

114TH CONGRESS
1ST SESSION

H. R. 4303

To provide for the establishment of an accountable and humane border security strategy for the international land borders of the United States, address cultural, economic, ecological, environmental and humanitarian impacts of border security infrastructure, measures, and activities along the international land borders of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2015

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Armed Services, the Judiciary, Natural Resources, Agriculture, Foreign Affairs, Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the establishment of an accountable and humane border security strategy for the international land borders of the United States, address cultural, economic, ecological, environmental and humanitarian impacts of border security infrastructure, measures, and activities along the international land borders of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Border Security and Accountability Act of 2015”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Comprehensive border security strategy.
- Sec. 4. Actions to secure the international land borders of the United States.
- Sec. 5. Borderlands monitoring and mitigation.
- Sec. 6. Combating human smuggling.
- Sec. 7. Deaths along the U.S.-Mexico border: reports and strategies for prevention.
- Sec. 8. Southwest border strategy study and analysis.
- Sec. 9. Prohibition on military involvement in nonemergency border enforcement.
- Sec. 10. Border Communities Liaison Office.
- Sec. 11. Office for Civil Rights and Civil Liberties and Office of Inspector General.
- Sec. 12. Cooperation with the Government of Mexico.
- Sec. 13. Southern Border Security Task Force.
- Sec. 14. Southern Border Security Commission.
- Sec. 15. Use of force.
- Sec. 16. Training for border security and immigration enforcement officers.
- Sec. 17. Protection of family values in apprehension programs.
- Sec. 18. Prohibition on new land border crossing fees.
- Sec. 19. Limitations on dangerous deportation practices.
- Sec. 20. Severability and delegation.
- Sec. 21. Improving ports of entry for border security and other purposes.
- Sec. 22. Improving cross-border transportation.
- Sec. 23. Increase in numbers of United States Customs and Border Protection offices on land ports of entry.
- Sec. 24. Racial profiling compliance.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (a) APPROPRIATE CONGRESSIONAL COMMITTEES.—

9 The term “appropriate congressional committees” means
10 the Committee on Natural Resources, the Committee on
11 Homeland Security, and the Committee on Agriculture of
12 the House of Representatives and the Committee on En-

1 ergy and Natural Resources, the Committee on Homeland
2 Security and Governmental Affairs, the Committee on En-
3 vironment and Public Works, and the Committee on Agri-
4 culture, Nutrition, and Forestry of the Senate.

5 (b) INDIAN TRIBE.—The term “Indian tribe” has the
6 meaning given such term in section 4 of the Indian Self-
7 Determination and Education Assistance Act (25 U.S.C.
8 450b).

9 (c) SECRETARY.—The term “Secretary” means the
10 Secretary of Homeland Security.

11 (d) SECRETARY CONCERNED.—The term “Secretary
12 concerned” means the Secretary of Agriculture with re-
13 spect to land under the jurisdiction of the Secretary of
14 Agriculture, the Secretary of the Interior with respect to
15 land under the jurisdiction of the Secretary of the Interior,
16 the Secretary of Defense with respect to land under the
17 jurisdiction of the Secretary of Defense, or the Secretary
18 of Commerce with respect to land under the jurisdiction
19 of the Secretary of Commerce.

20 (e) VULNERABLE POPULATIONS.—The term “vulner-
21 able populations” means populations who face barriers in
22 accessing and using victim services, and includes victims
23 of human trafficking, victims of certain crimes who have
24 suffered mental or physical abuse, victims of child abuse,
25 abandonment and neglect.

1 **SEC. 3. COMPREHENSIVE BORDER SECURITY STRATEGY.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary, the Sec-
4 retary of the Interior, the Secretary of Agriculture, the
5 Secretary of Defense, and the Secretary of Commerce, in
6 consultation with State, local, and tribal governments,
7 border residents, and nongovernmental organizations,
8 shall jointly develop and submit to Congress and the Gov-
9 ernment Accountability Office a comprehensive border se-
10 curity strategy for the international land borders of the
11 United States.

12 (b) ELEMENTS OF THE STRATEGY.—The strategy
13 developed in accordance with subsection (a) shall include
14 the following components:

15 (1) A comparative analysis report that assesses
16 and describes the state of border security, based on
17 auditable and verifiable data, along the international
18 land borders of the United States achievable through
19 tactical infrastructure and other security measures
20 and activities. Measures assessed shall include, at a
21 minimum, the following:

22 (A) Fencing and infrastructure, including
23 pedestrian fencing, double layer fencing, land-
24 ing mat fencing, permanent vehicle barriers,
25 and temporary vehicle barriers.

1 (B) Vehicle barriers, especially in areas in
2 the vicinity of existing or planned roads.

3 (C) Border Patrol and Office of Field Op-
4 erations personnel.

5 (D) Efficacy of natural barriers and open
6 space in response to smuggling and trafficking
7 of humans, weapons, and illicit drugs.

8 (E) Fielding of advanced technologies and
9 systems, including systems developed and em-
10 ployed, or under development, for tactical sur-
11 veillance, multi-source information integration,
12 and response analysis in difficult terrain and
13 under adverse environmental conditions.

14 (F) Regional as well as urban and rural
15 variation in border security methodologies and
16 incorporation of natural barriers and open
17 spaces in response to smuggling and trafficking
18 of humans, weapons, and illicit drugs.

19 (G) Enhanced cooperation with, and assist-
20 ance to, intelligence, security, and law enforce-
21 ment agencies in Mexico and Canada in detect-
22 ing, reporting, analyzing, and successfully re-
23 sponding to smuggling and trafficking of hu-
24 mans, weapons, and illicit drugs from or into
25 Mexico or Canada.

1 (H) Removal of obstructive non-native
2 vegetation.

3 (I) Subterranean surveillance and detection
4 technologies.

5 (J) Deployable, lighter-than-air ground
6 surveillance equipment.

7 (K) Unmanned and man-portable aerial ve-
8 hicles, along with policy measures to protect
9 privacy and civil liberties.

10 (L) Ultralight aircraft detection capabili-
11 ties.

12 (M) Advanced unattended surveillance sen-
13 sors, including tower-based surveillance tech-
14 nology, and mobile vehicle-mounted and man-
15 portable surveillance systems.

16 (2) A comprehensive analysis of cost and other
17 impacts of border security infrastructure, activities,
18 and measures assessed in paragraph (1), including
19 an assessment of the following:

20 (A) Construction costs, including both
21 labor and material costs.

22 (B) Maintenance costs over 5, 10, 15, and
23 20 years.

24 (C) Contractor costs.

25 (D) Management and overhead costs.

1 (E) The impacts on soils, wildlife, wildlife
2 habitat, functioning cross-border wildlife migra-
3 tion corridors, and hydrology (including water
4 quantity, quality, and natural hydrologic flows)
5 on Federal, tribal, State, local, and private
6 lands along the borders.

7 (F) A comprehensive compilation of the
8 fiscal investments in acquiring or managing
9 Federal, tribal, State, local, and private lands
10 and waters by the Department of the Interior,
11 including related litigation and other costs, in
12 the vicinity of, or ecologically related to, the
13 land borders of the United States that have
14 been acquired or managed in whole or in part
15 for conservation purposes (including the cre-
16 ation or management of protected wildlife mi-
17 gration corridors) in the following:

18 (i) Units of the National Park Sys-
19 tem.

20 (ii) National Forest System land.

21 (iii) Land under the jurisdiction of the
22 Bureau of Land Management.

23 (iv) Land under the jurisdiction of the
24 United States Fish and Wildlife Service.

1 (v) Other relevant land under the ju-
2 risdiction of the Department of the Inte-
3 rior or the Department of Agriculture.

4 (vi) Land under the jurisdiction of the
5 Department of Defense or the individual
6 military department.

7 (vii) Land under the jurisdiction of
8 the Department of Commerce.

9 (viii) Tribal lands.

10 (ix) State and private lands.

11 (G) The impacts on the economy, culture,
12 safety, and quality of life of residents in the vi-
13 cinity of the international land borders of the
14 United States.

15 (H) The impacts on the civil rights, private
16 property rights, privacy rights, and other civil
17 liberties of border residents, including a full
18 analysis for each Border Patrol sector of wheth-
19 er operations are necessary and cost-effective
20 further than 25 air miles from any inter-
21 national border.

22 (3) The costs of fully mitigating the adverse im-
23 pacts to Federal, tribal, State, local, and private
24 lands, waters (including water quality, quantity, and
25 hydrological flows), wildlife, and wildlife habitats by

1 the Department of the Interior, including, where
2 such action is possible, the full costs of the replace-
3 ment or restoration of severed wildlife migration cor-
4 ridors with protected corridors of equivalent biologi-
5 cal functionality, as determined by each Secretary
6 concerned, in consultation with appropriate authori-
7 ties of tribal, State, and local governments and ap-
8 propriate authorities of Mexico and Canada.

9 (4) Recommendations for strategic border secu-
10 rity management based on the state of border secu-
11 rity as detailed in paragraph (1), the cost-benefit
12 analysis as detailed in paragraph (2), as well as the
13 full mitigation costs specified in paragraph (3).

14 **SEC. 4. ACTIONS TO SECURE THE INTERNATIONAL LAND**
15 **BORDERS OF THE UNITED STATES.**

16 (a) IN GENERAL.—Section 102 of the Illegal Immi-
17 gration Reform and Immigrant Responsibility Act of 1996
18 (Public Law 104–208; 8 U.S.C. 1103 note) is amended
19 to read as follows:

20 **“SEC. 102. IMPROVEMENT OF BORDER SECURITY.**

21 “(a) IN GENERAL.—The Secretary of Homeland Se-
22 curity shall take such actions as may be required to secure
23 the international land borders of the United States. Such
24 actions may be taken only in accordance with the border

1 security strategy developed under section 3 of the Border
2 Security and Accountability Act of 2015.

3 “(b) PRIORITY OF METHODS.—In carrying out the
4 requirements of subsection (a), the Secretary of Homeland
5 Security shall, where practicable, give first priority to low
6 impact border enforcement techniques.

7 “(c) CONSULTATION.—

8 “(1) IN GENERAL.—In carrying out this sec-
9 tion, the Secretary of Homeland Security shall con-
10 sult with the Secretary of the Interior, the Secretary
11 of Agriculture, the Secretary of Defense, the Sec-
12 retary of Commerce, States, local governments, trib-
13 al governments, and nonprofit, and nongovernmental
14 organizations to minimize the impact on the environ-
15 ment, culture, commerce, safety, and quality of life,
16 including civil rights, private property rights, privacy
17 rights, and other civil liberties, for the communities
18 and residents located near the sites at which actions
19 under subsection (a) are proposed to be taken.

20 “(2) RULE OF CONSTRUCTION.—Nothing in
21 this subsection may be construed to—

22 “(A) create or negate any right of action
23 for a State, local government, tribal govern-
24 ment, or other person or entity affected by this
25 subsection;

1 “(B) affect the eminent domain laws of the
2 United States or of any State; or

3 “(C) waive the application of any other ap-
4 plicable Federal, State, local, or tribal law.

5 “(3) LIMITATION ON REQUIREMENTS.—Not-
6 withstanding subsection (a), nothing in this section
7 shall require the Secretary of Homeland Security to
8 install border security tactical infrastructure re-
9 ferred to in section 3(b)(1) of the Border Security
10 and Accountability Act of 2015 in a particular loca-
11 tion along the international border of the United
12 States if the Secretary determines that the use or
13 placement of such resources is not the most effective
14 and appropriate means to secure the international
15 border at such location, or if the Secretary deter-
16 mines that the direct and indirect costs, or the im-
17 pacts on the environment, culture, commerce, safety,
18 or quality of life, including civil rights, private prop-
19 erty rights, privacy rights, and other civil liberties,
20 for the communities and residents along the border,
21 likely to result from the use or placement of such re-
22 sources outweigh the benefits of such use or place-
23 ment.”.

24 (b) PRECONDITIONS.—In carrying out section 102 of
25 the Illegal Immigration Reform and Immigrant Responsi-

1 bility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103
2 note), as amended by subsection (a) of this section, the
3 Secretary of Homeland Security shall not commence any
4 construction of fencing, physical barriers, roads, lighting,
5 cameras, sensors, or other tactical infrastructure along or
6 in the vicinity of an international land border of the
7 United States, or award or expend funds pursuant to any
8 contract or other agreement related thereto, prior to 90
9 days following the submission to Congress of the border
10 protection strategy required under section 3 of this Act.

11 **SEC. 5. BORDERLANDS MONITORING AND MITIGATION.**

12 (a) **MITIGATION PLAN.**—The Secretary, in consulta-
13 tion with the Secretary of the Interior, the Secretary of
14 Agriculture, the Secretary of Defense, the Secretary of
15 Commerce, and the heads of appropriate State and tribal
16 wildlife agencies and entities, shall develop and implement
17 a comprehensive monitoring and mitigation plan to ad-
18 dress the ecological and environmental impacts of border
19 security infrastructure, measures, and activities along the
20 international land borders of the United States.

21 (b) **REQUIREMENTS.**—The mitigation plan required
22 under subsection (a) shall include, at a minimum, meas-
23 ures to address and mitigate the full range of ecological
24 and environmental impacts of border security infrastruc-
25 ture, measures, and activities, including the following:

1 (1) Preserving, maintaining, and, if necessary,
2 restoring, wildlife migration corridors, key habitats,
3 and the ecologically functional connectivity between
4 and among key habitats sufficient to ensure that
5 species (whether or not designated as rare, pro-
6 tected, or of concern) remain viable and are able to
7 adapt to the impacts of climate change.

8 (2) Addressing control of invasive species and
9 implementing measures necessary to avoid the
10 spread of such species.

11 (3) Maintaining hydrological functionality, in-
12 cluding water quantity and quality.

13 (4) Incorporating adaptive management, includ-
14 ing detailed provisions for long-term monitoring of
15 the mitigation plan's effectiveness and for necessary
16 adjustments to such plan based on such monitoring
17 results.

18 (5) Protection of cultural and historical re-
19 sources.

20 (c) PREEMPTION.—

21 (1) IN GENERAL.—Subject to paragraph (3),
22 the Secretary is authorized to carry out the mitiga-
23 tion plan required under subsection (a) on any Fed-
24 eral, State, local, tribal, or private lands in the vicin-
25 ity of or ecologically related to an international land

1 border of the United States regardless of which indi-
2 vidual, agency, or entity has ownership of or prin-
3 cipal responsibility for the management of any such
4 lands.

5 (2) CONDITIONS.—Activities carried out pursu-
6 ant to paragraph (1) in connection with the mitiga-
7 tion plan shall be carried out in full consultation
8 with, and with the concurrence of, the owner of, or
9 entity with principal responsibility for, the manage-
10 ment of the lands described in such paragraph.

11 (d) ADMINISTRATION.—

12 (1) AUTHORIZATION.—Notwithstanding any
13 other provision of law, the Secretary of Homeland
14 Security, the Secretary of Agriculture, the Secretary
15 of Defense, and the Secretary of Commerce may
16 each transfer funds available to such Secretary to
17 the Secretary of the Interior for—

18 (A) expenditures under programs (includ-
19 ing any international programs) of the Depart-
20 ment of the Interior that are designed to fund
21 conservation-related activities (directly or
22 through grants or similar mechanisms) on Fed-
23 eral and non-Federal lands, including land ac-
24 quisition programs; and

1 (B) mitigation activities on Federal lands
2 managed by the Department of the Interior, if
3 such activities are required to implement the
4 mitigation plan required under subsection (a)
5 and if the costs of such activities are higher
6 than the costs associated with managing such
7 lands in the absence of such activities.

8 (2) EXEMPTION FROM REPROGRAMMING RE-
9 QUIREMENTS.—Funds transferred pursuant to the
10 authorization under paragraph (1) shall not be sub-
11 ject to reprogramming requirements.

12 (3) ACCEPTANCE AND USE OF DONATIONS.—
13 The Secretary of the Interior may accept and use
14 donations for the purpose of developing and imple-
15 menting the mitigation plan required under sub-
16 section (a).

17 **SEC. 6. COMBATING HUMAN SMUGGLING.**

18 (a) REQUIREMENT FOR PLAN.—The Secretary of
19 Homeland Security shall develop and implement a plan to
20 improve coordination among United States Immigration
21 and Customs Enforcement, United States Customs and
22 Border Protection, and any other Federal, State, local, or
23 tribal authorities, as determined appropriate by the Sec-
24 retary, to improve coordination efforts to combat human
25 smuggling.

1 (b) CONTENT.—In developing the plan required by
2 subsection (a), the Secretary of Homeland Security shall
3 consider—

4 (1) the interoperability of databases utilized to
5 prevent human smuggling;

6 (2) adequate and effective personnel training,
7 including methods to ascertain crime victims and
8 vulnerable populations;

9 (3) methods and programs to effectively target
10 networks that engage in such smuggling;

11 (4) effective utilization of—

12 (A) visas for victims of trafficking and
13 other crimes, including whether or not State
14 and local law enforcement partners are certi-
15 fying such visas and the numbers of both cer-
16 tifications and applications for certification; and

17 (B) investigatory techniques, equipment,
18 and procedures that prevent, detect, and pros-
19 ecute international money laundering and other
20 operations that are utilized in smuggling;

21 (5) joint measures, with the Secretary of State,
22 to enhance intelligence sharing and cooperation with
23 foreign governments whose citizens are preyed on by
24 human smugglers; and

1 (6) other measures that the Secretary of Home-
2 land Security considers appropriate to combat
3 human smuggling.

4 (c) REPORT.—Not later than one year after imple-
5 menting the plan described in subsection (a), the Sec-
6 retary of Homeland Security shall submit to Congress and
7 the Government Accountability Office a report on such
8 plan, including any recommendations for legislative action
9 to improve efforts to combating human smuggling.

10 **SEC. 7. DEATHS ALONG THE U.S.-MEXICO BORDER: RE-**
11 **PORTS AND STRATEGIES FOR PREVENTION.**

12 (a) REPORTS ON DEATHS ALONG THE U.S.-MEXICO
13 BORDER.—Not later than 180 days after the date of the
14 enactment of this Act and every 90 days thereafter, the
15 Commissioner of United States Customs and Border Pro-
16 tection shall collect and publish in the Federal Register
17 statistics relating to deaths occurring along the border be-
18 tween the United States and Mexico, including informa-
19 tion relating to the following:

- 20 (1) The causes of such deaths.
21 (2) The total number of such deaths.
22 (3) Location of such deaths.
23 (4) Sex, age, and country of origin (when pos-
24 sible).

1 (b) ANNUAL REPORT.—Not later than one year after
2 the date of the enactment of this Act and annually there-
3 after, the Commissioner of United States Customs and
4 Border Protection shall submit to the Secretary of Home-
5 land Security and Congress a report that—

6 (1) analyzes trends with respect to the statistics
7 collected under subsection (a) during the preceding
8 year;

9 (2) recommends actions to reduce and prevent
10 the deaths referred to in subsection (a); and

11 (3) specifies a number of additional rescue bea-
12 cons that, if deployed, would reduce and prevent mi-
13 grant deaths, as well as location-specific statistics
14 evaluating the frequency of use of rescue beacons.

15 (c) RESCUE BEACONS.—By not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of Homeland Security shall deploy 20 rescue beacons in
18 areas of greatest need, as determined by the Secretary.

19 **SEC. 8. SOUTHWEST BORDER STRATEGY STUDY AND ANAL-**
20 **YSIS.**

21 (a) IN GENERAL.—The Secretary of Homeland Secu-
22 rity shall conduct a study of southwest border enforcement
23 operations since 1994 and the relationship of such oper-
24 ations to death rates on the United States-Mexico border.
25 Such study shall be conducted in cooperation with non-

1 governmental organizations and other community stake-
2 holders involved in recovering and identifying migrant
3 deaths and include the following:

4 (1) An analysis of the relationship of border en-
5 forcement and deaths on the border.

6 (2) An analysis of whether physical barriers,
7 technology, and enforcement programs have contrib-
8 uted to the rate of deaths occurring along the border
9 between the United States and Mexico.

10 (3) An analysis of the effectiveness of geo-
11 graphical terrain as a natural barrier for entry into
12 the United States in achieving Department of
13 Homeland Security goals and the role of such geo-
14 graphical terrain in contributing to rates of deaths
15 occurring along the border between the United
16 States and Mexico.

17 (4) An assessment of existing protocol related
18 to reporting, tracking and interagency communica-
19 tions between United States Customs and Border
20 Protection and local first responders and consular
21 services, including a description of whether each
22 Border Patrol sector has formalized emergency re-
23 sponse coordination with State and local law en-
24 forcement agencies such that emergency calls re-
25 layed to Customs and Border Protection result in

1 the same rescue efforts for perceived migrants that
2 would take place for others.

3 (b) SUBMISSION.—The Secretary of Homeland Secu-
4 rity shall submit the study required under subsection (a)
5 to the following:

6 (1) The Southern Border Security Commission
7 United States-Mexico Border Enforcement Commis-
8 sion as established in section 15 of this Act.

9 (2) The Committee on Homeland Security and
10 Governmental Affairs and the Committee on the Ju-
11 diciary of the Senate.

12 (3) The Committee on Homeland Security and
13 the Committee on the Judiciary of the House of
14 Representatives.

15 (4) The Committee on Oversight and Govern-
16 ment Reform of the House of Representatives.

17 **SEC. 9. PROHIBITION ON MILITARY INVOLVEMENT IN NON-**
18 **EMERGENCY BORDER ENFORCEMENT.**

19 (a) IN GENERAL.—The Armed Forces, including the
20 National Guard, are prohibited from assisting in Federal,
21 State, and local and civilian law enforcement of immigra-
22 tion laws.

23 (b) EXCEPTION.—The Armed Forces, including the
24 National Guard, may assist in Federal, State, and local
25 and civilian law enforcement of immigration laws when the

1 President has declared a national emergency or when re-
2 quired for specific counterterrorism duties and shall be
3 limited to the following:

4 (1) Rear echelon support duties, including
5 logistical support, construction, and intelligence col-
6 lection from positions within 25 miles from the bor-
7 der.

8 (2) Non-armed operations within 25 miles of
9 the border, including listening posts and observation
10 post operations.

11 (3) Armed operations within 25 miles of the
12 border, including listening posts and observation
13 post operations.

14 (c) REPORT.—The Secretary of Defense shall annu-
15 ally submit to Congress a report that details the involve-
16 ment of the Armed Forces, including the National Guard,
17 in border security and the enforcement of Federal immi-
18 gration laws in accordance with this section.

19 **SEC. 10. BORDER COMMUNITIES LIAISON OFFICE.**

20 (a) ESTABLISHMENT.—The Secretary of Homeland
21 Security shall establish, in consultation with the Office for
22 Civil Rights and Civil Liberties of the Department of
23 Homeland Security, a Border Communities Liaison Office
24 in every border patrol sector at the southern and northern
25 borders.

1 (b) PURPOSE.—The purpose of the Border Commu-
2 nities Liaison Offices established pursuant to subsection

3 (a) shall be to—

4 (1) foster and institutionalize consultation with
5 border communities;

6 (2) consult with border communities on agency
7 policies, directives, and laws;

8 (3) consult with border communities on agency
9 strategies and strategy development;

10 (4) consult with border communities on agency
11 services and operational issues;

12 (5) receive assessments on agency performance
13 from border communities; and

14 (6) receive and respond promptly and trans-
15 parently to complaints regarding agency perform-
16 ance and agent conduct.

17 (c) TRAINING.—The Secretary of Homeland Security
18 shall ensure that border communities liaison officers in
19 Border Patrol sectors along the international borders be-
20 tween the United States and Mexico and between the
21 United States and Canada receive training to better—

22 (1) act as a multilingual liaison between border
23 communities and the Office for Civil Rights and
24 Civil Liberties of the Department of Homeland Se-

1 security and the Civil Rights Division of the Depart-
2 ment of Justice;

3 (2) foster and institutionalize consultation with
4 border communities;

5 (3) consult with border communities on Depart-
6 ment of Homeland Security programs, policies,
7 strategies, and directives; and

8 (4) receive Department of Homeland Security
9 performance assessments from border communities.

10 **SEC. 11. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES**

11 **AND OFFICE OF INSPECTOR GENERAL.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
13 are authorized to be appropriated such sums as are nec-
14 essary for the Office of Inspector General and the Office
15 for Civil Rights and Civil Liberties of the Department of
16 Homeland Security to be comparable to those of other
17 Federal agencies and commensurate with the size and
18 scope of the operational budget of the Department of
19 Homeland Security.

20 (b) **INSPECTOR GENERAL ANNUAL REPORT.**—The
21 Inspector General of the Department of Homeland Secu-
22 rity shall include in an annual report submitted by the
23 Inspector General to Congress a benchmark for how quick-
24 ly the Office of the Inspector General aims to decide
25 whether to retain complaints within its jurisdiction and

1 statistics on how often such benchmark was met during
2 the preceding year.

3 (c) OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-
4 RTIES ANNUAL REPORT.—The Officer for Civil Rights
5 and Civil Liberties of the Department shall include in an
6 annual report submitted by the Officer to Congress—

7 (1) the total number of Customs and Border
8 Protection complaints received in the past year, bro-
9 ken down by whether the complaints were received
10 directly or indirectly from another, specified compo-
11 nent of the Department, and how many of those
12 complaints were accepted for investigation as well as
13 completed;

14 (2) the number of such complaints by subject-
15 matter category, including a notation specifying a
16 complaint raising multiple issues or originating from
17 multiple complainants; and

18 (3) the number of confidentiality complaints re-
19 ceived during the preceding year and the status and
20 resolution of such complaints.

21 **SEC. 12. COOPERATION WITH THE GOVERNMENT OF MEX-**

22 **ICO.**

23 (a) COOPERATION REGARDING BORDER SECUR-
24 ITY.—The Secretary of State, in cooperation with the
25 Secretary of Homeland Security and representatives of

1 Federal, State, local, and tribal law enforcement agencies
2 that are involved in border security and immigration en-
3 forcement efforts, shall work with the appropriate officials
4 from the Government of Mexico to improve coordination
5 between the United States and Mexico regarding the fol-
6 lowing:

7 (1) Improved border security along the inter-
8 national border between the United States and Mex-
9 ico.

10 (2) The reduction of human trafficking and
11 smuggling between the United States and Mexico.

12 (3) The reduction of drug trafficking and smug-
13 gling between the United States and Mexico.

14 (4) The reduction of gang membership in the
15 United States and Mexico.

16 (5) The reduction of violence against women in
17 the United States and Mexico.

18 (6) The reduction of other violence and criminal
19 activity.

20 (7) The reduction of deaths along the border.

21 (8) Mitigation measures included in the mitiga-
22 tion plan required under section 5.

23 (b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation
24 with other appropriate Federal officials, shall work with
25

1 the appropriate officials from the Government of Mexico
2 to carry out activities to educate citizens and nationals
3 of Mexico regarding eligibility for status as a non-
4 immigrant under Federal law to ensure that such citizens
5 and nationals are not exploited while working in the
6 United States.

7 (c) COOPERATION REGARDING CIRCULAR MIGRA-
8 TION.—The Secretary of State, in cooperation with the
9 Secretary of Labor and other appropriate Federal offi-
10 cials, shall work with the appropriate officials from the
11 Government of Mexico to improve coordination between
12 the United States and Mexico to encourage circular migra-
13 tion, including assisting in the development of economic
14 opportunities and providing job training for citizens and
15 nationals in Mexico.

16 (d) CONSULTATION REQUIREMENT.—Federal rep-
17 resentatives in the United States shall consult State, local
18 and tribal governments and their counterparts in Mexico
19 concerning border security structures along the inter-
20 national border between the United States and Mexico in
21 order to—

- 22 (1) solicit the views of affected communities;
23 (2) lessen tensions; and

1 (3) foster greater understanding and stronger
2 cooperation on this and other important security
3 issues of mutual concern.

4 (e) ANNUAL REPORT.—Not later than 180 days after
5 the date of the enactment of this Act and annually there-
6 after, the Secretary of State shall submit to Congress a
7 report on the actions taken by the United States and Mex-
8 ico under this section.

9 **SEC. 13. SOUTHERN BORDER SECURITY TASK FORCE.**

10 (a) ESTABLISHMENT.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary of
12 Homeland Security shall establish a Southern Border Se-
13 curity Task Force (in this section referred to as the “Task
14 Force”) to coordinate the efforts of Federal, State, and
15 local border and law enforcement officials and task forces
16 to establish an accountable and humane border security
17 strategy.

18 (b) COMPOSITION.—The Task Force shall be com-
19 prised of personnel from the following:

20 (1) United States Customs and Border Protec-
21 tion and Office Field Operations.

22 (2) United States Immigration and Customs
23 Enforcement.

24 (3) The Coast Guard.

25 (4) Other Federal agencies, as appropriate.

1 (5) Southern border State law enforcement
2 agencies.

3 (6) Local law enforcement agencies from af-
4 fected southern border cities and communities.

5 (7) Nongovernmental organizations rep-
6 resenting border communities.

7 (c) DIRECTOR.—The Secretary of Homeland Security
8 shall appoint as a Director of the Task Force an individual
9 who is experienced and knowledgeable in law enforcement
10 generally and border security issues specifically.

11 (d) REPORT.—Not later than 180 days after the date
12 of the establishment of the Task Force under subsection
13 (a) and annually thereafter, the Secretary of Homeland
14 Security shall submit to the Committee on Homeland Se-
15 curity of the House of Representatives and the Committee
16 on Homeland Security and Governmental Affairs of the
17 Senate a report on the effectiveness of the Task Force
18 in avoiding or minimizing the adverse impact of border
19 policies, measures and activities on the environment, cul-
20 ture, commerce, safety, or quality of life including civil
21 rights, private property rights, and other civil liberties, for
22 the communities and residents along the southern border.

23 **SEC. 14. SOUTHERN BORDER SECURITY COMMISSION.**

24 (a) ESTABLISHMENT.—Not later than one year after
25 the date of the enactment of this Act, there shall be estab-

1 lished a commission to be known as the “Southern Border
2 Security Commission” (in this section referred to as the
3 “Commission”).

4 (b) COMPOSITION.—

5 (1) IN GENERAL.—The Commission shall be
6 composed of 33 members, appointed by the Presi-
7 dent, who have expertise in migration, local crime
8 indices, civil and human rights, community relations,
9 cross-border trade and commerce, environmental and
10 ecological border issues, quality of life indicators, or
11 other pertinent experience, of whom—

12 (A) fourteen members shall be from the
13 Northern border region and shall include—

14 (i) two local government elected offi-
15 cials;

16 (ii) two local law enforcement officials;

17 (iii) two tribal government officials;

18 (iv) two civil rights advocates;

19 (v) one business representative;

20 (vi) one higher education representa-
21 tive;

22 (vii) one private land owner represent-
23 ative;

24 (viii) one representative of a faith
25 community; and

1 (ix) two representatives of United
2 States Border Patrol;

3 (B) nineteen members shall be from the
4 Southern border region and include—

5 (i) three local government elected offi-
6 cials;

7 (ii) three local law enforcement offi-
8 cials;

9 (iii) two tribal government officials;

10 (iv) three civil rights advocates;

11 (v) two business representatives;

12 (vi) one higher education representa-
13 tive;

14 (vii) two private land owner represent-
15 atives;

16 (viii) one representative of a faith
17 community; and

18 (ix) two representatives of United
19 States Border Patrol; and

20 (C) at least one member shall have envi-
21 ronmental and ecological expertise.

22 (2) TIME OF APPOINTMENT.—The appoint-
23 ments required by paragraph (1) shall be made not
24 later than one year after the date of the enactment
25 of this Act.

1 (3) CHAIR.—At the first meeting of the Com-
2 mission, a majority of the members of the Commis-
3 sion present and voting shall elect the Chair of the
4 Commission.

5 (4) VACANCIES.—Any vacancy of the Commis-
6 sion shall not affect its powers, but shall be filled in
7 the manner in which the original appointment was
8 made.

9 (5) RULES.—The Commission shall establish
10 the rules and procedures of the Commission which
11 shall require the approval of at least six members of
12 the Commission.

13 (c) DUTIES.—

14 (1) IN GENERAL.—The Commission’s primary
15 responsibility shall be to make recommendations to
16 the President, the Secretary of Homeland Security,
17 and Congress on policies to achieve and maintain the
18 border security strategy specified in section 3, and
19 should include—

20 (A) review and recommendations regarding
21 immigration and border enforcement policies,
22 strategies, and programs that take into consid-
23 eration their impact on border and tribal com-
24 munities;

1 (B) recommendations on ways in which the
2 Border Communities Liaison Offices can
3 strengthen relations and collaboration between
4 communities in the border regions and the De-
5 partment of Homeland Security, the Depart-
6 ment of Justice, and other Federal agencies
7 that carry out such policies, strategies, and pro-
8 grams;

9 (C) an evaluation on how the policies,
10 strategies, and programs of Federal agencies
11 operating along the international borders be-
12 tween the United States and Mexico and be-
13 tween the United States and Canada protect
14 the due process, civil, and human rights of bor-
15 der residents, visitors, and migrants at and
16 near such borders;

17 (D) an assessment of the extent of the
18 negative economic impact, if any, on the United
19 States due to staffing needs at land ports of
20 entry along such borders;

21 (E) a determination of whether border
22 policies and practices ensure that the free flow
23 of legitimate travel and commerce is not dimin-
24 ished by efforts, activities, and programs aimed
25 at securing the international land ports of entry

1 along the international border between the
2 United States and Mexico;

3 (F) any other matters regarding cross-bor-
4 der trade policies, strategies, and programs the
5 Commission determines appropriate; and

6 (G) an evaluation and recommendations
7 regarding the training of border enforcement
8 personnel described in section 17.

9 (2) PUBLIC HEARINGS.—The Commission may,
10 for the purpose of carrying out its duties, hold hear-
11 ings, sit and act, take testimony, receive evidence,
12 and administer oaths.

13 (A) IN GENERAL.—The Commission shall
14 convene at least two public hearings each year
15 on border security.

16 (B) SUMMARIES.—The Commission shall
17 provide a summary of each hearing convened
18 pursuant to subparagraph (A) on the Federal
19 Register.

20 (d) TRAVEL EXPENSES.—Members of the Commis-
21 sion shall be allowed travel expenses, including per diem
22 in lieu of subsistence rates authorized for employees of
23 agencies under subchapter I of chapter 57 of title 5,
24 United States Code, while away from their homes or reg-

1 ular places of business in the performance of services for
2 the Commission.

3 (e) ADMINISTRATIVE SUPPORT.—The Secretary shall
4 provide the Commission such staff and administrative
5 services as may be necessary and appropriate for the Com-
6 mission to perform its functions. Any employee of the ex-
7 ecutive branch of Government may be detailed to the Com-
8 mission without reimbursement to the agency of that em-
9 ployee and such detail shall be without interruption or loss
10 of civil service or status or privilege.

11 (f) REPORT.—Not later than two years after its first
12 meeting, the Commission shall submit to the President,
13 Congress, and the Secretary of Homeland Security a final
14 report that contains—

15 (1) findings with respect to the duties of the
16 Commission; and

17 (2) recommendations regarding border and im-
18 migration enforcement policies, strategies, and pro-
19 grams, including—

20 (A) a recommendation as to whether the
21 Commission should continue to operate; and

22 (B) a description of any duties for which
23 the Commission should be responsible after the
24 termination date described in subsection (f).

1 (g) RESPONSE.—Not later than 180 days after re-
2 ceiving the findings and recommendations from the Com-
3 mission under subsection (f), the Secretary of Homeland
4 Security shall issue a response that describes how the De-
5 partment of Homeland Security has addressed, or will ad-
6 dress, such findings and recommendations. If the Sec-
7 retary disagrees with any finding of the Commission, the
8 Secretary shall provide an explanation for the disagree-
9 ment.

10 (h) INFORMATION FROM FEDERAL AGENCIES.—The
11 Chair, or a majority of the members of the Commission,
12 may request statistics relating to the duties described in
13 subsection (c) directly from any Federal agency, which
14 shall, to the extent authorized by law, furnish such infor-
15 mation, suggestions, estimates, and statistics directly to
16 the Commission.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out this section for each of the fiscal
20 years 2016 through 2019.

21 (j) SUNSET.—The Commission shall terminate oper-
22 ations 60 days after the date on which the Commission
23 submits the report described in subsection (i).

1 **SEC. 15. USE OF FORCE.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of Homeland Security, in
4 consultation with the Assistant Attorney General for the
5 Civil Rights Division of the Department of Justice, shall
6 issue policies governing the use of force by all Department
7 of Homeland Security personnel that—

8 (1) require, by not later than 18 months after
9 the date of the enactment of this Act, that all full-
10 time, active duty customs and protection officers
11 wear body-worn cameras when in the field;

12 (2) require all Department personnel to report
13 each use of force; and

14 (3) establish procedures for—

15 (A) accepting and investigating complaints
16 regarding the use of force by Department per-
17 sonnel;

18 (B) disciplining Department personnel who
19 violate any law or Department policy relating to
20 the use of force; and

21 (C) reviewing all uses of force by Depart-
22 ment personnel to determine whether the use of
23 force—

24 (i) complied with Department policy;

25 or

1 (ii) demonstrates the need for changes
2 in policy, training, or equipment.

3 **SEC. 16. TRAINING FOR BORDER SECURITY AND IMMIGRA-**
4 **TION ENFORCEMENT OFFICERS.**

5 (a) IN GENERAL.—The Secretary of Homeland Secu-
6 rity shall ensure that United States Customs and Border
7 Protection officers, United States Border Patrol agents,
8 United States Immigration and Customs Enforcement of-
9 ficers and agents, United States Air and Marine Division
10 agents, agriculture specialists, and other appropriate Fed-
11 eral law enforcement agents involved directly or through
12 a joint task force in border security with respect to any
13 land or marine border of the United States or at any
14 United States port of entry receive appropriate training,
15 which shall be prepared in collaboration with the Assistant
16 Attorney General for the Civil Rights Division of the De-
17 partment of Justice, in the following:

18 (1) Identifying and detecting fraudulent travel
19 documents.

20 (2) Civil, constitutional, human, and privacy
21 rights of individuals.

22 (3) The scope of enforcement authorities, in-
23 cluding interrogations, stops, searches, seizures, ar-
24 rests, and detentions and protocols for collecting

1 comprehensive data on these law enforcement inter-
2 actions.

3 (4) The use of force policies issued by the Sec-
4 retary.

5 (5) Immigration laws, including screening, iden-
6 tifying, and addressing vulnerable populations, such
7 as children, victims of crime and human trafficking,
8 and individuals fleeing persecution or torture.

9 (6) Social and cultural sensitivity toward border
10 communities, including initial and refresher lan-
11 guage training and training on how to avoid harass-
12 ment.

13 (7) The impact of border operations on commu-
14 nities.

15 (8) Any particular environmental concerns in a
16 particular area.

17 (b) HUMANE CONDITIONS OF CONFINEMENT FOR
18 CHILDREN IN UNITED STATES CUSTOMS AND BORDER
19 PROTECTION CUSTODY.—Not later than 90 days after the
20 date of the enactment of this Act, the Secretary of Home-
21 land Security shall establish standards to ensure that chil-
22 dren in the custody of United States Customs and Border
23 Protection—

1 (1) are afforded adequate medical and mental
2 health care, including emergency medical and mental
3 health care, when necessary;

4 (2) receive adequate nutrition;

5 (3) are provided with climate-appropriate cloth-
6 ing, footwear, and bedding;

7 (4) have basic personal hygiene and sanitary
8 products; and

9 (5) are permitted to make supervised phone
10 calls to family members.

11 (c) **ADDITIONAL CONSIDERATIONS.**—In developing
12 and providing training under subsections (a) and (b) of
13 this section the Secretary shall coordinate with the Sec-
14 retary concerned and the relevant tribal government to en-
15 sure that such training is appropriate to the mission of
16 the relevant agency and is focused on achieving border se-
17 curity objectives while avoiding or minimizing the adverse
18 impact on natural and cultural resources resulting from
19 border security tactical infrastructure, operations, or other
20 activities.

21 **SEC. 17. PROTECTION OF FAMILY VALUES IN APPREHEN-**
22 **SION PROGRAMS.**

23 (a) **DEFINITIONS.**—In this section:

24 (1) **APPREHENDED INDIVIDUAL.**—The term
25 “apprehended individual” means an individual ap-

1 prehended by personnel of the Department of Home-
2 land Security or of a cooperating entity pursuant to
3 a migration deterrence program carried out at a bor-
4 der.

5 (2) BORDER.—The term “border” means an
6 international border of the United States.

7 (3) CHILD.—Except as otherwise specifically
8 provided, the term “child” has the meaning given to
9 such term in section 101(b)(1) of the Immigration
10 and Nationality Act (8 U.S.C. 1101(b)(1)).

11 (4) COOPERATING ENTITY.—The term “cooper-
12 ating entity” means a State or local entity acting
13 pursuant to an agreement with the Secretary of
14 Homeland Security.

15 (5) MIGRATION DETERRENCE PROGRAM.—The
16 term “migration deterrence program” means an ac-
17 tion related to the repatriation or referral for pros-
18 ecution of one or more apprehended individuals for
19 a suspected or confirmed violation of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1001 et seq.) by
21 the Secretary of Homeland Security or a cooperating
22 entity.

23 (b) PROCEDURES FOR MIGRATION DETERRENCE
24 PROGRAMS AT THE BORDER.—In any migration deter-
25 rence program carried out at a border, the Secretary of

1 Homeland Security and cooperating entities shall for each
2 apprehended individual—

3 (1) as soon as practicable after such individual
4 is apprehended—

5 (A) inquire as to whether such appre-
6 hended individual is—

7 (i) a parent, legal guardian, or pri-
8 mary caregiver of a child; or

9 (ii) traveling with a spouse or child;
10 and

11 (B) ascertain whether repatriation of such
12 apprehended individual presents any humani-
13 tarian concern or concern related to such appre-
14 hended individual's physical safety; and

15 (2) ensure that, with respect to a decision re-
16 lated to the repatriation or referral for prosecution
17 of such apprehended individual, due consideration is
18 given—

19 (A) to the best interests of such appre-
20 hended individual's child, if any;

21 (B) to family unity whenever possible;

22 (C) to other public interest factors, includ-
23 ing humanitarian concerns and concerns related
24 to such apprehended individual's physical safe-
25 ty; and

1 (D) to human rights obligations under do-
2 mestic and international law, including protec-
3 tion of asylum seekers from prosecution.

4 (c) MANDATORY TRAINING.—The Secretary of
5 Homeland Security, in consultation with the Secretary of
6 Health and Human Services, the Attorney General, the
7 Secretary of State, and independent immigration, child
8 welfare, family law, and human rights law experts, shall—

9 (1) develop and provide specialized training for
10 all personnel of United States Customs and Border
11 Protection and cooperating entities who come into
12 contact with apprehended individuals in all legal au-
13 thorities, policies, and procedures relevant to the
14 preservation of a child’s best interest, family unity,
15 and other public interest factors, including those de-
16 scribed in this Act; and

17 (2) require border enforcement personnel to un-
18 dertake periodic and continuing training on best
19 practices and changes in relevant legal authorities,
20 policies, and procedures pertaining to the preserva-
21 tion of a child’s best interest, family unity, and other
22 public interest factors, including those described in
23 this Act.

24 (d) ANNUAL REPORT ON THE IMPACT OF MIGRATION
25 DETERRENCE PROGRAMS AT THE BORDER.—

1 (1) REQUIREMENT FOR ANNUAL REPORT.—Not
2 later than one year after the date of the enactment
3 of this Act and annually thereafter, the Secretary of
4 Homeland Security shall submit to Congress a re-
5 port that describes the impact of migration deter-
6 rence programs on parents, legal guardians, primary
7 caregivers of a child, individuals traveling with a
8 spouse or child, and individuals who present humani-
9 tarian considerations or concerns related to the indi-
10 vidual’s physical safety.

11 (2) CONTENTS.—Each report submitted under
12 paragraph (1) shall include for the previous one-year
13 period an assessment of the following:

14 (A) The number of apprehended individ-
15 uals removed, repatriated, or referred for pros-
16 ecution who are the parent, legal guardian, or
17 primary caregiver of a child who is a citizen of
18 the United States.

19 (B) The number of occasions in which both
20 parents, or the primary caretaker of such a
21 child was removed, repatriated, or referred for
22 prosecution as part of a migration deterrence
23 program.

24 (C) The number of apprehended individ-
25 uals traveling with close family members who

1 are removed, repatriated, or referred for pros-
2 ecution.

3 (D) The impact of migration deterrence
4 programs on public interest factors, including
5 humanitarian concerns and physical safety.

6 (e) REGULATIONS.—Not later than 120 days after
7 the date of the enactment of this Act, the Secretary of
8 Homeland Security shall promulgate regulations to imple-
9 ment this section.

10 **SEC. 18. PROHIBITION ON NEW LAND BORDER CROSSING**
11 **FEES.**

12 (a) IN GENERAL.—Beginning on the date of the en-
13 actment of this Act, the Secretary of Homeland Security
14 may not—

15 (1) establish, collect, or otherwise impose any
16 new border crossing fee on individuals crossing the
17 southern border or the northern border at a land
18 port of entry; or

19 (2) conduct any study relating to the imposition
20 of a border crossing fee.

21 (b) BORDER CROSSING FEE DEFINED.—In this sec-
22 tion, the term “border crossing fee” means a fee that
23 every pedestrian, cyclist, and driver and passenger of a
24 private motor vehicle is required to pay for the privilege

1 of crossing the southern border or the northern border at
2 a land port of entry.

3 **SEC. 19. LIMITATIONS ON DANGEROUS DEPORTATION**
4 **PRACTICES.**

5 (a) CERTIFICATION REQUIRED.—

6 (1) IN GENERAL.—Not later than one year
7 after the date of the enactment of this Act and every
8 180 days thereafter, the Secretary of Homeland Se-
9 curity, except as provided in paragraph (2), shall
10 submit written certification to Congress that the De-
11 partment of Homeland Security has only deported or
12 otherwise removed a migrant from the United States
13 through an entry or exit point on the southern bor-
14 der during daylight hours.

15 (2) EXCEPTION.—The certification required
16 under paragraph (1) shall not apply to the deporta-
17 tion or removal of a migrant otherwise described in
18 such paragraph if—

19 (A) the manner of the deportation or re-
20 moval is justified by a compelling governmental
21 interest;

22 (B) the manner of the deportation or re-
23 moval is in accordance with an applicable Local
24 Arrangement for the Repatriation of Mexican

1 Nationals entered into by the appropriate Mexi-
2 can Consulate; or

3 (C) the migrant is not an unaccompanied
4 minor and the migrant—

5 (i) is deported or removed through an
6 entry or exit point in the same sector as
7 the place where the migrant was appre-
8 hended; or

9 (ii) agrees to be deported or removed
10 in such manner after being notified of the
11 intended manner of deportation or re-
12 moval.

13 (b) **ADDITIONAL INFORMATION REQUIRED.**—Not
14 later than one year after the date of the enactment of this
15 Act, the Secretary of Homeland Security shall submit to
16 Congress a study of the Alien Transfer Exit Program,
17 which shall include—

18 (1) the specific locations on the southern border
19 where lateral repatriations have occurred during the
20 one-year period preceding the submission of such
21 study;

22 (2) the performance measures developed by
23 United States Customs and Border Protection to de-
24 termine if the Alien Transfer Exit Program is deter-

1 ring migrants from repeatedly crossing the border or
2 otherwise reducing recidivism; and

3 (3) the consideration given, if any, to the rates
4 of violent crime and the availability of infrastructure
5 and social services in Mexico near such locations.

6 (c) PROHIBITION ON CONFISCATION OF PROP-
7 ERTY.—The lawful, nonperishable belongings of a mi-
8 grant, including all money but excluding property that
9 cannot lawfully be possessed, shall be returned to the mi-
10 grant prior to transfer, repatriation, or release, in coordi-
11 nation with other State and Federal agencies as necessary.

12 **SEC. 20. SEVERABILITY AND DELEGATION.**

13 (a) SEVERABILITY.—If any provision of this Act or
14 any amendment made by this Act, or any application of
15 such provision or amendment to any person or cir-
16 cumstance, is held to be unconstitutional, the remainder
17 of the provisions of this Act and the amendments made
18 by this Act and the application of the provision or amend-
19 ment to any other person or circumstance shall not be af-
20 fected.

21 (b) DELEGATION.—The Secretary of Homeland Se-
22 curity may delegate any authority provided to the Sec-
23 retary under this Act or an amendment made by this Act
24 to the Secretary of Agriculture, the Attorney General, the

1 Secretary of Defense, the Secretary of Health and Human
2 Services, or the Secretary of State.

3 **SEC. 21. IMPROVING PORTS OF ENTRY FOR BORDER SECU-**
4 **RITY AND OTHER PURPOSES.**

5 There is authorized to be appropriated to the Admin-
6 istrator of the General Services Administration
7 \$400,000,000 for fiscal year 2016 for planning, manage-
8 ment, design, alteration, and construction of United
9 States Customs and Border Protection-owned land border
10 ports of entry.

11 **SEC. 22. IMPROVING CROSS-BORDER TRANSPORTATION.**

12 There is authorized to be appropriated to the Federal
13 Highway Administration \$100,000,000 for fiscal year
14 2016 for—

15 (1) improvements to existing transportation and
16 supporting infrastructure along the land border
17 ports of entry;

18 (2) construction of highways and related safety
19 facilities along the land border ports of entry; and

20 (3) international coordination and transpor-
21 tation planning, programming, and border oper-
22 ations with Mexico.

1 **SEC. 23. INCREASE IN NUMBERS OF UNITED STATES CUS-**
2 **TOMS AND BORDER PROTECTION OFFICES**
3 **ON LAND PORTS OF ENTRY.**

4 (a) CUSTOMS AND BORDER PROTECTION OFFI-
5 CERS.—The Secretary shall increase by 5,000 the total
6 number of full-time, active duty customs and protection
7 officers within United States Customs and Border Protec-
8 tion for posting at United States land ports of entry by
9 not later than September 30, 2020.

10 (b) CUSTOMS AND BORDER PROTECTION SUPPORT
11 PERSONNEL.—The Secretary shall increase by 350 the
12 total number of full-time support staff for all United
13 States land ports of entry by September 30, 2020.

14 **SEC. 24. RACIAL PROFILING COMPLIANCE.**

15 Each component of the Department of Homeland Se-
16 curity shall comply with the Department of Justice guid-
17 ance known as “Guidance for Federal Law Enforcement
18 Agencies Regarding the Use of Race, Ethnicity, Gender,
19 National Origin, Religion, Sexual Orientation, or Gender
20 Identity”, including the requirements under such guidance
21 for training, data collection, and accountability. Not later
22 than 90 days after the date of the enactment of this Act,
23 Customs and Border Protection shall submit to Congress
24 a report on the data it collects and intends to collect at

- 1 checkpoints and roving patrols to monitor the incidence
- 2 of impermissible profiling.

○