaboration with the Office of Inter-
13 national Affairs of the Department, shall—

14 “(A) coordinate and support United States
15 Customs and Border Protection’s foreign initia-
16 tives, policies, programs, and activities;

17 “(B) coordinate and support United States
18 Customs and Border Protection’s personnel sta-
19 tioned abroad;

20 “(C) maintain partnerships and informa-
21 tion sharing agreements and arrangements with
22 foreign governments, international organiza-
23 tions, and United States agencies in support of
24 United States Customs and Border Protection
25 duties and responsibilities;

1 “(D) provide necessary capacity building,
2 training, and assistance to foreign border con-
3 trol agencies to strengthen global supply chain
4 and travel security;

5 “(E) coordinate mission support services to
6 sustain United States Customs and Border Pro-
7 tection’s global activities;

8 “(F) coordinate, in collaboration with the
9 Office of Policy of the Department, as appro-
10 priate, United States Customs and Border Pro-
11 tection’s engagement in international negotia-
12 tions; and

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

15 “(j) OFFICE OF INTERNAL AFFAIRS.—

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

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

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

1 “(A) investigate criminal and administra-
2 tive matters and misconduct by officers, agents,
3 and other employees of United States Customs
4 and Border Protection;

5 “(B) perform investigations of United
6 States Customs and Border Protection appli-
7 cants and periodic reinvestigations (in accord-
8 ance with section 3001 of the Intelligence Re-
9 form and Terrorism Prevention Act of 2004 (50
10 U.S.C. 3341; Public Law 108–458)) of officers,
11 agents, and other employees of United States
12 Custom and Border Protection, including inves-
13 tigations to determine suitability for employ-
14 ment and eligibility for access to classified in-
15 formation;

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

19 “(D) perform inspections of United States
20 Customs and Border Protection programs, op-
21 erations, and offices;

22 “(E) conduct covert testing of United
23 States Customs and Border Protection oper-
24 ations;

1 “(F) manage integrity of United States
2 Customs and Border Protection counter-intel-
3 ligence operations, including conduct of
4 counter-intelligence investigations;

5 “(G) conduct research and analysis regard-
6 ing misconduct of officers, agents, and other
7 employees of United States Customs and Bor-
8 der Protection; and

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

11 “(k) STANDARD OPERATING PROCEDURES.—

12 “(1) IN GENERAL.—The Commissioner shall es-
13 tablish—

14 “(A) standard operating procedures for
15 searching, reviewing, retaining, and sharing in-
16 formation contained in communication, elec-
17 tronic, or digital devices encountered by United
18 States Customs and Border Protection per-
19 sonnel at United States ports of entry;

20 “(B) standard use of force procedures offi-
21 cers and agents of United States Customs and
22 Border Protection may employ in the execution
23 of their duties, including the use of deadly force
24 and procedures for deescalating confrontations,
25 where possible;

1 “(C) a uniform, standardized, and pub-
2 lically-available procedure for processing and in-
3 vestigating complaints against officers, agents,
4 and employees of United States Customs and
5 Border Protection for violations of professional
6 conduct, including the timely disposition of
7 complaints and a written notification to the
8 complainant of the status or outcome, as appro-
9 priate, of the related investigation, in accord-
10 ance with section 552a of title 5, United States
11 Code (commonly referred to as the ‘Privacy
12 Act’ or the ‘Privacy Act of 1974’); and

13 “(D) an internal, uniform reporting mech-
14 anism regarding incidents involving the use of
15 deadly force by an officer or agent of United
16 States Customs and Border Protection, includ-
17 ing an evaluation of the degree to which the
18 procedures required under subparagraph (B)
19 were followed.

20 “(2) REQUIREMENTS REGARDING CERTAIN NO-
21 TIFICATIONS.—The standard operating procedures
22 established pursuant to subparagraph (A) of para-
23 graph (1) shall require—

24 “(A) in the case of a search of information
25 conducted on an electronic device by United

1 States Customs and Border Protection per-
2 sonnel, the Commissioner to notify the indi-
3 vidual subject to such search of the purpose
4 and authority for such search, and how such in-
5 dividual may obtain information on reporting
6 concerns about such search; and

7 “(B) in the case of information collected
8 by United States Customs and Border Protec-
9 tion through a search of an electronic device, if
10 such information is transmitted to another Fed-
11 eral agency for subject matter assistance, trans-
12 lation, or decryption, the Commissioner to no-
13 tify the individual subject to such search of
14 such transmission.

15 “(3) EXCEPTIONS.—

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

22 “(B) TERRORIST WATCH LISTS.—

23 “(i) SEARCHES.—If the individual
24 subject to search of an electronic device
25 pursuant to subparagraph (A) of para-

1 graph (1) is included on a Government-op-
2 erated or Government-maintained terrorist
3 watch list, the notifications required under
4 paragraph (2) shall not apply.

5 “(ii) COMPLAINTS.—If the complain-
6 ant using the process established under
7 subparagraph (C) of paragraph (1) is in-
8 cluded on a Government-operated or Gov-
9 ernment-maintained terrorist watch list,
10 the notification required under such sub-
11 paragraph shall not apply.

12 “(4) UPDATE AND REVIEW.—The Commis-
13 sioner shall review and update every three years the
14 standard operating procedures required under this
15 subsection.

16 “(5) AUDITS.—The Inspector General of the
17 Department of Homeland Security shall develop and
18 annually administer an auditing mechanism to re-
19 view whether searches of electronic devices at or be-
20 tween United States ports of entry are being con-
21 ducted in conformity with the standard operating
22 procedures required under subparagraph (A) of
23 paragraph (1). Such audits shall be submitted to the
24 appropriate congressional committees and shall in-
25 clude the following:

1 “(A) A description of the activities of offi-
2 cers and agents of United States Customs and
3 Border Protection with respect to such
4 searches.

5 “(B) The number of such searches.

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

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

12 “(E) The number of instances in which in-
13 formation collected from such device was sub-
14 jected to such searches was transmitted to a
15 another Federal agency, including whether such
16 transmission resulted in a prosecution or con-
17 viction.

18 “(I) TRAINING.—

19 “(1) IN GENERAL.—The Commissioner shall re-
20 quire all agents and officers of United States Cus-
21 toms and Border Protection to participate in a spec-
22 ified amount of continuing education (to be deter-
23 mined by the Commissioner) to maintain an under-
24 standing of Federal legal rulings, court decisions,

1 and departmental policies, procedures, and guide-
2 lines.

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

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

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

16 “(C) certification of each training course
17 by a supervising officer that the officer is able
18 to carry out the function for which the training
19 was provided, and if training has been post-
20 poned, the basis for postponing such training.

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

24 “(A) develop training requirements for
25 United States Customs and Border Protection

1 officers to ensure that such officers have suffi-
2 cient training to conduct primary and sec-
3 ondary inspections at United States ports of
4 entry; and

5 “(B) measure progress toward achieving
6 the training requirements referred to in sub-
7 paragraph (A).

8 “(m) SHORT TERM DETENTION STANDARDS.—

9 “(1) ACCESS TO FOOD AND WATER.—The Com-
10 missioner shall make every effort to ensure that ade-
11 quate access to food and water is provided to an in-
12 dividual apprehended and detained by a United
13 States Border Patrol agent between a United States
14 port of entry as soon as practicable following the
15 time of such apprehension or during subsequent
16 short term detention.

17 “(2) ACCESS TO INFORMATION ON DETAINEE
18 RIGHTS AT BORDER PATROL PROCESSING CEN-
19 TERS.—

20 “(A) IN GENERAL.—The Commissioner
21 shall ensure that an individual apprehended by
22 a United States Border Patrol agent is provided
23 with information concerning such individual’s
24 rights, including the right to contact a rep-

1 representative of such individual's government for
2 purposes of United States treaty obligations.

3 “(B) FORM.—The information referred to
4 in subparagraph (A) may be provided either
5 verbally or in writing, and shall be posted in the
6 detention holding cell in which such individual
7 is being held. The information shall be provided
8 in a language understandable to such indi-
9 vidual.

10 “(3) DAYTIME REPATRIATION.—When prac-
11 ticable, repatriations shall be limited to daylight
12 hours and avoid locations that are determined to
13 have high indices of crime and violence.

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

20 “(5) REPORT.—Not later than 180 days after
21 the date of the enactment of this section, the Comp-
22 troller General of the United States shall submit to
23 the appropriate congressional committees a report
24 on the procurement process and standards of enti-
25 ties with which United States Customs and Border

1 Protection has contracts for the transportation and
2 detention of individuals apprehended by agents or
3 officers of United States Customs and Border Pro-
4 tection. Such report should also consider the oper-
5 ational efficiency of contracting the transportation
6 and detention of such individuals.

7 “(n) WAIT TIMES TRANSPARENCY.—

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

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

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

17 “(C) submit to the appropriate congres-
18 sional committees quarterly reports that include
19 compilations of all such wait times and a rank-
20 ing of such United States airports by wait
21 times; and

22 “(D) provide adequate staffing at the
23 United States Customs and Border Protection
24 information center to ensure timely access for
25 travelers attempting to submit comments or

1 speak with a representative about their entry
2 experiences.

3 “(2) CALCULATION.—The wait times referred
4 to in paragraph (1)(A) shall be determined by calcu-
5 lating the time elapsed between an individual’s entry
6 into the United States Customs and Border Protec-
7 tion inspection area and such individual’s clearance
8 by a United States Customs and Border Protection
9 officer

10 “(o) OTHER AUTHORITIES.—

11 “(1) IN GENERAL.—The Secretary may estab-
12 lish such other offices or Assistant Commissioners
13 (or other similar officers or officials) as the Sec-
14 retary determines necessary to carry out the mis-
15 sions, duties, functions, and authorities of United
16 States Customs and Border Protection.

17 “(2) NOTIFICATION.—If the Secretary exercises
18 the authority provided pursuant to paragraph (1),
19 the Secretary shall notify the appropriate congres-
20 sional committees not later than 30 days before ex-
21 ercising such authority.

22 “(p) OTHER FEDERAL AGENCIES.—Nothing in this
23 section may be construed as affecting in any manner the
24 existing authority of any other Federal agency, including
25 the Transportation Security Administration with respect

1 to the duties of United States Customs and Border Pro-
2 tection described in subsection (e).”.

3 (b) SPECIAL RULES.—

4 (1) TREATMENT.—Section 411 of the Home-
5 land Security Act of 2002, as amended by subsection
6 (a) of this section, shall be treated as if included in
7 such Act as of the date of the enactment of such
8 Act, and, in addition to the functions, missions, du-
9 ties, and authorities specified in such amended sec-
10 tion 411, United States Customs and Border Protec-
11 tion shall continue to perform and carry out the
12 functions, missions, duties, and authorities under
13 section 411 of such Act as in existence on the day
14 before such date of enactment, and section 415 of
15 such Act.

16 (2) RULES OF CONSTRUCTION.—

17 (A) RULES AND REGULATIONS.—Notwith-
18 standing paragraph (1), nothing in this Act
19 may be construed as affecting in any manner
20 any rule or regulation issued or promulgated
21 pursuant to any provision of law, including sec-
22 tion 411 of the Homeland Security Act of 2002
23 as in existence on the day before the date of the
24 enactment of this Act, and any such rule or

1 regulation shall continue to have full force and
2 effect on and after such date.

3 (B) OTHER ACTIONS.—Notwithstanding
4 paragraph (1), nothing in this Act may be con-
5 strued as affecting in any manner any action,
6 determination, policy, or decision pursuant to
7 section 411 of the Homeland Security Act of
8 2002 as in existence on the day before the date
9 of the enactment of this Act, and any such ac-
10 tion, determination, policy, or decision shall
11 continue to have full force and effect on and
12 after such date.

13 (c) CONTINUATION IN OFFICE.—

14 (1) COMMISSIONER.—The individual serving as
15 the Commissioner of Customs on the day before the
16 date of the enactment of this Act may serve as the
17 Commissioner of United States Customs and Border
18 Protection on and after such date of enactment until
19 a Commissioner of United States Customs and Bor-
20 der Protection is appointed under section 411 of the
21 Homeland Security Act of 2002, as amended by sub-
22 section (a) of this section.

23 (2) OTHER POSITIONS.—The individuals serv-
24 ing as Assistant Commissioners and other officers
25 and officials under section 411 of the Homeland Se-

1 security Act of 2002 on the day before the date of the
2 enactment of this Act may serve as the appropriate
3 Assistant Commissioners and other officers and offi-
4 cials under such section 411 as amended by sub-
5 section (a) of this section unless the Commissioner
6 of United States Customs and Border Protection de-
7 termines that another individual should hold such
8 position or positions.

9 (d) REFERENCE.—

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

16 (2) OTHER REFERENCES.—On and after the
17 date of the enactment of this Act, any reference in
18 law or regulations to the “Commissioner of Cus-
19 toms” or the “Commissioner of the Customs Serv-
20 ice” shall be deemed to be a reference to the Com-
21 missioner of United States Customs and Border
22 Protection.

23 (e) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 101 et seq.) is amended by striking the item relat-
2 ing to section 411 and inserting the following new item:

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

3 **SEC. 3. REPEALS.**

4 Sections 416, 418, and 443 of the Homeland Security
5 Act of 2002 (6 U.S.C. 216, 218, and 253), and the items
6 relating to such sections in the table of contents in section
7 1(b) of such Act, are repealed.

8 **SEC. 4. CLERICAL AND CONFORMING AMENDMENTS.**

9 (a) IN GENERAL.—The Homeland Security Act of
10 2002 (6 U.S.C. 101 et seq.) is amended—

11 (1) in title I—

12 (A) in section 102(f)(10) (6 U.S.C.
13 112(f)(10)), by striking “the Directorate of
14 Border and Transportation Security” and in-
15 serting “Commissioner of United States Cus-
16 toms and Border Protection”; and

17 (B) in section 103(a)(1) (6 U.S.C.
18 113(a)(1))—

19 (i) in subparagraph (C), by striking
20 “An Under Secretary for Border and
21 Transportation Security.” and inserting
22 “A Commissioner of United States Cus-
23 toms and Border Protection.”; and

1 (ii) in subparagraph (G), by striking
2 “A Director of the Office of Counter-
3 narcotics Enforcement.” and inserting “A
4 Director for United States Immigration
5 and Customs Enforcement.”;

6 (2) in title IV—

7 (A) by striking the title heading and in-
8 sserting “**BORDER, MARITIME, AND**
9 **TRANSPORTATION SECURITY**”; and

10 (B) in subtitle A—

11 (i) by striking the subtitle heading
12 and inserting “**Border, Maritime, and**
13 **Transportation Security Respon-**
14 **sibilities and Functions**”; and

15 (ii) in section 402 (6 U.S.C. 202)—

16 (I) in the section heading, by
17 striking “**RESPONSIBILITIES**” and
18 inserting “**BORDER, MARITIME,**
19 **AND TRANSPORTATION RESPON-**
20 **SIBILITIES**”; and

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

24 (C) in subtitle B—

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

3
4 (ii) in section 412(b) (6 U.S.C. 212),
5 by striking “United States Customs Service” each place it appears and inserting
6 “United States Customs and Border Protection”;

7
8
9 (iii) in section 413 (6 U.S.C. 213), by
10 striking “available to the United States
11 Customs Service or”;

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

16 (v) in section 415 (6 U.S.C. 215)—

17 (I) in paragraph (7), by inserting
18 before the colon the following: “, and
19 of United States Customs and Border
20 Protection on the day before the effective
21 date of the United States Customs and Border Protection Author-
22 ization Act”; and

23
24 (II) in paragraph (8), by inserting
25 before the colon the following: “,

1 and of United States Customs and
2 Border Protection on the day before
3 the effective date of the United States
4 Customs and Border Protection Au-
5 thorization Act”;

6 (D) in subtitle C—

7 (i) by striking section 424 (6 U.S.C.
8 234) and inserting the following new sec-
9 tion:

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

12 “Notwithstanding any other provision of this Act, the
13 Transportation Security Administration shall be main-
14 tained as a distinct entity within the Department.”; and

15 (ii) in section 430 (6 U.S.C. 238)—

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

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

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

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

25 (E) in subtitle D—

- 1 (i) in section 441 (6 U.S.C. 251)—
2 (I) by striking the section head-
3 ing and inserting “**TRANSFER OF**
4 **FUNCTIONS**”; and
5 (II) by striking “Under Secretary
6 for Border and Transportation Secu-
7 rity” and inserting “Secretary”; and
8 (ii) by amending section 444 (6
9 U.S.C. 254) to read as follows:

10 **“SEC. 444. EMPLOYEE DISCIPLINE.**

11 “Notwithstanding any other provision of law, the Sec-
12 retary may impose disciplinary action on any employee of
13 United States Immigration and Customs Enforcement and
14 United States Customs and Border Protection who will-
15 fully deceives Congress or agency leadership on any mat-
16 ter.”.

17 (b) **CONFORMING AMENDMENTS.**—Section 401 of the
18 Homeland Security Act of 2002 (6 U.S.C. 201) is re-
19 pealed.

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 5. REPORTS AND ASSESSMENTS.**

11 (a) **REPORT ON CONTRACT MANAGEMENT ACQUISITION AND PROCUREMENT PERSONNEL.**—Not later than
12 60 days after the date of the enactment of this section
13 and biennially thereafter, the Commissioner of United
14 States Customs and Border Protection shall submit to the
15 Committee on Homeland Security of the House of Rep-
16 resentatives and the Committee on Homeland Security
17 and Governmental Affairs of the Senate a report on—

19 (1) the number of contract management acqui-
20 sition and procurement personnel assigned to the
21 Office of Technology Innovation and Acquisition (or

1 successor office) of United States Customs and Bor-
2 der Protection, categorized by position;

3 (2) the average aggregate value of the contracts
4 each contract officer, contract specialist, and con-
5 tract officer representative employee is responsible
6 for managing; and

7 (3) the number of additional acquisition and
8 procurement personnel, categorized by position, and
9 contract management specialists United States Cus-
10 toms and Border Protection would need to ensure
11 compliance with Federal acquisition standards, de-
12 partmental management directives, and United
13 States Customs and Border Protection contracting
14 needs.

15 (b) REPORT ON MIGRANT DEATHS.—Not later 180
16 days after the date of the enactment of this section, the
17 Commissioner of United States Customs and Border Pro-
18 tection shall, to the extent practicable, make publically
19 available information that the United States Border Pa-
20 trol has collected on migrant deaths occurring along the
21 United States-Mexico border, including information on the
22 following:

23 (1) The number of documented migrant deaths.

24 (2) The location where such migrant deaths oc-
25 curred.

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

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

6 (5) A description of United States Customs and
7 Border Protection programs or plans to reduce the
8 number of migrant deaths along the border, includ-
9 ing an assessment on the effectiveness of water sup-
10 ply sites and rescue beacons.

11 (c) REPORT ON BUSINESS TRANSFORMATION INITIA-
12 TIVE.—Not later than 90 days after the date of the enact-
13 ment of this Act, the Commissioner of United States Cus-
14 toms and Border Protection shall submit to the Committee
15 on Homeland Security and the Committee on Ways and
16 Means of the House of Representatives and the Committee
17 on Homeland Security and Governmental Affairs and the
18 Committee on Finance of the Senate a report on United
19 States Customs and Border Protection’s Business Trans-
20 formation Initiative, including locations where the Initia-
21 tive is deployed, the types of equipment utilized, a descrip-
22 tion of protocols and procedures, information on wait
23 times at such locations since deployment, and information
24 regarding the schedule for deployment at new locations.

1 (d) REPORT ON UNACCOMPANIED ALIEN CHILDREN
2 APPREHENDED AT THE BORDER.—Not later than 90 days
3 after the date of the enactment of this Act, the Commis-
4 sioner of United States Customs and Border Protection
5 shall submit to the Committee on Homeland Security of
6 the House of Representatives and the Committee on
7 Homeland Security and Governmental Affairs of the Sen-
8 ate a report on unaccompanied alien children apprehended
9 at the borders of the United States. Such report shall in-
10 clude the following:

11 (1) Information on the number, nationality,
12 age, and location of the apprehensions of such unac-
13 companied alien children in the current fiscal year
14 and for each of the three prior fiscal years.

15 (2) The average length of time an unaccom-
16 panied alien child is in the custody of United States
17 Customs and Border Protection before being trans-
18 ferred to the custody of another Federal agency in
19 the current fiscal year and for each of three prior
20 fiscal years.

21 (3) A description of current and planned activi-
22 ties to discouragIn se efforts to bring unaccom-
23 panied alien children to the United States without
24 authorization.

1 (4) A description of training provided to offi-
2 cers and agents of United States Customs and Bor-
3 der Protection regarding unaccompanied alien chil-
4 dren, including the number of such officers and
5 agents who are so trained.

6 (5) An assessment of the existing officers,
7 agents, and resources of United States Customs and
8 Border Protection being utilized to address unac-
9 companied alien children.

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

14 (e) PORT OF ENTRY INFRASTRUCTURE NEEDS AS-
15 SESSMENTS.—Not later 180 days after the date of the en-
16 actment of this section, the Commissioner of United
17 States Customs and Border Protection shall assess the
18 physical infrastructure and technology needs at the 20
19 busiest land ports of entry (as measured by United States
20 Customs and Border Protection) with a particular atten-
21 tion to identify ways to—

22 (1) improve travel and trade facilitation;

23 (2) reduce wait times; and

1 (3) improve physical infrastructure and condi-
2 tions for individuals accessing pedestrian ports of
3 entry.

4 **SEC. 6. INTERNATIONAL INITIATIVES.**

5 (a) NORTH AND CENTRAL AMERICAN BORDER SECU-
6 RITY COOPERATION INITIATIVE.—The Secretary of
7 Homeland Security, in coordination with the Secretary of
8 State, shall engage with the appropriate officials of the
9 Government of Canada and the Government of Mexico to
10 assess the specific needs of the countries of Central Amer-
11 ica to maintain the security of the international borders
12 of such countries and determine the support needed by
13 such countries from the United States, Canada, and Mex-
14 ico, to meet such needs.

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

22 (c) MEXICO'S SOUTHERN BORDER SECURITY INITIA-
23 TIVE.—The Secretary of Homeland Security, in coordina-
24 tion with the Secretary of State, shall engage with appro-
25 priate officials of the Government of Mexico to assess the

1 specific needs to help secure Mexico's southern border
2 from undocumented aliens, drugs, weapons and other con-
3 traband.

4 (d) REPORTING.—The Secretary of Homeland Secu-
5 rity shall submit to the Committee on Homeland Security
6 and the Committee on Foreign Affairs of the House of
7 Representatives and the Committee on Homeland Security
8 and Governmental Affairs and the Committee on Foreign
9 Relations of the Senate a report on the assessment of
10 needs carried out under this section.

11 **SEC. 7. SENSE OF CONGRESS REGARDING THE FOREIGN**
12 **LANGUAGE AWARD PROGRAM.**

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

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

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

5 (3) Through FLAP, foreign travelers are aided
6 by having an officer at a port of entry who speaks
7 their language, and United States Customs and Bor-
8 der Protection benefits by being able to focus its
9 border security efforts in a more effective manner.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that FLAP incentivizes United States Customs and
12 Border Protection officers and agents to attain and main-
13 tain competency in a foreign language, thereby improving
14 the efficiency of operations for the functioning of United
15 States Customs and Border Protection’s security mission,
16 making the United States a more welcoming place when
17 foreign travelers find officers can communicate in their
18 language, and helping to expedite traveler processing to
19 reduce wait times.

20 **SEC. 8. PROHIBITION ON NEW APPROPRIATIONS.**

21 No additional funds are authorized to be appro-
22 priated to carry out this Act and the amendments made
23 by this Act, and this Act and such amendments shall be
24 carried out using amounts otherwise made available for
25 such purposes.