

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# **S. 3243**

---

## **AN ACT**

To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, 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 “Anti-Border Corrup-  
5       tion Act of 2010”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) According to the Office of the Inspector  
9       General of the Department of Homeland Security,  
10       since 2003, 129 U.S. Customs and Border Protec-  
11       tion officials have been arrested on corruption  
12       charges and, during 2009, 576 investigations were  
13       opened on allegations of improper conduct by U.S.  
14       Customs and Border Protection officials.

15              (2) To foster integrity in the workplace, estab-  
16       lished policy of U.S. Customs and Border Protection  
17       calls for—

18                   (A) all job applicants for law enforcement  
19       positions at U.S. Customs and Border Protec-  
20       tion to receive a polygraph examination and a  
21       background investigation before being offered  
22       employment; and

23                   (B) relevant employees to receive a peri-  
24       odic background reinvestigation every 5 years.

1           (3) According to the Office of Internal Affairs  
2 of U.S. Customs and Border Protection—

3           (A) in 2009, less than 15 percent of appli-  
4 cants for jobs with U.S. Customs and Border  
5 Protection received polygraph examinations;

6           (B) as of March 2010, U.S. Customs and  
7 Border Protection had a backlog of approxi-  
8 mately 10,000 periodic background reinvestiga-  
9 tions of existing employees; and

10          (C) without additional resources, by the  
11 end of fiscal year 2010, the backlog of periodic  
12 background reinvestigations will increase to ap-  
13 proximately 19,000.

14 **SEC. 3. REQUIREMENTS WITH RESPECT TO ADMIN-**  
15 **ISTERING POLYGRAPH EXAMINATIONS TO**  
16 **LAW ENFORCEMENT PERSONNEL OF U.S.**  
17 **CUSTOMS AND BORDER PROTECTION.**

18       The Secretary of Homeland Security shall ensure  
19 that—

20           (1) by not later than 2 years after the date of  
21 the enactment of this Act, all applicants for law en-  
22 forcement positions with U.S. Customs and Border  
23 Protection receive polygraph examinations before  
24 being hired for such a position; and

1           (2) by not later than 180 days after the date  
2           of the enactment of this Act, U.S. Customs and Bor-  
3           der Protection initiates all periodic background re-  
4           investigations for all law enforcement personnel of  
5           U.S. Customs and Border Protection that should re-  
6           ceive periodic background reinvestigations pursuant  
7           to relevant policies of U.S. Customs and Border  
8           Protection in effect on the day before the date of the  
9           enactment of this Act.

10 **SEC. 4. PROGRESS REPORT.**

11           Not later than 180 days after the date of the enact-  
12          ment of this Act, and every 180 days thereafter through  
13          the date that is 2 years after such date of enactment, the  
14          Secretary of Homeland Security shall submit to the Com-  
15          mittee on Homeland Security and Governmental Affairs  
16          of the Senate and the Committee on Homeland Security  
17          of the House of Representatives a report on the progress  
18          made by U.S. Customs and Border Protection toward  
19          complying with section 3.

          Passed the Senate September 28, 2010.

          Attest:

*Secretary.*



11TH CONGRESS  
2D Session

**S. 3243**

**AN ACT**

To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.