

118TH CONGRESS
1ST SESSION

S. 1444

To increase the pay and enhance the training of United States Border Patrol agents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2023

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

A BILL

To increase the pay and enhance the training of United States Border Patrol agents, 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 Patrol En-
5 hancement Act”.

6 **SEC. 2. AUTHORIZED STAFFING LEVEL FOR THE UNITED**
7 **STATES BORDER PATROL.**

8 (a) DEFINITIONS.—In this section:

9 (1) QUALIFIED RESEARCH ENTITY.—The term
10 “qualified research entity” means an independent,

1 not-for-profit, federally funded research entity with
2 appropriate expertise and analytical capability to
3 analyze and validate the personnel requirements de-
4 termination model.

5 (2) VALIDATED PERSONNEL REQUIREMENTS
6 DETERMINATION MODEL.—The term “validated per-
7 sonnel requirements determination model” means a
8 determination of the number of United States Bor-
9 der Patrol agents needed to meet the critical mission
10 requirements of the United States Border Patrol to
11 maintain an orderly process for migrants entering
12 the United States, that has been validated by a
13 qualified research entity pursuant to subsection (d).

14 (b) IN GENERAL.—The authorized personnel level for
15 United States Border Patrol agents on the date of the en-
16 actment of this Act is 20,500.

17 (c) UNITED STATES BORDER PATROL PERSONNEL
18 REQUIREMENTS DETERMINATION MODEL.—

19 (1) COMPLETION; NOTICE.—Not later than 180
20 days after the date of the enactment of this Act, the
21 Commissioner shall complete a personnel require-
22 ments determination model for United States Border
23 Patrol that builds on the 5-year United States Bor-
24 der Patrol staffing and deployment plan referred to
25 on page 33 of House of Representatives Report

1 112–91 (May 26, 2011) and submit a notice of com-
2 pletion to—

3 (A) the appropriate congressional commit-
4 tees;

5 (B) the Director of the Office of Personnel
6 Management; and

7 (C) the Comptroller General of the United
8 States.

9 (2) CERTIFICATION.—Not later than 30 days
10 after the completion of the personnel requirements
11 determination model described in paragraph (1), the
12 Commissioner shall submit a copy of such model and
13 a strategy for obtaining third-party validation of
14 such model, to—

15 (A) the appropriate congressional commit-
16 tees;

17 (B) the Office of Personnel Management;
18 and

19 (C) the Comptroller General of the United
20 States.

21 (d) INDEPENDENT STUDY OF PERSONNEL REQUIRE-
22 MENTS DETERMINATION MODEL.—

23 (1) REQUIREMENT FOR STUDY.—Not later than
24 90 days after the completion of the personnel re-
25 quirements determination model pursuant to sub-

1 section (c)(1), the Secretary of Homeland Security
2 shall enter into a contract with a qualified research
3 entity to conduct a study that analyzes the validity
4 of the model.

5 (2) REPORTS.—

6 (A) TO SECRETARY.—Not later than 1
7 year after the completion of the personnel re-
8 quirements determination model under sub-
9 section (c)(1), the qualified research entity shall
10 submit a report to the Secretary of Homeland
11 Security that includes—

12 (i) the results of the study required
13 under paragraph (1); and

14 (ii) any recommendations regarding
15 the model that the qualified research entity
16 considers to be appropriate.

17 (B) TO CONGRESS.—Not later than 30
18 days after receiving the report described in sub-
19 paragraph (A), the Secretary of Homeland Se-
20 curity shall submit such report, along with any
21 additional views or recommendations regarding
22 the personnel requirements determination
23 model, to the Committee on Homeland Security
24 and Governmental Affairs of the Senate and the

1 Committee on Homeland Security of the House
2 of Representatives.

3 (e) **AUTHORITY TO ADJUST AUTHORIZED PER-**
4 **SONNEL LEVEL.**—Beginning on the date that is 180 days
5 after receiving a report pursuant to subsection (d)(2) that
6 validates the personnel requirements determination model,
7 the Secretary of Homeland Security may adjust the au-
8 thorized personnel level for the United States Border Pa-
9 trol to a level that does not exceed the level recommended
10 by the validated personnel requirements determination
11 model.

12 **SEC. 3. ESTABLISHMENT OF HIGHER MINIMUM RATES OF**
13 **PAY FOR UNITED STATES BORDER PATROL**
14 **AGENTS.**

15 (a) **HIGHER MINIMUM RATE OF PAY.**—Not later
16 than January 1, 2023, the Director of the Office of Per-
17 sonnel Management—

18 (1) shall, in accordance with section 5305 of
19 title 5, United States Code—

20 (A) increase the minimum rate of pay for
21 United States Border Patrol agents at the
22 grade GS–12 of the General Schedule by not
23 less than 14 percent; and

24 (B) increase other grades or levels, occupa-
25 tional groups, series, classes, or subdivisions

1 thereof, as determined by the Secretary of
2 Homeland Security; and

3 (2) may make increases in all rates in the pay
4 range for each such grade or level, in accordance
5 with such section 5305.

6 (b) INAPPLICABILITY.—The discretion granted to
7 agency heads under section 5305(a)(2) of title 5, United
8 States Code, shall not apply to increase in rates of pay
9 authorized under subsection (a).

10 **SEC. 4. CONTINUING TRAINING.**

11 (a) IN GENERAL.—The Commissioner shall require
12 all United States Border Patrol agents and other employ-
13 ees or contracted employees designated by the Commis-
14 sioner, to participate in annual continuing training to
15 maintain and update their understanding of—

16 (1) Department of Homeland Security policies,
17 procedures, and guidelines;

18 (2) the fundamentals of law, ethics, and profes-
19 sional conduct;

20 (3) applicable Federal law and regulations;

21 (4) precedential legal rulings, including Federal
22 Circuit Court and United States Supreme Court
23 opinions relating to the duty of care and treatment
24 of persons in the custody of the United States Bor-

1 der Patrol that the Commissioner determines are
2 relevant to active duty agents;

3 (5) applicable migration trends that the Com-
4 missioner determines are relevant;

5 (6) best practices for coordinating with commu-
6 nity stakeholders; and

7 (7) any other information that the Commis-
8 sioner determines to be relevant to active duty
9 agents.

10 (b) TRAINING SUBJECTS.—Continuing training
11 under this subsection shall include training regarding—

12 (1) non-lethal use of force policies available to
13 United States Border Patrol agents and de-esca-
14 lation strategies and methods;

15 (2) identifying, screening, and responding to
16 vulnerable populations, such as children, persons
17 with diminished mental capacity, victims of human
18 trafficking, pregnant mothers, victims of gender-
19 based violence, victims of torture or abuse, and the
20 acutely ill;

21 (3) trends in transnational criminal organiza-
22 tion activities that impact border security and mi-
23 gration;

24 (4) policies, strategies, and programs—

1 (A) to protect due process, the civil,
2 human, and privacy rights of individuals, and
3 the private property rights of land owners;

4 (B) to reduce the number of migrant and
5 agent deaths; and

6 (C) to improve the safety of agents on pa-
7 trol;

8 (5) personal resilience;

9 (6) anti-corruption and officer ethics training;

10 (7) current migration trends, including updated
11 cultural and societal issues of nations that are a sig-
12 nificant source of migrants who are—

13 (A) arriving at a United States port of
14 entry to seek humanitarian protection; or

15 (B) encountered at a United States inter-
16 national boundary while attempting to enter
17 without inspection;

18 (8) the impact of border security operations on
19 natural resources and the environment, including
20 strategies to limit the impact of border security op-
21 erations on natural resources and the environment;

22 (9) relevant cultural, societal, racial, and reli-
23 gious training, including cross-cultural communica-
24 tion skills;

1 (10) training authorized under the Prison Rape
2 Elimination Act of 2003 (42 U.S.C. 15601 et seq.);

3 (11) risk management and safety training that
4 includes agency protocols for ensuring public safety,
5 personal safety, and the safety of persons in the cus-
6 tody of the Department of Homeland Security;

7 (12) non-lethal, self-defense training; and

8 (13) any other training that meets the require-
9 ments to maintain and update the subjects identified
10 in subsection (a).

11 (c) COURSE REQUIREMENTS.—Courses offered under
12 this section—

13 (1) shall be administered by the United States
14 Border Patrol, in consultation with the Federal Law
15 Enforcement Training Center; and

16 (2) shall be approved in advance by the Com-
17 missioner of U.S. Customs and Border Protection to
18 ensure that such courses satisfy the requirements for
19 training under this section.

20 (d) ASSESSMENT.—Not later than 2 years after the
21 date of the enactment of this Act, the Comptroller General
22 of the United States shall submit a report to the Com-
23 mittee on Homeland Security and Governmental Affairs
24 of the Senate and the Committee on Homeland Security
25 of the House of Representatives that assesses the training

1 and education provided pursuant to this section, including
2 continuing education.

3 (e) FREQUENCY REQUIREMENTS.—Training offered
4 as part of continuing education under this section shall
5 include—

6 (1) annual courses focusing on the curriculum
7 described in paragraphs (1) through (6) of sub-
8 section (b); and

9 (2) biannual courses focusing on curriculum de-
10 scribed in paragraphs (7) through (12) of subsection
11 (b).

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