

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3846  
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

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-

1 missioner of United States Customs and Border Protec-  
2 tion (in this section referred to as the ‘Commissioner’),  
3 who shall be appointed by the President, by and with the  
4 advice and consent of the Senate.

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

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

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

10 “(3) detect, respond to, and interdict terrorists,  
11 drug smugglers and traffickers, human smugglers  
12 and traffickers, criminals, and other persons who  
13 may undermine the security of the United States;

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

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

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

22 “(7) enforce and administer all immigration  
23 laws, as such term is defined in paragraph (17) of  
24 section 101(a) of the Immigration and Nationality  
25 Act (8 U.S.C. 1101(a)), in coordination with United

1 States Immigration and Customs Enforcement and  
2 United States Citizenship and Immigration Services;

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

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

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

17 “(11) enforce and administer—

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

22 “(B) the Customs-Trade Partnership again  
23 Terrorism program under sections 211 through  
24 223 of such Act (6 U.S.C. 961-973);

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

3           “(13) carry out the training required under  
4           subsection (l); and

5           “(14) carry out the duties and powers pre-  
6           scribed by law or delegated by the Secretary.

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

12          “(e) UNITED STATES BORDER PATROL.—

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

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

21           “(3) DUTIES.—The United States Border Pa-  
22           trol shall—

23           “(A) serve as the law enforcement office of  
24           United States Customs and Border Protection  
25           with primary responsibility for interdicting per-

1           sons attempting to illegally enter or exit the  
2           United States or goods being illegally imported  
3           to or exported from the United States at a  
4           place other than a designated port of entry;

5                 “(B) deter and prevent illegal entry of ter-  
6           rorists, terrorist weapons, persons, and contra-  
7           band; and

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

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

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

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

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

20                 “(A) serve as the law enforcement office  
21           within United States Customs and Border Pro-  
22           tection with primary responsibility to detect,  
23           interdict, and prevent acts of terrorism and the  
24           unlawful movement of people, illicit drugs, and  
25           other contraband across the borders of the

1 United States in the air and maritime environ-  
2 ment;

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

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

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

12 “(g) OFFICE OF FIELD OPERATIONS.—

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

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

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

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

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

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

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

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

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

17          “(4) NATIONAL TARGETING CENTER.—

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

1 “(i) OFFICE OF INTERNATIONAL AFFAIRS.—

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

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

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

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

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

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

24 “(D) provide necessary capacity building,  
25 training, and assistance to foreign border con-

1           trol agencies to strengthen global supply chain  
2           and travel security;

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

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

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

13          “(j) OFFICE OF INTERNAL AFFAIRS.—

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

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

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

23           “(A) investigate criminal and administra-  
24          tive matters and misconduct by officers, agents,

1 and other employees of United States Customs  
2 and Border Protection;

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

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

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

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

23 “(F) manage integrity of United States  
24 Customs and Border Protection counter-intel-

1           ligence operations, including conduct of  
2           counter-intelligence investigations;

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

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

9           “(k) STANDARD OPERATING PROCEDURES.—

10           “(1) IN GENERAL.—The Commissioner shall es-  
11           tablish—

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

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

24           “(C) a uniform, standardized, and pub-  
25           lically-available procedure for processing and in-

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

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

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

22                           “(A) in the case of a search of information  
23                           conducted on an electronic device by United  
24                           States Customs and Border Protection per-  
25                           sonnel, the Commissioner to notify the indi-

1 individual subject to such search of the purpose  
2 and authority for such search, and how such in-  
3 dividual may obtain information on reporting  
4 concerns about such search; and

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

13 “(3) EXCEPTIONS.—

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

20 “(B) TERRORIST WATCH LISTS.—

21 “(i) SEARCHES.—If the individual  
22 subject to search of an electronic device  
23 pursuant to subparagraph (A) of para-  
24 graph (1) is included on a Government-op-  
25 erated or Government-maintained terrorist

1 watch list, the notifications required under  
2 paragraph (2) shall not apply.

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

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

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

24 “(A) A description of the activities of offi-  
25 cers and agents of United States Customs and



1 Border Protection with respect to such  
2 searches.

3 “(B) The number of such searches.

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

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

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

16 “(I) TRAINING.—

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

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

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

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

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

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

22                   “(A) develop training requirements for  
23                   United States Customs and Border Protection  
24                   officers to ensure that such officers have suffi-  
25                   cient training to conduct primary and sec-

1           ondary inspections at United States ports of  
2           entry; and

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

6           “(m) SHORT TERM DETENTION STANDARDS.—

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

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

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

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

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

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

18          “(5) REPORT.—Not later than 180 days after  
19          the date of the enactment of this section, the Comp-  
20          troller General of the United States shall submit to  
21          the appropriate congressional committees a report  
22          on the procurement process and standards of enti-  
23          ties with which United States Customs and Border  
24          Protection has contracts for the transportation and  
25          detention of individuals apprehended by agents or

1 officers of United States Customs and Border Pro-  
2 tection. Such report should also consider the oper-  
3 ational efficiency of contracting the transportation  
4 and detention of such individuals.

5 “(n) WAIT TIMES TRANSPARENCY.—

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

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

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

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

20 “(D) provide adequate staffing at the  
21 United States Customs and Border Protection  
22 information center to ensure timely access for  
23 travelers attempting to submit comments or  
24 speak with a representative about their entry  
25 experiences.

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

8           “(o) OTHER AUTHORITIES.—

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

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

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

1 (b) SPECIAL RULES.—

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

14 (2) RULES OF CONSTRUCTION.—

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

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

11 (c) CONTINUATION IN OFFICE.—

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

21           (2) OTHER POSITIONS.—The individuals serv-  
22 ing as Assistant Commissioners and other officers  
23 and officials under section 411 of the Homeland Se-  
24 curity Act of 2002 on the day before the date of the  
25 enactment of this Act may serve as the appropriate



1 Assistant Commissioners and other officers and offi-  
2 cials under such section 411 as amended by sub-  
3 section (a) of this section unless the Commissioner  
4 of United States Customs and Border Protection de-  
5 termines that another individual should hold such  
6 position or positions.

7 (d) REFERENCE.—

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

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

21 (e) CLERICAL AMENDMENT.—The table of contents  
22 in section 1(b) of the Homeland Security Act of 2002 (6  
23 U.S.C. 101 et seq.) is amended by striking the item relat-  
24 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.”.

1 **SEC. 3. REPEALS.**

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

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

7 (a) IN GENERAL.—The Homeland Security Act of  
8 2002 (6 U.S.C. 101 et seq.) is amended—

9 (1) in title I—

10 (A) in section 102(f)(10) (6 U.S.C.  
11 112(f)(10)), by striking “the Directorate of  
12 Border and Transportation Security” and in-  
13 serting “Commissioner of United States Cus-  
14 toms and Border Protection”; and

15 (B) in section 103(a)(1) (6 U.S.C.  
16 113(a)(1))—

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

22 (ii) in subparagraph (G), by striking  
23 “A Director of the Office of Counter-  
24 narcotics Enforcement.” and inserting “A  
25 Director for United States Immigration  
26 and Customs Enforcement.”;

1 (2) in title IV—

2 (A) by striking the title heading and in-  
3 sserting “**BORDER, MARITIME, AND**  
4 **TRANSPORTATION SECURITY**”; and

5 (B) in subtitle A—

6 (i) by striking the subtitle heading  
7 and inserting “**Border, Maritime, and**  
8 **Transportation Security Respon-**  
9 **sibilities and Functions**”; and

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

11 (I) in the section heading, by  
12 striking “**RESPONSIBILITIES**” and  
13 inserting “**BORDER, MARITIME,**  
14 **AND TRANSPORTATION RESPON-**  
15 **SIBILITIES**”; and

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

19 (C) in subtitle B—

20 (i) by striking the subtitle heading  
21 and inserting “**United States Cus-**  
22 **toms and Border Protection**”;

23 (ii) in section 412(b) (6 U.S.C. 212),  
24 by striking “United States Customs Serv-  
25 ice” each place it appears and inserting

1 “United States Customs and Border Pro-  
2 tection”;

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

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

10 (v) in section 415 (6 U.S.C. 215)—

11 (I) in paragraph (7), by inserting  
12 before the colon the following: “, and  
13 of United States Customs and Border  
14 Protection on the day before the effec-  
15 tive date of the United States cus-  
16 toms and Border Protection Author-  
17 ization Act”; and

18 (II) in paragraph (8), by insert-  
19 ing before the colon the following: “,  
20 and of United States Customs and  
21 Border Protection on the day before  
22 the effective date of the United States  
23 Customs and Border Protection Au-  
24 thorization Act”;

25 (D) in subtitle C—

1 (i) by striking section 424 (6 U.S.C.  
2 234) and inserting the following new sec-  
3 tion:

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

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

9 (ii) in section 430 (6 U.S.C. 238)—

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

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

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

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

19 (E) in subtitle D—

20 (i) in section 441 (6 U.S.C. 251)—

21 (I) by striking the section head-  
22 ing and inserting “**TRANSFER OF**  
23 **FUNCTIONS**”; and

1 (II) by striking “Under Secretary  
2 for Border and Transportation Secu-  
3 rity” and inserting “Secretary”; and  
4 (ii) by amending section 444 (6  
5 U.S.C. 254) to read as follows:

6 **“SEC. 444. EMPLOYEE DISCIPLINE.**

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

13 (b) CONFORMING AMENDMENTS.—Section 401 of the  
14 Homeland Security Act of 2002 (6 U.S.C. 201) is re-  
15 pealed.

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

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

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

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

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

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

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

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

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

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

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

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

7 **SEC. 5. REPORTS AND ASSESSMENTS.**

8 (a) **REPORT ON CONTRACT MANAGEMENT ACQUISITION AND PROCUREMENT PERSONNEL.**—Not later than  
9  
10 60 days after the date of the enactment of this section  
11 and biennially thereafter, the Commissioner of United  
12 States Customs and Border Protection shall submit to the  
13 Committee on Homeland Security of the House of Rep-  
14 resentatives and the Committee on Homeland Security  
15 and Governmental Affairs of the Senate a report on—

16 (1) the number of contract management acqui-  
17 sition and procurement personnel assigned to the  
18 Office of Technology Innovation and Acquisition (or  
19 successor office) of United States Customs and Bor-  
20 der Protection, categorized by position;

21 (2) the average aggregate value of the contracts  
22 each contract officer, contract specialist, and con-

1       tract officer representative employee is responsible  
2       for managing; and

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

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

19           (1) The number of documented migrant deaths.

20           (2) The location where such migrant deaths oc-  
21      curred.

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



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

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

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

23          (d) REPORT ON UNACCOMPANIED ALIEN CHILDREN  
24          APPREHENDED AT THE BORDER.—Not later than 90 days  
25          after the date of the enactment of this Act, the Commis-

1 sioner of United States Customs and Border Protection  
2 shall submit to the Committee on Homeland Security of  
3 the House of Representatives and the Committee on  
4 Homeland Security and Governmental Affairs of the Sen-  
5 ate a report on unaccompanied alien children apprehended  
6 at the borders of the United States. Such report shall in-  
7 clude the following:

8           (1) Information on the number, nationality,  
9           age, and location of the apprehensions of such unac-  
10          panied alien children in the current fiscal year  
11          and for each of the three prior fiscal years.

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

18          (3) A description of current and planned activi-  
19          ties to discourage efforts to bring unaccompanied  
20          alien children to the United States without author-  
21          ization.

22          (4) A description of training provided to offi-  
23          cers and agents of United States Customs and Bor-  
24          der Protection regarding unaccompanied alien chil-

1       dren, including the number of such officers and  
2       agents who are so trained.

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

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

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

19           (1) improve travel and trade facilitation;

20           (2) reduce wait times; and

21           (3) improve physical infrastructure and condi-  
22      tions for individuals accessing pedestrian ports of  
23      entry.

1 **SEC. 6. INTERNATIONAL INITIATIVES.**

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

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

19 (c) MEXICO'S SOUTHERN BORDER SECURITY INITIA-  
20 TIVE.—The Secretary of Homeland Security, in coordina-  
21 tion with the Secretary of State, shall engage with appro-  
22 priate officials of the Government of Mexico to assess the  
23 specific needs to help secure Mexico's southern border  
24 from undocumented aliens, drugs, weapons and other con-  
25 traband.

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

8 **SEC. 7. SENSE OF CONGRESS REGARDING THE FOREIGN**  
9 **LANGUAGE AWARD PROGRAM.**

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

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

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

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

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

