		(Original Signature of Member)
113TH CONGRESS 2D SESSION	H.R.	

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. OʻROURKE introduceo	the	e following	bill;	which	was	referred	to	the
Committee on								

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,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Border Enforcement
- 5 Accountability, Oversight, and Community Engagement
- 6 Act of 2014".

1	SEC. 2. STAKEHOLDER AND COMMUNITY ENGAGEMENT.
2	(a) Department of Homeland Security Border
3	Oversight Commission.—
4	(1) Establishment.—There is established an
5	independent commission, which shall be known as
6	the "Department of Homeland Security Border
7	Oversight Commission" (in this Act referred to as
8	the "Commission".
9	(2) Organization.—
10	(A) Leadership.—The Commission shall
11	be led by a Chair and Vice Chair.
12	(B) Subcommittees.—
13	(i) In General.—The Chair shall es-
14	tablish within the Commission two sub-
15	committees that will be comprised of rep-
16	resentatives from each State on the north-
17	ern border and each State on the southern
18	border.
19	(ii) Northern border sub-
20	COMMITTEE.—The northern border sub-
21	committee shall consist of ten members
22	from the northern border region, including
23	at least one uniformed agent or officer of
24	U.S. Customs and Border Protection, in
25	accordance with subparagraph (C).

1	(iii) Southern border sub-
2	COMMITTEE.—The southern border sub-
3	committee shall consist of ten members
4	from the southern border region, including
5	at least one uniformed agent or officer of
6	U.S. Customs and Border Protection, in
7	accordance with subparagraph (C).
8	(iv) Election.—Members of the
9	northern and southern border subcommit-
10	tees shall elect the Chair and Vice Chair of
11	the Commission from among its members.
12	The Chair and Vice Chair may not be from
13	the same subcommittee.
14	(C) APPOINTMENT PROCESS.—Members of
15	the Commission shall be appointed as follows:
16	(i) The President shall appoint four
17	representatives from the northern border
18	region and four representatives from the
19	southern border region.
20	(ii) The House Speaker shall appoint
21	three representatives from the northern
22	border region and three representatives
23	from the southern border region.
24	(iii) The Senate Majority Leader shall
25	appoint three representatives from the

1	northern border region and three rep-
2	resentatives from the southern border re-
3	gion.
4	(D) APPOINTMENT DEADLINE.—Members
5	of the Commission shall be appointed not later
6	than 180 days after the date of the enactment
7	of this Act.
8	(E) Terms of office.—The Chair and
9	Vice Chair of the Commission shall serve for
10	terms of four years. Members of the northern
11	border and southern border subcommittees shall
12	serve for terms of four years.
13	(3) QUALIFICATIONS.—Membership on the
14	Commission and its subcommittees shall to the
15	greatest extent possible include security experts,
16	training experts, civil rights and civil liberties ex-
17	perts, representatives of faith based organizations,
18	officials from local law enforcement on the northern
19	and southern borders, officials from local govern-
20	ment on the northern and southern borders, and
21	business and civic organizations along the northern
22	and southern borders.
23	(4) Meetings.—

1	(A) Commission.—The Commission shall
2	meet at least semiannually, and may convene
3	additional meetings as necessary.
4	(B) Subcommittees.—The northern bor-
5	der and southern border subcommittees shall
6	meet at least quarterly, and may convene addi-
7	tional meetings as necessary.
8	(5) Duties.—The Commission, and the north-
9	ern border and southern border subcommittees,
10	shall—
11	(A) develop recommendations for improve-
12	ments regarding border enforcement policies,
13	strategies, and programs that take into consid-
14	eration their impact on border communities;
15	(B) evaluate policies, strategies, and pro-
16	grams of Federal agencies operating along the
17	northern and southern borders to—
18	(i) protect—
19	(I) due process;
20	(II) the civil and human rights of
21	border residents and visitors;
22	(III) private property rights of
23	land owners; and
24	(ii) reduce the number of migrant
25	deaths; and

1	(iii) improve the safety of agents and
2	officers of U.S. Customs and Border Pro-
3	tection;
4	(C) develop recommendations for improve-
5	ments regarding the safety of agents and offi-
6	cers of U.S. Customs and Border Protection
7	when such agents and officers are in the field;
8	and
9	(D) evaluate training, including estab-
10	lishing training courses related to management
11	and leadership skills for supervisors in each
12	Border Patrol sector and at each port of entry
13	on the northern and southern borders, the ex-
14	tent to which supervisory and management per-
15	sonnel practices at U.S. Customs and Border
16	Protection encourage and facilitate workforce
17	development for agents and officers, promote
18	agent and officer field safety, and post-FLETC
19	training of border enforcement personnel in ac-
20	cordance with section 6.
21	(6) Additional responsibilities.—
22	(A) IN GENERAL.—In carrying out the du-
23	ties specified in paragraph (5), the Commission
24	shall take into consideration any recommenda-

1	tions and evaluations agreed upon by the north-
2	ern border and southern border subcommittees.
3	(B) Subcommittee reports.—The
4	northern border and southern border sub-
5	committees shall annually submit to the Chair
6	and Vice Chair of the Commission a publically
7	available report containing the recommenda-
8	tions and evaluations of the subcommittees pur-
9	suant to paragraph (5).
10	(7) Prohibition on compensation.—Mem-
11	bers of the Commission and the northern border and
12	southern border subcommittees may not receive pay,
13	allowances, or benefits from the Government by rea-
14	son of their service on the Commission or the sub-
15	committees.
16	(b) Powers of the Commission.—
17	(1) In general.—
18	(A) HEARINGS AND EVIDENCE.—The
19	Commission or, on the authority of the Com-
20	mission, any subcommittee or member thereof,
21	may, for the purpose of carrying out this Act—
22	(i) hold such hearings, and sit and act
23	at such times and places, take such testi-
24	mony, receive such evidence, and admin-
25	ister such oaths, and

1	(ii) subject to subparagraph (B), re-
2	quire, by subpoena or otherwise, the at-
3	tendance and testimony of such witnesses
4	and the production of such books, records,
5	correspondence, memoranda, papers, and
6	documents,
7	as the Commission or such designated sub-
8	committee or designated member determines
9	necessary to carry out its duties under sub-
10	section $(a)(5)$.
11	(B) Subpoenas.—
12	(i) Issuance.—A subpoena may be
13	issued under this subsection only by—
14	(I) the Chair and Vice Chair of
15	the Commission; or
16	(II) a recorded vote of two-thirds
17	of the members of the northern border
18	or southern border subcommittees, as
19	the case may be.
20	(ii) Service.—Subpoenas issued
21	under this subsection may be served by—
22	(I) any person designated by the
23	Chair or the Vice Chair of the Com-
24	mission; or

1	(II) any member of the Commis-
2	sion designated by a majority of the
3	Commission.
4	(iii) Enforcement.—
5	(I) IN GENERAL.—In the case of
6	contumacy or failure to obey a sub-
7	poena issued under this subsection,
8	the United States district court for
9	the judicial district in which the sub-
10	poenaed person resides, is served, or
11	may be found, or where the subpoena
12	is returnable, may issue an order re-
13	quiring such person to appear at any
14	designated place to testify or to
15	produce documentary or other evi-
16	dence. Any failure to obey the order of
17	the court may be punished by the
18	court as contempt of that court.
19	(II) Additional measures.—In
20	the case of any failure of an individual
21	to comply with any subpoena issued
22	under this section, the Commission,
23	may, by a majority vote, certify a
24	statement of fact constituting such

1	failure to the appropriate United
2	States attorney.
3	(iv) Limitation.—A subpoena may
4	be issued only if the Commission certifies
5	to the Secretary of Homeland Security
6	that such issuance is necessary to carry
7	out its duties under subsection (a)(5), and
8	that all reasonable efforts will be taken to
9	limit the disclosure of personally identifi-
10	able information to the greatest extent pos-
11	sible.
12	(c) SAVINGS PROVISION.—Nothing in this Act may
13	be construed as affecting in any manner the investigative
14	and disciplinary procedures of U.S. Customs and Border
15	Protection or the Department of Homeland Security with
16	respect to agents and officers of U.S. Customs and Border
17	Protection.
18	(d) Reports.—
19	(1) Annual Reports.—The Commission shall
20	annually submit to the Secretary of Homeland Secu-
21	rity a publically available report containing informa-
22	tion on the activities, findings, and recommendations
23	of the Commission, including the northern border
24	and southern border subcommittees, for the pre-
25	ceding year.

1	(2) Congressional notification.—The Sec-
2	retary of Homeland Security shall brief the Com-
3	mittee on Homeland Security of the House of Rep-
4	resentatives and the Committee on Homeland Secu-
5	rity and Governmental Affairs of the Senate on each
6	report required under paragraph (1).
7	SEC. 3. ESTABLISHMENT OF THE OFFICE OF THE OMBUDS-
8	MAN FOR BORDER AND IMMIGRATION RE-
9	LATED CONCERNS.
10	(a) In General.—Section 452 of the Homeland Se-
11	curity Act of 2002 (6 U.S.C. 272) is amended to read
12	as follows:
13	"SEC. 452. OMBUDSMAN FOR BORDER AND IMMIGRATION
14	RELATED CONCERNS.
15	"(a) In General.—There shall be within the De-
16	partment an Ombudsman for Border and Immigration Re-
17	
18	lated Concerns (in this section referred to as the 'Ombuds-
	lated Concerns (in this section referred to as the 'Ombuds-man'). The individual appointed as Ombudsman shall have
19	
19 20	man'). The individual appointed as Ombudsman shall have
	man'). The individual appointed as Ombudsman shall have a background in immigration or civil liberties law or law
20	man'). The individual appointed as Ombudsman shall have a background in immigration or civil liberties law or law enforcement. The Ombudsman shall report directly to the
202122	man'). The individual appointed as Ombudsman shall have a background in immigration or civil liberties law or law enforcement. The Ombudsman shall report directly to the Secretary.

or employees of the Department engaged in border security or immigration activities. 3 "(c) Staffing.—The Secretary shall take appropriate action to ensure that the Ombudsman's office is 5 sufficiently staffed and resourced to carry out its duties 6 effectively and efficiently. 7 "(d) Functions.—The functions of the Ombudsman 8 shall be as follows: 9 "(1) To establish an independent, neutral, and 10 appropriately confidential process to receive, inves-11 tigate, resolve, and provide redress, including immi-12 gration relief, monetary damages, or any other ac-13 tion determined appropriate, for complaints, griev-14 ances, or requests for assistance from individuals, 15 associations, and employers regarding the border se-16 curity and immigration activities of the Department. 17 "(2) To conduct inspections of the facilities, in-18 cluding contract facilities, of U.S. Customs and Bor-19 der Protection, U.S. Immigration and Customs En-20 forcement, and U.S. Citizenship and Immigration 21 Services. 22 "(3) To assist individuals and families who 23 have been victims of crimes committed by aliens or 24 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	Customs and Border Protection officers, Border Pa-
23	trol agents, and CBP Agricultural Specialists for
24	violations of standards of professional conduct. Such

1	complaint process shall have the following compo-
2	nents:
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 Border Patrol interior checkpoints.
24	"(D) Include procedures for referring com-
25	plaints to the Office for Civil Rights and Civil

1	Liberties, Office of the Inspector General, or
2	other appropriate agency of the Department of
3	Homeland Security.
4	"(E) Establish a publicly accessible na-
5	tional, standardized database capable of track-
6	ing and analyzing complaints and their resolu-
7	tion.
8	"(F) Provide publicly accessible records,
9	with copies of complaints, and their resolutions
10	permanently preserved and available for inspec-
11	tion, while maintaining the confidentiality of
12	complainants' identities.
13	"(8) To establish an online detainee locator sys-
14	tem for individuals held in U.S. Customs and Border
15	Protection custody.
16	"(e) Other Responsibilities.—In addition to the
17	functions specified in subsection (d), the Ombudsman
18	shall—
19	"(1) monitor the coverage and geographic allo-
20	cation of local offices of the Ombudsman, including
21	appointing local ombudsmen for border and immi-
22	gration related concerns;
23	"(2) evaluate and take personnel actions (in-
24	cluding dismissal) with respect to any employee of
25	the Ombudsman:

1	"(3) recommend disciplinary action, including
2	contract termination, suspension, and debarment, or
3	termination, suspension, and sanctions, to the appro-
4	priate departmental entity regarding any contractor
5	proven to have violated departmental policies or pro-
6	cedures while executing any border security or immi-
7	gration activity;
8	"(4) refer to the Inspector General of the De-
9	partment any complaints of the violation of depart-
10	mental policies or procedures by any Department
11	employee relating to border security or immigration
12	activity; and
13	"(5) provide a complainant with a summary of
14	the outcome of any action taken in response to a
15	complaint, grievance, or request for assistance from
16	such complainant, including any findings of fact,
17	recommended action, and available redress.
18	"(f) 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 retalia-
25	tory 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	"(g) Request for Investigations.—The Ombuds-
22	man is authorized to request the Inspector General of the
23	Department to conduct inspections, investigations, and
24	audits related to subsections (d), (e), and (f).

1	"(h) Coordination With Department Compo-
2	NENTS.—
3	"(1) IN GENERAL.—The Director of U.S. Citi-
4	zenship and Immigration Services, the Assistant
5	Secretary of Immigration and Customs Enforce-
6	ment, and the Commissioner of Customs and Border
7	Protection shall each establish procedures to provide
8	formal responses to recommendations submitted to
9	such officials by the Ombudsman within 60 days of
10	receiving such recommendations.
11	"(2) Access to information.—The Secretary
12	shall establish procedures to provide the Ombuds-
13	man access to all departmental records necessary to
14	execute the responsibilities of the Ombudsman under
15	subsections (d) or (e) not later than 60 days after
16	a request from the Ombudsman for such informa-
17	tion.
18	"(i) Public Outreach.—The Secretary shall—
19	"(1) take all appropriate action to advise the
20	public regarding the existence, duties, responsibil-
21	ities, and grievance processes of the Ombudsman's
22	office; and
23	"(2) shall promulgate regulations to ensure—
24	"(A) the public's ability to file grievances
25	with the Ombudsman's office electronically; and

1	"(B) that absent written permission of all
2	affected parties, all documents submitted to the
3	Ombudsman's office are used solely by the Om-
4	budsman's office to advance the purposes de-
5	scribed in this section.
6	"(j) Annual Reporting.—Not later than June 30
7	of each year beginning in the year after the date of the
8	enactment of this subsection, the Ombudsman shall sub-
9	mit to the appropriate congressional committees a report
10	that includes the following:
11	"(1) The number and type of complaints re-
12	ceived in each Border Patrol sector, the demo-
13	graphics of complainants, the results of investiga-
14	tions, including violations of standards and any dis-
15	ciplinary actions taken, and an identification of any
16	complaint patterns that could be prevented or re-
17	duced by policy training or practice changes.
18	"(2) An inventory of complaints referred to in
19	paragraph (1) for which action has been taken and
20	the time between receipt and resolution of each such
21	complaint.
22	"(3) An inventory of complaints referred to in
23	paragraph (1) for which action has not been taken
24	after one year, the period during which each com-

1	plaint has been open, and the reason for failure to
2	resolve each such complaint.
3	"(4) Recommendations the Ombudsman has
4	made to improve the services and responsiveness of
5	U.S. Citizenship and Immigration Services, U.S. Im-
6	migration and Customs Enforcement, and U.S. Cus-
7	toms and Border Protection, and any responses re-
8	ceived from the each such component or the Depart-
9	ment regarding such recommendations
10	"(5) Other information as the Ombudsman de-
11	termines advisable.
12	"(k) Establishment of Border Communities Li-
13	AISON OFFICE.—
14	"(1) In general.—The Ombudsman, in con-
15	junction with the Office for Civil Rights and Civil
	ŷ C
16	Liberties of the Department, shall establish a Bor-
16 17	
	Liberties of the Department, shall establish a Bor-
17	Liberties of the Department, shall establish a Border Community Liaison Office (in this subsection re-
17 18	Liberties of the Department, shall establish a Border Community Liaison Office (in this subsection referred to as the 'Liaison Office') in each Border Pa-
17 18 19	Liberties of the Department, shall establish a Border Community Liaison Office (in this subsection referred to as the 'Liaison Office') in each Border Patrol sector on the northern and southern borders.
17 18 19 20	Liberties of the Department, shall establish a Border Community Liaison Office (in this subsection referred to as the 'Liaison Office') in each Border Patrol sector on the northern and southern borders. "(2) Purposes.—Each Liaison Office under
17 18 19 20 21	Liberties of the Department, shall establish a Border Community Liaison Office (in this subsection referred to as the 'Liaison Office') in each Border Patrol sector on the northern and southern borders. "(2) Purposes.—Each Liaison Office under this subsection shall—

1	"(B) consult with border communities on
2	the development of policies, directives, and pro-
3	grams of the Border Patrol and the Office of
4	Field Operations; and
5	"(C) receive feedback from border commu-
6	nities on the performance of the Border Patrol
7	and the Office of Field Operations.
8	"(3) Membership.—Each Liaison Office shall
9	be comprised of equal representation from the com-
10	munity and U.S. Customs and Border Protection,
11	including at least:
12	"(A) One member of the community in
13	which each Border Patrol sector is located who
14	has expertise in migration, local public safety,
15	civil and human rights, the local community, or
16	community relations.
17	"(B) One non-uniformed Border Patrol
18	agent with significant experience working for
19	the Border Patrol.
20	"(C) One non-uniformed CBP officer with
21	significant experience working for U.S. Customs
22	and Border Protection.
23	"(l) Report on the Impact of Border Enforce-
24	MENT TECHNOLOGIES AND OPERATIONS ON BORDER
25	COMMUNITIES.—Not later than 180 days after the date

of the enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a re-3 port that assesses current efforts and technologies used 4 at United States borders, and the impact on border communities of such efforts and technologies on civil rights, private property rights, privacy rights, and civil liberties. 7 "(m) GAO REPORT ON THE EXTENT OF CBP AC-8 TIVITIES, OPERATIONS, AND CLAIMED AUTHORITY.—Not later than one year after the date of the enactment of this 10 subsection, the Comptroller General of the United States 11 shall submit to the appropriate congressional committees 12 a report that assesses the following issues: 13 "(1) How far into the United States interior 14 the current activities, operations (including check-15 points), and claimed authority of U.S. Customs and Border Protection extend. 16 17 "(2) The extent to which the area of activities, 18 operations, and claimed authority referred to in 19 paragraph (1) is necessary. 20 "(3) The effectiveness of U.S. Customs and Border Protection's interior enforcement and its im-21 22 pact on civil, constitutional, and private property 23 rights.". 24 (b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by

- 1 amending the item relating to section 452 to read as fol-
- 2 lows:

"Sec. 452. Ombudsman for Border and Immigration Related Concerns.".

3 SEC. 4. TRAINING AND CONTINUING EDUCATION.

- 4 (a) Mandatory Training and Continuing Edu-
- 5 CATION TO PROMOTE CBP AGENT AND OFFICER SAFETY
- 6 AND PROFESSIONALISM.—The Secretary of Homeland Se-
- 7 curity shall establish policies and guidelines to ensure that
- 8 every agent and officer of U.S. Customs and Border Pro-
- 9 tection receives a minimum of 19 weeks of training that
- 10 are directly related to the mission of the Border Patrol
- 11 and the Office of Field Operations before the initial as-
- 12 signment of such agents and officers, and eight hours of
- 13 training and continuing education annually thereafter.
- 14 Such training and continuing education shall be conducted
- 15 by attorneys who have experience with the Fourth Amend-
- 16 ment to the Constitution, including appropriate applica-
- 17 tion of the use of force by agents and officers of U.S. Cus-
- 18 toms and Border Protection. Such attorneys shall be mem-
- 19 bers of the Department of Homeland Security's Office of
- 20 General Counsel, and all instruction provided shall be in
- 21 alignment with curriculum developed and endorsed by
- 22 FLETC.
- 23 (b) FLETC.—The Secretary of Homeland Security
- 24 shall establish policies and guidelines governing training
- 25 with FLETC and continuing education of agents and offi-

1	cers of U.S. Customs and Border Protection and U.S. Im-
2	migration and Customs Enforcement regarding border
3	awareness, accountability, and oversight. Such training
4	with FLETC shall include individual courses for each of
5	the following issues:
6	(1) Community relations, including the fol-
7	lowing:
8	(A) Best practices in community policing.
9	(B) Policies limiting location of enforce-
10	ment and cooperation with local law enforce-
11	ment.
12	(C) Best practices in responding to griev-
13	ances and how to refer complaints to the Om-
14	budsman for Border and Immigration Related
15	Concerns in accordance with section 452 of the
16	Homeland Security Act of 2002, as amended by
17	section 3 of this Act.
18	(2) Interdiction, including the following:
19	(A) Instruction on formal and proper com-
20	mand language.
21	(B) Situational awareness of what lan-
22	guage is appropriate.
23	(C) Legal application of use of force poli-
24	cies and guidelines.

1	(D) Policies and training scenarios nec-
2	essary to ensure the agent or officer and the
3	community is safe when intervening in situa-
4	tions in urban areas, including—
5	(i) scenario-based training and guide-
6	lines; and
7	(ii) non-lethal force training and cer-
8	tification on at least one non-lethal force
9	instrument, including tasers.
10	(E) Policies necessary to ensure the agent
11	or officer and the community is safe when in-
12	tervening in situations in rural and remote loca-
13	tions.
14	(3) Vulnerable populations, including instruc-
15	tion on screening, identifying, and responding to vul-
16	nerable populations, such as children and victims of
17	human trafficking.
18	(4) Cultural and societal issues, including the
19	following:
20	(A) Understanding of the diversity of im-
21	migrant communities.
22	(B) Language and basic cultural aware-
23	ness of major migrant-sending countries.
24	(C) Natural resource protection and envi-
25	ronmental policies along the border.

1	(D) Privacy considerations regarding bor-
2	der-related technologies.
3	(5) Standards of professional conduct, including
4	the following:
5	(A) Lawful use of force.
6	(B) Complying with chain of command and
7	lawful orders.
8	(C) Conduct and ethical behavior toward
9	the public in a civil and professional manner.
10	(D) Respect for civil rights and protection
11	of the well-being of individuals.
12	(c) Supervisor Training.—In addition to the train-
13	ing and continuing education required under subsections
14	(a) and (b), the Secretary of Homeland Security shall es-
15	tablish policies and guidelines governing the continuing
16	education of agents and officers of U.S. Customs and Bor-
17	der Protection and U.S. Immigration and Customs En-
18	forcement who attain a supervisory or management posi-
19	tion. Such training and continuing education shall include
20	the following:
21	(1) Instruction relating to management and
22	leadership best practices.
23	(2) Refresher instruction or in-service training
24	relating to legal application of use of force policies

1	and guidelines, intervention, community relations,
2	and professional conduct.
3	(3) Mitigation training to identify, diagnose,
4	and address issues within such supervisory and man-
5	agement roles.
6	(d) REVIEW PROCESS.—The Secretary of Homeland
7	Security shall establish a review process to ensure that
8	port supervisors and managers of U.S. Customs and Bor-
9	der Protection and U.S. Immigration and Customs En-
10	forcement, as the case may be, are evaluated annually on
11	their actions and standards of conduct, and on the actions,
12	situational and educational development, and standards of
13	conduct of their staffs.
14	(e) Continuing Education.—
14 15	(e) Continuing Education.—(1) In General.—The Secretary of Homeland
15	(1) In General.—The Secretary of Homeland
15 16	(1) IN GENERAL.—The Secretary of Homeland Security shall annually require all agents and offi-
15 16 17	(1) In General.—The Secretary of Homeland Security shall annually require all agents and officers of U.S. Customs and Border Protection and
15 16 17 18	(1) IN GENERAL.—The Secretary of Homeland Security shall annually require all agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement who
15 16 17 18	(1) In General.—The Secretary of Homeland Security shall annually require all agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement who are required to undergo training under subsections
115 116 117 118 119 220	(1) In General.—The Secretary of Homeland Security shall annually require all agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement who are required to undergo training under subsections (a) through (c) to participate in continuing edu-
115 116 117 118 119 220 221	(1) In general.—The Secretary of Homeland Security shall annually require all agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement who are required to undergo training under subsections (a) through (c) to participate in continuing education to maintain and update understanding of
115 116 117 118 119 220 221 222	(1) In General.—The Secretary of Homeland Security shall annually require all agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement who are required to undergo training under subsections (a) through (c) to participate in continuing education to maintain and update understanding of Federal legal rulings, court decisions, and Depart-

1	(2) Constitutional authority subject
2	MATTER.—Continuing education under this sub-
3	section shall include a course on protecting the civil,
4	constitutional, human, and privacy rights of individ-
5	uals, with special emphasis on the scope of enforce-
6	ment authority, including chain of evidence practices
7	and document seizure, and use of force policies
8	available to agents and officers.
9	(3) Additional subject matters.—Con-
10	tinuing education under this subsection shall also in-
11	clude a course on the following:
12	(A) Scope of authority to conduct immigra-
13	tion enforcement activities, including interviews,
14	interrogations, stops, searches, arrests, and de-
15	tentions, in addition to identifying and detect-
16	ing fraudulent documents.
17	(B) Identifying, screening, and responsi-
18	bility for vulnerable populations, such as chil-
19	dren and victims of trafficking.
20	(C) Cultural and societal issues, including
21	understanding of the diversity of immigrant
22	communities, language and basic cultural
23	awareness of major migrant-sending countries,
24	and natural resource protection and environ-
25	mental policies along the border.

1	(4) Administration.—Courses offered as part
2	of continuing education under this subsection
3	shall—
4	(A) be administered in consultation with
5	FLETC by the individual Border Patrol sectors
6	and the Office of Field Operations of the De-
7	partment of Homeland Security in order to pro-
8	vide such sectors field offices with flexibility to
9	design or tailor such courses to the specific
10	needs and conditions of each such sector and
11	field office; and
12	(B) be approved by the Secretary of Home-
13	land Security before being offered to ensure
14	that such courses satisfy the requirements for
15	training under this section.
16	(5) ROTATION.—Courses offered as part of con-
17	tinuing education under this subsection shall in-
18	clude—
19	(A) a yearly course focusing on the cur-
20	riculum described in paragraph (2); and
21	(B) an additional course to be rotated on
22	a three-year-basis focusing on curriculum de-
23	scribed in paragraph (3).
24	(f) Assessment.—Not later than six years after the
25	date of the enactment of this Act, the Comptroller General

1	of the United States shall submit to the Committee on
2	Homeland Security of the House of Representatives and
3	the Committee on Homeland Security and Governmental
4	Affairs of the Senate a report that assesses the training
5	and education, including continuing education, required
6	under this section.
7	SEC. 5. MANAGEMENT OF PORTS OF ENTRY.
8	(a) In General.—Not later than 180 days after the
9	date of the enactment of this Act, the Secretary of Home-
10	land Security shall submit to the Committee on Homeland
11	Security of the House of Representatives and the Com-
12	mittee on Homeland Security and Governmental Affairs
13	of the Senate a report that contains an assessment of the
14	current standards and guidelines for managing ports of
15	entry under the control of the Department of Homeland
16	Security. Such assessment shall include information relat-
17	ing to the following:
18	(1) Staffing levels and the need for additional
19	staffing.
20	(2) Rules governing the actions of Office of
21	Field Operations agents.
22	(3) Average delays for transit through air, land,
23	and sea ports of entry.
24	(4) An assessment of existing efforts and tech-
25	nologies used for border security, and the effect of

1	the use of such efforts and technologies on facili-
2	tating trade at ports of entry and their impact on
3	civil rights, private property rights, privacy rights,
4	and civil liberties.
5	(5) The economic impact of the policies and
6	practices of CBP Agricultural Specialists and Office
7	of Field Operations work.
8	(6) Physical infrastructure and technological
9	needs at ports of entry.
10	(b) UPDATES.—Based upon the information and as-
11	sessment contained in the report required under sub-
12	section (a), the Secretary of Homeland Security shall es-
13	tablish updated guidelines and standards for managing
14	ports of entry under the control of the Department of
15	Homeland Security to address any identified needs or
16	shortcomings at such ports of entry, including, if applica-
17	ble, the following:
18	(1) Increasing levels of staffing of CBP Agricul-
19	tural Specialists at ports of entry at which delays
20	hinder or negatively impact the local or national
21	economies.
22	(2) Increasing the use of or updating tech-
23	nology at ports of entry at which there are average
24	delays of over two hours based on CBP data col-
25	lected during the previous fiscal year.

1	(3) Publishing rules on the handling of docu-
2	ments at ports of entry.
3	(4) Establishing standards of conduct and de-
4	meanor when interacting with vulnerable popu-
5	lations, such as children and victims of human traf-
6	ficking, and individuals with border crossing cards.
7	(5) Establishing training courses relating to
8	management and leadership skills for supervisors
9	and managers at ports of entry.
10	SEC. 6. REPORTING REQUIREMENTS.
11	(a) CBP REPORT ON MIGRANT DEATHS.—Not later
12	than 180 days after the date of the enactment of this Act,
13	the Commissioner of Customs and Border Protection shall
14	submit to the Committee on Homeland Security of the
15	House of Representatives and the Committee on Home-
16	land Security and Governmental Affairs of the Senate a
17	report relating to deaths occurring along the United
18	States-Mexico border, including information on the fol-
19	lowing:
20	(1) The number of documented migrant deaths.
21	(2) A geographical breakdown of where such
22	migrant deaths occur.
23	(3) To the extent possible, the cause of death
24	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 detailed description of U.S. 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	(b) GAO REPORT ON MIGRANT DEATHS.—Not later
10	than 90 days after the submission of the report required
11	under subsection (a), the Comptroller General of the
12	United States shall review such report to determine the
13	following:
14	(1) The validity of U.S. Customs and Border
15	Protection's statistical analysis of migrant deaths.
16	(2) The extent to which U.S. Customs and Bor-
17	der Protection has adopted simple and low-cost
18	measures, such as water supply sites and rescue bea-
19	cons, to reduce the frequency of migrants deaths.
20	(3) The extent to which U.S. Customs and Bor-
21	der Protection measures the effectiveness of its pro-
22	grams to address the frequency of migrant deaths.
23	(4) The extent of data and information sharing
24	and cooperation between U.S. Customs and Border
25	Protection, local and State law enforcement, foreign

1	diplomatic and consular posts, and nongovernmental
2	organizations to accurately identify deceased individ-
3	uals and notify family members and compare infor-
4	mation to missing persons registries.
5	(c) GAO REPORT ON USE OF FORCE.—
6	(1) In general.—Not later than one year
7	after the date of the enactment of this Act, the
8	Comptroller General of the United States shall ex-
9	amine the extent to which U.S. Customs and Border
10	Protection has clarified use of force policies, includ-
11	ing the following (and any recommendations related
12	to the following):
13	(A) The extent to which U.S. Customs and
14	Border Protection has implemented new train-
15	ing tactics to improve use of force policies, in-
16	cluding how the use of force policy conforms to
17	Department of Homeland Security and Federal
18	law enforcement best practices.
19	(B) The extent to which U.S. Customs and
20	Border Protection has identified additional or
21	alternative weapons and equipment to improve
22	agents' and officers' abilities to de-escalate con-
23	frontations, including protective gear.
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 agent's and officer's use 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 Customs and Border
3	Protection, the Joint Intake Center of the De-
4	partment of Homeland Security, the Office of
5	Inspector General of the Department, the Office
6	for Civil Rights and Civil Liberties of the De-
7	partment, the Offices of Public Affairs of the
8	Department and U.S. Customs and Border Pro-
9	tection, Congress, and the applicable consulates,
10	if appropriate.
11	(G) How recommendations and requests
12	made by agents and officers of U.S. Customs
13	and Border Protection have been received, re-
14	viewed, and if possible implemented into U.S.
15	Customs and Border Protection and Depart-
16	ment of Homeland Security use of force policies
17	and best practices.
18	(H) The extent to which U.S. Customs and
19	Border Protection electronically tracks personal
20	searches and seizures of personal items at the
21	border, and an assessment of how such infor-
22	mation is used to inform U.S. Customs and
23	Border Protection policies and procedures.
24	(2) Implementation of Gao findings.—The
25	Secretary of Homeland Security shall direct the

1	Commissioner of Customs and Border Protection to
2	implement any recommendations contained in the re-
3	port required under paragraph (1). If the Secretary
4	does not so implement such recommendations, the
5	Secretary shall submit to the Committee on Home-
6	land Security of the House of Representatives and
7	the Committee on Homeland Security and Govern-
8	mental Affairs of the Senate a written notification
9	explaining why such recommendations are not being
10	so implemented.