

115TH CONGRESS
1ST SESSION

S. 1560

To ensure the integrity of border and immigration enforcement efforts by requiring U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to administer law enforcement polygraph examinations to all applicants for law enforcement positions and to require post-hire polygraph examinations for law enforcement personnel as part of periodic reinvestigations.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2017

Mr. DURBIN (for himself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure the integrity of border and immigration enforcement efforts by requiring U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to administer law enforcement polygraph examinations to all applicants for law enforcement positions and to require post-hire polygraph examinations for law enforcement personnel as part of periodic reinvestigations.

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.**

2 This Act may be cited as the “Integrity in Border
3 and Immigration Enforcement Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **LAW ENFORCEMENT POSITION.**—The term
7 “law enforcement position” means any law enforce-
8 ment position in U.S. Customs and Border Protec-
9 tion (“CBP”) or U.S. Immigration and Customs
10 Enforcement (“ICE”).

11 (2) **POLYGRAPH EXAMINATION.**—The term
12 “polygraph examination” means the Law Enforce-
13 ment Pre-Employment Test certified by the National
14 Center for Credibility Assessment.

15 **SEC. 3. POLYGRAPH EXAMINATIONS FOR LAW ENFORCE-**
16 **MENT PERSONNEL.**

17 (a) **APPLICANTS.**—Beginning not later than 30 days
18 after the date of the enactment of this Act, the Secretary
19 of Homeland Security—

20 (1) shall require that polygraph examinations
21 are conducted on all applicants for law enforcement
22 positions; and

23 (2) may not hire any applicant for a law en-
24 forcement position who does not pass a polygraph
25 examination.

1 (b) TARGETED POLYGRAPH REINVESTIGATIONS.—
2 Beginning not later than 90 days after the date of the
3 enactment of this Act, the Secretary of Homeland Secu-
4 rity, as part of each background reinvestigation, shall ad-
5 minister a polygraph examination to—

6 (1) every CBP law enforcement employee who
7 is determined by the Inspector General of the De-
8 partment of Homeland Security to be part of a pop-
9 ulation at risk of corruption or misconduct, based on
10 an analysis of past incidents of misconduct and cor-
11 ruption; and

12 (2) every ICE law enforcement employee who is
13 determined by the Inspector General of the Depart-
14 ment of Homeland Security to be part of a popu-
15 lation at risk of corruption or misconduct, based on
16 an analysis of past incidents of misconduct and cor-
17 ruption.

18 (c) DELEGATION OF AUTHORITY TO DETERMINE
19 TARGETED POLYGRAPH EXAMINATIONS.—The Inspector
20 General of the Department of Homeland Security may—

21 (1) delegate the authority under subsection
22 (b)(1) to the CBP Office of Professional Responsi-
23 bility; and

1 (2) delegate the authority under subsection
2 (b)(2) to the ICE Office of Professional Responsi-
3 bility.

4 (d) RANDOM POLYGRAPH REINVESTIGATIONS.—Be-
5 ginning not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary of Homeland Security
7 shall—

8 (1) randomly administer a polygraph examina-
9 tion each year to at least 5 percent of CBP law en-
10 forcement employees who are undergoing back-
11 ground reinvestigations during that year and have
12 not been selected for a targeted polygraph examina-
13 tion under subsection (b)(1); and

14 (2) randomly administer a polygraph examina-
15 tion each year to at least 5 percent of ICE law en-
16 forcement employees who are undergoing back-
17 ground reinvestigations during that year and have
18 not been selected for a targeted polygraph examina-
19 tion under subsection (b)(2).

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