

**AMENDMENT TO RULES COMM. PRINT 118-38**  
**OFFERED BY MR. CUELLAR OF TEXAS**

At the end of the bill (before the short title), insert the following:

1       SEC. \_\_\_\_\_. The Anti-Border Corruption Act of 2010  
2 (Public Law 111-376) is amended—

3           (1) in section 3 (6 U.S.C. 221), by amending  
4 subsection (b) to read as follows:

5       “(b) WAIVER REQUIREMENT.—

6           “(1) IN GENERAL.—The Commissioner of U.S.  
7 Customs and Border Protection, in his or her sole  
8 discretion, may waive the application of subsection  
9 (a)(1) to a current, full-time Federal law enforce-  
10 ment officer, or to a current member of the Armed  
11 Forces or veteran, if such individual—

12           “(A) has served not fewer than three years  
13 in the position; and

14           “(B) holds a current Tier 5 Federal back-  
15 ground investigation.

16       “(2) LIMITATION.—A waiver under this sub-  
17 section may not be granted for any individual who  
18 is currently under investigation, has been found to  
19 have engaged in criminal activity or serious mis-

1       conduct, has resigned from a law enforcement officer  
2       position under investigation or in lieu of termination,  
3       or has been dismissed from a law enforcement offi-  
4       cer position.

5           “(3) FURTHER REQUIREMENT.—To be eligible  
6       for a waiver under this subsection, an individual  
7       serving in the Armed Forces shall also receive or be  
8       eligible to receive an honorable discharge from serv-  
9       ice or not have committed a serious military or civil  
10      offense under the Uniform Code of Military Jus-  
11      tice.”; and

12           (2) by adding at the end the following new sec-  
13      tion:

14   **“SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

15           “(a) NONEXEMPTION.—An individual who receives a  
16      waiver under section 3(b) is not exempt from any other  
17      hiring requirements relating to suitability for employment  
18      and eligibility to hold a national security designated posi-  
19      tion, as determined by the Commissioner of U.S. Customs  
20      and Border Protection.

21           “(b) ADMINISTRATION OF POLYGRAPH EXAMINA-  
22      TION.—The Commissioner of U.S. Customs and Border  
23      Protection is authorized to administer a polygraph exam-  
24      ination to an applicant or employee who is eligible for or  
25      receives a waiver under section 3(b) if information is dis-

1 covered before the completion of a background investiga-  
2 tion that results in a determination that a polygraph ex-  
3 amination is necessary to make a final determination re-  
4 garding suitability for employment or continued employ-  
5 ment, as the case may be.”.

