

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

# S. 3243

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 complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 21, 2010

Mr. PRYOR introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

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 complete 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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

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

13 (A) all job applicants for law enforcement  
14 positions at U.S. Customs and Border Protec-  
15 tion to receive a polygraph examination and a  
16 background investigation before being offered  
17 employment; and

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

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

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

25 (B) as of March 2010, U.S. Customs and  
26 Border Protection had a backlog of approxi-

1           mately 10,000 periodic background reinvestiga-  
2           tions of existing employees; and

3           (C) without additional resources, by the  
4           end of fiscal year 2010, the backlog of periodic  
5           background reinvestigations will increase to ap-  
6           proximately 19,000.

7 **SEC. 3. REQUIREMENTS WITH RESPECT TO ADMIN-**  
8           **ISTERING POLYGRAPH EXAMINATIONS TO**  
9           **LAW ENFORCEMENT PERSONNEL OF U.S.**  
10          **CUSTOMS AND BORDER PROTECTION.**

11          The Secretary of Homeland Security shall ensure  
12 that—

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

18           (2) by not later than 180 days after the date  
19           of the enactment of this Act, U.S. Customs and Bor-  
20           der Protection initiates or completes all periodic  
21           background reinvestigations for all law enforcement  
22           personnel of U.S. Customs and Border Protection  
23           that should receive periodic background reinvestiga-  
24           tions pursuant to relevant policies of U.S. Customs

1 and Border Protection in effect on the day before  
2 the date of the enactment of this Act.

3 **SEC. 4. PROGRESS REPORT.**

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

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