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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To increase transparency, accountability, and community engagement within the Department of Homeland Security, to provide independent oversight of border security activities, to improve training for agents and officers of U.S. Customs and Border Protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. ESCOBAR introduced the following bill; which was referred to the Committee on _____

A BILL

To increase transparency, accountability, and community engagement within the Department of Homeland Security, to provide independent oversight of border security activities, to improve training for agents and officers of U.S. Customs and Border Protection, 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 “Homeland Security
5 Improvement Act”.

1 **SEC. 2. STAKEHOLDER AND COMMUNITY ENGAGEMENT.**

2 (a) DEPARTMENT OF HOMELAND SECURITY BORDER
3 OVERSIGHT COMMISSION.—

4 (1) ESTABLISHMENT.—There is established an
5 independent commission, which shall be known as
6 the “Department of Homeland Security Border
7 Oversight Commission” (referred to in this Act as
8 the “Commission”).

9 (2) ORGANIZATION.—

10 (A) LEADERSHIP.—The Commission shall
11 be led by a Chair and a Vice Chair.

12 (B) MEMBERSHIP.—

13 (i) IN GENERAL.—The Commission
14 shall be composed of 30 members, who—

15 (I) shall be appointed by the
16 Speaker and the minority leader of
17 the House of Representatives and the
18 majority and minority leaders of the
19 Senate, in consultation with the Presi-
20 dent; and

21 (II) shall have expertise in migra-
22 tion, local crime indices, civil and
23 human rights, community relations,
24 cross-border trade and commerce,
25 quality of life indicators, or other per-
26 tinent experience.

1 (ii) REGIONAL REPRESENTATION.—Of
2 the 30 members appointed pursuant to
3 clause (i)(I)—

4 (I) 13 members shall be from the
5 northern border region and shall com-
6 prise the northern border sub-
7 committee; and

8 (II) 17 members shall be from
9 the southern border region and shall
10 comprise the southern border sub-
11 committee.

12 (iii) NORTHERN BORDER SUB-
13 COMMITTEE.—Of the 13 members from
14 the northern border region—

15 (I) 2 shall be elected local gov-
16 ernment officials;

17 (II) 2 shall be local law enforce-
18 ment officials;

19 (III) 2 shall be civil rights advo-
20 cates;

21 (IV) 1 shall represent the busi-
22 ness community;

23 (V) 1 shall represent institutions
24 of higher education;

1 (VI) 1 shall represent a faith
2 community;

3 (VII) 2 shall be U.S. Border Pa-
4 trol officers or agents, including at
5 least 1 member of the National Bor-
6 der Patrol Council; and

7 (VIII) 2 shall be tribal officials.

8 (iv) SOUTHERN BORDER SUB-
9 COMMITTEE.—Of the 17 members from
10 the southern border region—

11 (I) 3 shall be elected local gov-
12 ernment officials;

13 (II) 3 shall be local law enforce-
14 ment officials;

15 (III) 3 shall be civil rights advo-
16 cates;

17 (IV) 2 shall represent the busi-
18 ness community;

19 (V) 1 shall represent institutions
20 of higher education;

21 (VI) 1 shall represent a faith
22 community;

23 (VII) 2 shall be U.S. Border Pa-
24 trol officers or agents, including at

1 least 1 member of the National Bor-
2 der Patrol Council; and

3 (VIII) 2 shall be tribal officials.

4 (v) CHAIR; VICE CHAIR.—The mem-
5 bers of the Commission shall elect a Chair
6 and a Vice Chair from among its members
7 by a majority vote of at least 16 members.

8 (vi) TERMS OF SERVICE.—The Chair
9 and the Vice Chair of the Commission
10 shall serve 4-year terms in such positions.
11 Members of the Commission shall also
12 serve 4-year terms.

13 (vii) APPOINTMENT DEADLINE.—Con-
14 gress shall make the initial appointments
15 to the Commission not later than 180 days
16 after the date of the enactment of this Act.

17 (3) MEETINGS.—

18 (A) COMMISSION.—The Commission shall
19 meet at least semiannually and may convene
20 additional meetings as necessary.

21 (B) SUBCOMMITTEES.—The northern bor-
22 der and southern border subcommittees shall
23 meet at least quarterly, and may convene addi-
24 tional meetings, as necessary.

1 (4) DUTIES.—The Commission, the northern
2 border subcommittee, and the southern border sub-
3 committee shall—

4 (A) develop recommendations for improve-
5 ments regarding border enforcement policies,
6 strategies, and programs that take into consid-
7 eration their impact on border communities;

8 (B) evaluate policies, strategies, and pro-
9 grams of Federal agencies operating along the
10 northern and southern United States borders—

11 (i) to protect—

12 (I) due process;

13 (II) the civil and human rights of
14 border residents and visitors; and

15 (III) private property rights of
16 land owners;

17 (ii) to reduce the number of migrant
18 deaths; and

19 (iii) to improve the safety of agents
20 and officers of U.S. Customs and Border
21 Protection and U.S. Immigration and Cus-
22 toms Enforcement;

23 (C) develop recommendations for improve-
24 ments regarding the safety of agents and offi-
25 cers of U.S. Customs and Border Protection

1 and U.S. Immigration and Customs Enforce-
2 ment while such agents and officers are in the
3 field; and

4 (D) evaluate training and establish train-
5 ing courses related to—

6 (i) management and leadership skills
7 for supervisors in each U.S. Border Patrol
8 sector, at each port of entry on the north-
9 ern and southern United States borders,
10 and at each U.S. Immigration and Cus-
11 toms Enforcement field office; and

12 (ii) the extent to which supervisory
13 and management personnel practices at
14 U.S. Customs and Border Protection and
15 U.S. Immigration and Customs Enforce-
16 ment—

17 (I) encourage and facilitate work-
18 force development for agents and offi-
19 cers; and

20 (II) promote agent and officer
21 field safety and post-Federal Law En-
22 forcement Training Center (referred
23 to in this Act as “FLETC”) training
24 of border enforcement personnel in ac-
25 cordance with section 6.

1 (5) ADDITIONAL RESPONSIBILITIES.—

2 (A) IN GENERAL.—In carrying out the du-
3 ties set forth in paragraph (4), the Commission
4 shall take into consideration any recommenda-
5 tions and evaluations agreed upon by the north-
6 ern border subcommittee and the southern bor-
7 der subcommittee.

8 (B) SUBCOMMITTEE REPORTS.—The
9 northern border subcommittee and the southern
10 border subcommittee shall each—

11 (i) submit an annual report to the
12 Chair and Vice Chair of the Commission
13 that contains the recommendations and
14 evaluations of the subcommittees referred
15 to in paragraph (4); and

16 (ii) make each such report available to
17 the public.

18 (6) PROHIBITION ON COMPENSATION.—Mem-
19 bers of the Commission may not receive pay, allow-
20 ances, or benefits from the Federal Government by
21 reason of their service on the Commission or either
22 of its subcommittees.

23 (b) HEARINGS AND EVIDENCE.—The Commission or,
24 on the authority of the Commission, any subcommittee or
25 member of the Commission, may, for the purpose of car-

1 rying out this Act, hold such hearings, and sit and act
2 at such times and places, take such testimony, receive
3 such evidence, and administer such oaths as the Commis-
4 sion or such designated subcommittee or designated mem-
5 ber determines necessary to carry out its duties under sub-
6 section (a)(4).

7 (c) SAVINGS PROVISION.—Nothing in this Act may
8 be construed as affecting the investigative and disciplinary
9 procedures of U.S. Customs and Border Protection, U.S.
10 Immigration and Customs Enforcement, or the Depart-
11 ment of Homeland Security with respect to agents and
12 officers of U.S. Customs and Border Protection or U.S.
13 Immigration and Customs Enforcement.

14 (d) REPORTS.—

15 (1) ANNUAL REPORTS.—The Commission
16 shall—

17 (A) submit an annual report to the Sec-
18 retary of Homeland Security that contains in-
19 formation regarding the activities, findings, and
20 recommendations of the Commission, including
21 the northern border subcommittee and the
22 southern border subcommittee, for the pre-
23 ceding year; and

24 (B) make each such report available to the
25 public.

1 (2) CONGRESSIONAL NOTIFICATION.—The Sec-
2 retary of Homeland Security shall brief the Com-
3 mittee on Homeland Security and Governmental Af-
4 fairs of the Senate, the Committee on the Judiciary
5 of the Senate, the Committee on Homeland Security
6 of the House of Representatives, and the Committee
7 on the Judiciary of the House of Representatives re-
8 garding each report received under paragraph (1).

9 **SEC. 3. ESTABLISHMENT OF THE OFFICE OF THE OMBUDS-**
10 **MAN FOR BORDER AND IMMIGRATION RE-**
11 **LATED CONCERNS.**

12 (a) IN GENERAL.—Subtitle A of title IV of the
13 Homeland Security Act of 2002 (6 U.S.C. 202 et seq.)
14 is amended by adding at the end the following new section:

15 **“SEC. 406. OMBUDSMAN FOR BORDER AND IMMIGRATION-**
16 **RELATED CONCERNS.**

17 “(a) IN GENERAL.—There shall be within the De-
18 partment an Ombudsman for Border and Immigration-
19 Related Concerns (referred to in this section as the ‘Om-
20 budsman’). The individual appointed as Ombudsman shall
21 have a background in immigration or civil liberties law or
22 law enforcement and shall report directly to the Secretary.

23 “(b) ORGANIZATIONAL INDEPENDENCE.—The Sec-
24 retary shall take appropriate action to ensure the inde-
25 pendence of the Ombudsman’s office from other officers

1 or employees of the Department engaged in border secu-
2 rity or immigration activities.

3 “(c) STAFFING.—The Secretary shall take appro-
4 priate action to ensure that the Ombudsman’s office is
5 sufficiently staffed and resourced to carry out its duties
6 effectively and efficiently.

7 “(d) FUNCTIONS.—The Ombudsman shall—

8 “(1) establish an independent, neutral, and ap-
9 propriately confidential process to receive, inves-
10 tigate, resolve, and provide redress, including immi-
11 gration relief, monetary damages, or any other ac-
12 tion determined appropriate, for complaints, griev-
13 ances, or requests for assistance from individuals,
14 associations, and employers regarding the border se-
15 curity and immigration activities of the Department;

16 “(2) conduct inspections of the facilities, includ-
17 ing privately owned or operated contract facilities, of
18 U.S. Customs and Border Protection, U.S. Immigra-
19 tion and Customs Enforcement, and U.S. Citizen-
20 ship and Immigration Services;

21 “(3) assist individuals and families who—

22 “(A) have been victims of crimes com-
23 mitted by noncitizens present in the United
24 States or of violence near the United States
25 border; or

1 “(B) have been impacted by situations in
2 which the Department has exercised force
3 against an individual, including by use of a fire-
4 arm, electronic control weapon, explosive device,
5 chemical agent, baton, projectile, blunt instru-
6 ment, body part, canine, or vehicle;

7 “(4) identify areas in which individuals, associa-
8 tions, and employers have identified concerns with
9 respect to interacting with U.S. Customs and Border
10 Protection, U.S. Immigration and Customs Enforce-
11 ment, or U.S. Citizenship and Immigration Services;

12 “(5) propose changes in the administrative
13 practices of U.S. Customs and Border Protection,
14 U.S. Immigration and Customs Enforcement, and
15 U.S. Citizenship and Immigration Services to miti-
16 gate problems identified under this section;

17 “(6) review, examine, and make recommenda-
18 tions regarding the border security and immigration
19 and enforcement activities of U.S. Customs and Bor-
20 der Protection, U.S. Immigration and Customs En-
21 forcement, and U.S. Citizenship and Immigration
22 Services;

23 “(7) establish a uniform and standardized com-
24 plaint process regarding complaints against any indi-
25 vidual employed by U.S. Customs and Border Pro-

1 tection or U.S. Immigration and Customs Enforce-
2 ment for violations of standards of professional con-
3 duct that—

4 “(A) requires the completion of an inde-
5 pendent review and investigation not later than
6 1 year after the receipt of any such complaint;

7 “(B) requires that complainants receive—

8 “(i) written confirmation that their
9 complaint was received not later than 60
10 days after such receipt; and

11 “(ii) a written summary regarding the
12 outcome of such complaint not later than
13 30 days after the completion of the review
14 and investigation under subparagraph (A),
15 including findings of fact, recommended
16 action, and available redress;

17 “(C) features—

18 “(i) a centralized multilingual online
19 complaint form that includes street ad-
20 dress, toll-free telephone number, and elec-
21 tronic mailbox address to permit an indi-
22 vidual to file an immigration or border-re-
23 lated complaint and submit supporting evi-
24 dence through the portal of choice of any
25 such individual; and

1 “(ii) the posting of multilingual infor-
2 mation relating to such form at ports of
3 entry and at U.S. Border Patrol interior
4 checkpoints;

5 “(D) includes procedures for referring
6 complaints to the Office for Civil Rights and
7 Civil Liberties, the Office of the Inspector Gen-
8 eral, or other appropriate agency of the Depart-
9 ment;

10 “(E) establishes a publicly accessible na-
11 tional, standardized database capable of track-
12 ing and analyzing complaints and their resolu-
13 tion; and

14 “(F) provides publicly accessible records,
15 with copies of complaints, and their resolutions
16 permanently preserved and available for inspec-
17 tion, while maintaining the confidentiality of
18 complainants’ identities; and

19 “(8) establish an online detainee locator system
20 for individuals held in U.S. Customs and Border
21 Protection custody.

22 “(e) OTHER RESPONSIBILITIES.—In addition to the
23 functions specified in subsection (d), the Ombudsman
24 shall—

1 “(1) monitor the coverage and geographic allo-
2 cation of local offices of the Ombudsman, including
3 appointing local ombudsmen for border and immi-
4 gration related concerns;

5 “(2) evaluate and take personnel actions (in-
6 cluding dismissal) with respect to any employee of
7 the Ombudsman;

8 “(3) recommend disciplinary action, including
9 contract termination, suspension, and debarment, or
10 termination, suspension, and sanctions, to the appro-
11 priate departmental entity regarding any contractor
12 proven to have violated departmental policies or pro-
13 cedures while executing any border security or immi-
14 gration activity;

15 “(4) refer to the Inspector General of the De-
16 partment any complaints of the violation of depart-
17 mental policies or procedures by any Department
18 employee relating to border security or immigration
19 activity; and

20 “(5) provide each complainant with a summary
21 of the outcome of any action taken in response to a
22 complaint, grievance, or request for assistance from
23 such complainant, including any findings of fact,
24 recommended action, and available redress.

25 “(f) COMPLAINANTS.—

1 “(1) ELIGIBILITY.—Any interested party, in-
2 cluding a legal representative, may file a complaint
3 through the complaint process established pursuant
4 to subsection (d)(7).

5 “(2) RETALIATORY ACTION PROHIBITED.—
6 Complainants and other individuals identified in a
7 complaint submitted under this section shall be pro-
8 tected from retaliatory action by law enforcement or
9 by any officer of the United States based on the con-
10 tent of such complaint. No information contained in
11 a complaint that is germane to such complaint may
12 be used as evidence in any removal or criminal pro-
13 ceedings against the complainant or any individual
14 identified in such complaint.

15 “(3) NO EFFECT ON REMOVAL OR CRIMINAL
16 PROCEEDINGS.—Neither the filing of a complaint
17 nor the contents of a complaint shall confer immu-
18 nity or otherwise impact any removal or criminal
19 proceedings against a complainant or an individual
20 identified in such complaint.

21 “(4) PRIVACY.—No personally identifiable in-
22 formation related to an individual involved in a com-
23 plaint which would result in identification of such in-
24 dividual may be published.

1 “(5) ASSISTANCE.—All complainants shall re-
2 ceive full assistance from the Department in filing
3 complaints, including language assistance, accom-
4 modations for disabilities, and accurate and com-
5 plete responses to their questions.

6 “(g) REQUEST FOR INVESTIGATIONS.—The Ombuds-
7 man may request the Inspector General of the Department
8 to conduct inspections, investigations, and audits related
9 to compliance with subsections (d), (e), and (f).

10 “(h) COORDINATION WITH DEPARTMENT COMPO-
11 NENTS.—

12 “(1) IN GENERAL.—The Director of U.S. Citi-
13 zenship and Immigration Services, the Assistant
14 Secretary of U.S. Immigration and Customs En-
15 forcement, and the Commissioner of U.S. Customs
16 and Border Protection shall each establish proce-
17 dures to provide formal responses to recommenda-
18 tions submitted to such officials by the Ombudsman
19 not later than 60 days after receiving such rec-
20 ommendations.

21 “(2) ACCESS TO INFORMATION.—The Secretary
22 shall establish procedures to provide the Ombuds-
23 man access to all departmental records that are nec-
24 essary to execute the responsibilities of the Ombuds-
25 man under subsection (d) or (e) not later than 60

1 days after the Ombudsman requests such informa-
2 tion.

3 “(i) PUBLIC OUTREACH.—The Secretary shall—

4 “(1) take all appropriate action to advise the
5 public regarding the existence, duties, responsibil-
6 ities, and grievance processes of the Ombudsman’s
7 office; and

8 “(2) promulgate regulations to ensure—

9 “(A) the public’s ability to file grievances
10 with the Ombudsman’s office electronically; and

11 “(B) that absent written permission of all
12 affected parties, all documents submitted to the
13 Ombudsman’s office are used solely by the Om-
14 budsman’s office to advance the purposes de-
15 scribed in this section.

16 “(j) ANNUAL REPORTING.—Not later than June 30
17 of each calendar year beginning after the date of the en-
18 actment of the Homeland Security Improvement Act, the
19 Ombudsman shall submit a report to the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate, the Committee on the Judiciary of the Senate, the
22 Committee on Homeland Security of the House of Rep-
23 resentatives, and the Committee on the Judiciary of the
24 House of Representatives that includes—

1 “(1) the number and type of complaints re-
2 ceived under this section;

3 “(2) the demographics of the complainants who
4 filed such complaints;

5 “(3) the results of the investigations conducted
6 in response to such complaints, including violations
7 of standards and any disciplinary actions taken;

8 “(4) the identification of any complaint pat-
9 terns that could be prevented or reduced by policy
10 training or practice changes;

11 “(5) an inventory of complaints received under
12 this section for which action has been taken and the
13 period between the receipt of each such complaint
14 and its resolution;

15 “(6) an inventory of complaints received under
16 this section for which action was not taken during
17 the 1-year period immediately following the filing of
18 such complaint, including the period during which
19 each such complaint remained open, and the reason
20 for failing to resolve each such complaint during
21 such 1-year period;

22 “(7) recommendations that the Ombudsman
23 has made to improve the services and responsiveness
24 of U.S. Citizenship and Immigration Services, U.S.
25 Immigration and Customs Enforcement, and U.S.

1 Customs and Border Protection, and any responses
2 received from each such component or the Depart-
3 ment regarding such recommendations; and

4 “(8) any other information that the Ombuds-
5 man considers relevant to such report.

6 “(k) ESTABLISHMENT OF BORDER COMMUNITIES LI-
7 AISON OFFICE.—

8 “(1) IN GENERAL.—The Ombudsman, in con-
9 junction with the Office for Civil Rights and Civil
10 Liberties of the Department, shall establish a Bor-
11 der Community Liaison Office (referred to in this
12 subsection as the ‘Liaison Office’) in each U.S. Bor-
13 der Patrol sector on the northern and southern bor-
14 ders of the United States.

15 “(2) PURPOSES.—Each Liaison Office shall—

16 “(A) foster cooperation between the U.S.
17 Border Patrol, U.S. Customs and Border Pro-
18 tection’s Office of Field Operations, U.S. Immi-
19 gration and Customs Enforcement, and border
20 communities;

21 “(B) consult with border communities re-
22 garding the development of policies, directives,
23 and programs of the U.S. Border Patrol and
24 the Office of Field Operations and U.S. Immi-
25 gration and Customs Enforcement; and

1 “(C) receive feedback from border commu-
2 nities regarding the performance of the U.S.
3 Border Patrol, the Office of Field Operations,
4 and U.S. Immigration and Customs Enforce-
5 ment.

6 “(3) MEMBERSHIP.—Each Liaison Office shall
7 be comprised of equal representation from the bor-
8 der community and U.S. Customs and Border Pro-
9 tection and U.S. Citizenship and Customs Enforce-
10 ment, including not fewer than—

11 “(A) 1 member of the community in which
12 each U.S. Border Patrol sector is located who
13 has expertise in migration, local public safety,
14 civil and human rights, the local community, or
15 community relations;

16 “(B) 1 member of an Indian tribe (as such
17 term is defined in section 4 of the Indian Self-
18 Determination and Education Assistance Act
19 (25 U.S.C. 5304)) or a tribal organization;

20 “(C) 1 Border Patrol processing coordi-
21 nator with significant experience working for
22 the U.S. Border Patrol;

23 “(D) 1 nonuniformed U.S. Customs and
24 Border Patrol officer with significant experience

1 working for U.S. Customs and Border Protec-
2 tion; and

3 “(E) 1 Enforcement and Removal Oper-
4 ations agent with significant experience working
5 for U.S. Immigration and Customs Enforce-
6 ment.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 of the Homeland Security Act of 2002 (Public Law 107–
9 296) is amended by inserting after the item relating to
10 section 405 the following new item:

“Sec. 406. Ombudsman for Border and Immigration-Related Concerns.”.

11 **SEC. 4. TRAINING AND CONTINUING EDUCATION.**

12 (a) MANDATORY TRAINING AND CONTINUING EDU-
13 CATION TO PROMOTE CBP AGENT AND OFFICER SAFETY
14 AND PROFESSIONALISM.—

15 (1) POLICIES AND GUIDELINES.—The Secretary
16 of Homeland Security shall establish policies and
17 guidelines to ensure that all U.S. Customs and Bor-
18 der Protection agents and officers receive a min-
19 imum of—

20 (A) 19 weeks of training for employees of
21 U.S. Customs and Border Protection’s Office of
22 Field Operations, and 23 weeks of training for
23 employees of the U.S. Border Patrol, that—

24 (i) is directly related to the mission of
25 the U.S. Border Patrol and U.S. Customs

1 and Border Protection's Office of Field
2 Operations before the initial assignment of
3 such agents and officers; and

4 (ii) is in alignment with curriculum
5 developed and endorsed by FLETC; and

6 (B) 8 hours of training and continuing
7 education annually after the completion of the
8 training referred to in subparagraph (A).

9 (2) TRAINERS.—The training and continuing
10 education described in paragraph (1) shall be con-
11 ducted by attorneys who—

12 (A) have experience with the Fourth
13 Amendment to the United States Constitution,
14 including appropriate application of the use of
15 force by agents and officers of U.S. Customs
16 and Border Protection; and

17 (B) are members of the Department of
18 Homeland Security's Office of General Counsel.

19 (b) FLETC.—The Secretary of Homeland Security
20 shall establish policies and guidelines governing training
21 with FLETC and continuing education of agents and offi-
22 cers of U.S. Customs and Border Protection and U.S. Im-
23 migration and Customs Enforcement regarding border
24 awareness, accountability, and oversight. Such training
25 with FLETC shall include individual courses regarding—

- 1 (1) community relations, including—
- 2 (A) best practices in community policing;
- 3 (B) best practices to adhere to policies lim-
- 4 iting the location of enforcement and coopera-
- 5 tion with local law enforcement; and
- 6 (C) best practices in responding to griev-
- 7 ances, including how to refer complaints to the
- 8 Ombudsman for Border and Immigration-Re-
- 9 lated Concerns in accordance with section 406
- 10 of the Homeland Security Act of 2002, as
- 11 added by section 3;
- 12 (2) interdiction, including—
- 13 (A) instruction regarding formal and prop-
- 14 er command language;
- 15 (B) situational awareness of what language
- 16 is appropriate in a given situation;
- 17 (C) policies and guidelines regarding the
- 18 legal application of use of force;
- 19 (D) policies and training scenarios nec-
- 20 essary to ensure the safety of the agent or offi-
- 21 cer and the surrounding community during
- 22 interventions in urban areas, including—
- 23 (i) scenario-based training and guide-
- 24 lines; and

1 (ii) non-lethal force training and cer-
2 tification on at least 1 non-lethal force in-
3 strument, including electronic control
4 weapons; and

5 (E) policies necessary to ensure the safety
6 of the agent or officer and the surrounding
7 community during interventions in rural and re-
8 mote locations;

9 (3) vulnerable populations, including instruction
10 on screening, identifying, and responding to vulner-
11 able populations, such as children, victims of human
12 trafficking, victims of trauma, and the acutely ill;

13 (4) cultural and societal issues, including—

14 (A) understanding the diversity of immi-
15 grant communities;

16 (B) language and basic cultural awareness
17 of major migrant-sending countries;

18 (C) natural resource protection and envi-
19 ronmental policies along the United States bor-
20 der;

21 (D) privacy considerations regarding bor-
22 der-related technologies; and

23 (E) the history and ethics of asylum law;
24 and

1 (5) standards of professional conduct, includ-
2 ing—

3 (A) the lawful use of force;

4 (B) complying with chain of command and
5 lawful orders;

6 (C) conduct and ethical behavior toward
7 the public in a civil and professional manner;

8 (D) respect for civil rights and the protec-
9 tion of the well-being of individuals;

10 (E) non-rationally biased questioning tech-
11 niques; and

12 (F) de-escalation tactics and alternatives
13 to the use of force.

14 (c) SUPERVISOR TRAINING.—In addition to the train-
15 ing and continuing education required to be established
16 under subsections (a) and (b), the Secretary of Homeland
17 Security shall establish policies and guidelines governing
18 the continuing education of agents and officers of U.S.
19 Customs and Border Protection and U.S. Immigration
20 and Customs Enforcement in supervisory or management
21 positions, including—

22 (1) instruction relating to management and
23 leadership best practices;

24 (2) refresher instruction or in-service training
25 relating to legal application of use of force policies

1 and guidelines, intervention, community relations,
2 and professional conduct; and

3 (3) mitigation training to identify, diagnose,
4 and address issues within such supervisory and man-
5 agement roles.

6 (d) REVIEW PROCESS.—The Secretary of Homeland
7 Security shall establish a review process to ensure that
8 port supervisors and managers of U.S. Customs and Bor-
9 der Protection and U.S. Immigration and Customs En-
10 forcement receive annual evaluations regarding—

11 (1) their actions and standards of conduct; and

12 (2) the actions, situational and educational de-
13 velopment, and standards of conduct of their staffs.

14 (e) CONTINUING EDUCATION.—

15 (1) IN GENERAL.—The Secretary of Homeland
16 Security shall require all agents and officers of U.S.
17 Customs and Border Protection and U.S. Immigra-
18 tion and Customs Enforcement who are required to
19 undergo training under subsections (a) through (c)
20 to participate in annual continuing education to
21 maintain and update their understanding of Federal
22 legal rulings, court decisions, and Department of
23 Homeland Security policies, procedures, and guide-
24 lines related to the subject matters described in such
25 subsections.

1 (2) SUBJECT MATTERS.—Continuing education
2 under this subsection shall include training courses
3 on—

4 (A) protecting the civil, constitutional,
5 human, and privacy rights of individuals, with
6 special emphasis on the scope of enforcement
7 authority, including—

8 (i) chain of evidence practices and
9 document seizure; and

10 (ii) use of force policies available to
11 agents and officers;

12 (B) the scope of authority of agents and
13 officers to conduct immigration enforcement ac-
14 tivities, including interviews, interrogations,
15 stops, searches, arrests, and detentions, in addi-
16 tion to identifying and detecting fraudulent doc-
17 uments;

18 (C) identifying, screening, and responsi-
19 bility for vulnerable populations, such as chil-
20 dren and victims of trafficking; and

21 (D) cultural and societal issues, includ-
22 ing—

23 (i) the diversity of immigrant commu-
24 nities;

1 (ii) language and basic cultural aware-
2 ness of major migrant-sending countries;
3 and

4 (iii) natural resource protection and
5 environmental policies along the United
6 States border.

7 (3) ADMINISTRATION.—Courses offered under
8 this subsection—

9 (A) shall be administered in consultation
10 with FLETC by the individual U.S. Border Pa-
11 trol sectors and U.S. Customs and Border Pro-
12 tection's Office of Field Operations of the De-
13 partment of Homeland Security in order to pro-
14 vide such sectors' field offices with flexibility to
15 design or tailor such courses to the specific
16 needs and conditions of each such sector and
17 field office; and

18 (B) shall be approved in advance by the
19 Secretary of Homeland Security to ensure that
20 such courses satisfy the requirements for train-
21 ing under this section.

22 (4) ROTATION.—Courses offered as part of con-
23 tinuing education under this subsection shall in-
24 clude—

1 (A) an annual course focusing on the cur-
2 riculum described in paragraph (2)(A);

3 (B) a triennial course focusing on cur-
4 riculum described in paragraph (2)(B);

5 (C) a triennial course focusing on cur-
6 riculum described in paragraph (2)(C); and

7 (D) a triennial course focusing on cur-
8 riculum described in paragraph (2)(D).

9 (f) ASSESSMENT.—Not later than 6 years after the
10 date of the enactment of this Act, the Comptroller General
11 of the United States shall submit a report to the Com-
12 mittee on Homeland Security and Governmental Affairs
13 of the Senate and the Committee on Homeland Security
14 of the House of Representatives that assesses the training
15 and education, including continuing education, required
16 under this section.

17 **SEC. 5. MANAGEMENT OF PORTS OF ENTRY.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of Home-
20 land Security shall submit a report to the Committee on
21 Homeland Security and Governmental Affairs of the Sen-
22 ate and the Committee on Homeland Security of the
23 House of Representatives that contains an assessment of
24 the standards and guidelines for managing ports of entry

1 under the control of the Department of Homeland Secu-
2 rity, including information regarding—

3 (1) staffing levels and the need for additional
4 staffing;

5 (2) the rules governing the actions of officers of
6 U.S. Customs and Border Protection’s Office of
7 Field Operations;

8 (3) average delays for transit through land
9 ports of entry;

10 (4) existing efforts and technologies used for
11 border security, including the impact of such efforts
12 and technologies on—

13 (A) facilitating trade at ports of entry; and

14 (B) civil rights, private property rights,
15 privacy rights, and civil liberties;

16 (5) the economic impact of the policies and
17 practices of U.S. Customs and Border Protection ag-
18 ricultural specialists and U.S. Customs and Border
19 Protection’s Office of Field Operations personnel;

20 (6) physical infrastructure and technological
21 needs at ports of entry;

22 (7) a plan for increasing the number of U.S.
23 Customs and Border Protection’s Office of Field Op-
24 erations officers certified as emergency medical tech-

1 nicians and the number of medical professionals as-
2 signed to land ports of entry; and

3 (8) a plan for increasing access to land ports of
4 entry that takes into account asylum seekers, victims
5 of trafficking, unaccompanied children, and other
6 vulnerable populations.

7 (b) UPDATES.—Based upon the information and as-
8 sessment contained in the report required under sub-
9 section (a), the Secretary of Homeland Security shall es-
10 tablish updated guidelines and standards for managing
11 ports of entry under the control of the Department of
12 Homeland Security to address any identified needs or
13 shortcomings at such ports of entry, including, if applica-
14 ble—

15 (1) increasing the number of U.S. Customs and
16 Border Protection agricultural specialists at ports of
17 entry at which delays hinder or negatively impact
18 the local or national economies;

19 (2) updating or increasing the use of technology
20 at ports of entry at which there are average delays
21 exceeding 2 hours based on U.S. Customs and Bor-
22 der Protection data collected during the previous fis-
23 cal year;

24 (3) publishing rules regarding document han-
25 dling at ports of entry;

1 (4) establishing standards of conduct and de-
2 meanor when interacting with individuals with bor-
3 der crossing cards and vulnerable populations, such
4 as children, victims of human trafficking, victims of
5 trauma, and the acutely ill; and

6 (5) establishing training courses relating to
7 management and leadership skills for supervisors
8 and managers at ports of entry.

9 **SEC. 6. BORDER ENFORCEMENT ACCOUNTABILITY AND**
10 **TRANSPARENCY.**

11 (a) DEFINITIONS.—In this section:

12 (1) BORDER SECURITY.—The term “border se-
13 curity” means the prevention of unlawful entries
14 into the United States, including entries by individ-
15 uals, instruments of terrorism, narcotics, and other
16 contraband.

17 (2) CHECKPOINT.—The term “checkpoint”
18 means a location—

19 (A) at which vehicles or individuals trav-
20 eling through the location are stopped by a law
21 enforcement official for the purposes of enforce-
22 ment of United States immigration laws and
23 regulations; and

1 (B) that is not located at a port of entry
2 along an international border of the United
3 States.

4 (3) LAW ENFORCEMENT OFFICIAL.—The term
5 “law enforcement official” means—

6 (A) an agent or officer of U.S. Customs
7 and Border Protection; or

8 (B) an officer or employee of a State, or
9 a political subdivision of a State, who is car-
10 rying out the functions of an immigration offi-
11 cer pursuant to—

12 (i) an agreement entered into under
13 section 287(g) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1357(g));

15 (ii) authorization under title IV of the
16 Tariff Act of 1930 (19 U.S.C. 1401 et
17 seq.); or

18 (iii) any other agreement with the De-
19 partment of Homeland Security, including
20 any Federal grant program.

21 (4) PATROL STOP.—The term “patrol stop”
22 means search, seizure, or interrogation of a motor-
23 ist, passenger, or pedestrian initiated anywhere ex-
24 cept as part of an inspection at a port of entry or
25 a primary inspection at a checkpoint.

1 (5) PRIMARY INSPECTION.—The term “primary
2 inspection” means an initial inspection of a vehicle
3 or individual at a checkpoint.

4 (6) SECONDARY INSPECTION.—The term “sec-
5 ondary inspection” means a further inspection of a
6 vehicle or individual that is conducted following a
7 primary inspection.

8 (b) DATA COLLECTION BY LAW ENFORCEMENT OF-
9 FICIALS ENFORCING UNITED STATES LAWS AND REGU-
10 LATIONS AND MAKING BORDER SECURITY STOPS.—

11 (1) REQUIREMENT FOR DATA COLLECTION RE-
12 GARDING STOPS AND SEARCHES.—A law enforce-
13 ment official who initiates a patrol stop or who de-
14 tains any individual beyond a brief and limited in-
15 quiry, such as a primary inspection at a checkpoint,
16 shall record—

17 (A) the date, time, and location of the con-
18 tact;

19 (B) the identifying characteristics of such
20 individual, including the individual’s perceived
21 race, gender, ethnicity, and approximate age;

22 (C) a description of any items seized dur-
23 ing such search, including contraband or
24 money, and a specification of the type of search
25 conducted;

1 (D) whether any arrest, detention, warn-
2 ing, or citation resulted from such contact;

3 (E) the immigration status of the indi-
4 vidual, only if obtained during the ordinary
5 course of the contact without additional ques-
6 tioning in accordance with this section;

7 (F) if the contact involved an individual
8 whose primary language of communication is
9 not English, the means of communication used;

10 (G) whether a body-worn camera or any
11 other video or audio recording exists that re-
12 corded the stop or detention; and

13 (H) if the contact was initiated by a State
14 or local law enforcement agency of a State,
15 whether such agency was acting pursuant to—

16 (i) an agreement entered into under
17 section 287(g) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1357(g));

19 (ii) authorization under title IV of the
20 Tariff Act of 1930 (19 U.S.C. 1401 et
21 seq.); or

22 (iii) any other agreement with the De-
23 partment of Homeland Security, including
24 any Federal grant program.

1 (2) REQUIREMENT FOR U.S. CUSTOMS AND
2 BORDER PROTECTION DATA COLLECTION REGARD-
3 ING CHECKPOINTS.—The Commissioner of U.S. Cus-
4 toms and Border Protection shall collect data re-
5 garding—

6 (A) the number of permanent and tem-
7 porary checkpoints utilized by agents and offi-
8 cers of U.S. Customs and Border Protection;

9 (B) the location of each such checkpoint;

10 (C) the dates on which a temporary check-
11 point was used; and

12 (D) a description of each such checkpoint,
13 including the presence of any other law enforce-
14 ment agencies and the use of law enforcement
15 resources, such as canines and surveillance
16 technologies, including license plate readers.

17 (3) RULEMAKING.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Homeland Security, in consultation with
20 stakeholders, including research, civil, and human
21 rights organizations, shall promulgate regulations re-
22 lating to the collection and reporting of data re-
23 quired under paragraphs (1) and (2). Such regula-
24 tions shall—

25 (A) specify all data to be reported; and

1 (B) provide standards, definitions, and
2 technical specifications to ensure uniform re-
3 porting.

4 (4) COMPILATION OF DATA.—

5 (A) DEPARTMENT OF HOMELAND SECUR-
6 RITY LAW ENFORCEMENT OFFICIALS.—The
7 Secretary of Homeland Security shall—

8 (i) compile the data collected under
9 paragraph (1) by agents and officers of
10 U.S. Customs and Border Protection and
11 the data collected under paragraph (2) by
12 the Commissioner of U.S. Customs and
13 Border Protection; and

14 (ii) determine—

15 (I) whether any complaint was
16 made by the individual subject to the
17 contact under paragraph (1); and

18 (II) which oversight component
19 within or outside of the Department
20 of Homeland Security investigated the
21 complaint.

22 (B) OTHER LAW ENFORCEMENT OFFI-
23 CIALS.—The head of each agency, department,
24 or other entity that employs law enforcement

1 officials other than agents and officers referred
2 to in subparagraph (A) shall—

3 (i) compile the data collected by such
4 law enforcement officials pursuant to para-
5 graph (1); and

6 (ii) submit the compiled data to the
7 Secretary of Homeland Security.

8 (5) USE OF DATA.—The Secretary of Homeland
9 Security shall consider the data compiled pursuant
10 to paragraph (4) in making policy and program deci-
11 sions.

12 (6) AUDIT AND REPORT.—Not later than 1
13 year after the effective date of the regulations pro-
14 mulgated pursuant to paragraph (3), the Comp-
15 troller General of the United States shall—

16 (A) conduct an audit of the data compiled
17 under paragraph (4) to determine whether law
18 enforcement officials are complying with the
19 data collection requirements under paragraph
20 (1); and

21 (B) submit a report to Congress that con-
22 tains a summary of the findings of such audit.

23 (c) ANNUAL REPORT.—

24 (1) REQUIREMENT.—Not later than 1 year
25 after the date of the enactment of this Act and an-

1 nually thereafter, the Secretary of Homeland Secu-
2 rity shall submit a report to Congress containing the
3 data compiled under subsection (b)(3), including all
4 such data for the previous year.

5 (2) AVAILABILITY.—Each report submitted
6 under paragraph (1) shall be made available to the
7 public, except for particular data if the Secretary of
8 Homeland Security—

9 (A) explicitly invokes an exemption con-
10 tained in paragraphs (1) through (9) of section
11 552(b) of title 5, United States Code; and

12 (B) provides a written explanation for the
13 exemption’s applicability.

14 (3) PRIVACY.—The Secretary may not report
15 unique personal identifying information of persons
16 stopped, searched, or subjected to a property sei-
17 zure, for purposes of this section.

18 (4) PUBLICATION.—The data compiled pursu-
19 ant to subsection (b)(3) shall be made available to
20 the public to the extent the release of such data is
21 permissible under Federal law.

22 **SEC. 7. REPORTING REQUIREMENTS.**

23 (a) ANNUAL CBP REPORT ON MISSION AND PER-
24 SONNEL BY BORDER PATROL SECTOR.—Not later than
25 1 year after the date of the enactment of this Act and

1 annually thereafter, the Commissioner of U.S. Customs
2 and Border Protection shall submit a report to the Com-
3 mittee on Homeland Security and Governmental Affairs
4 of the Senate and the Committee on Homeland Security
5 of the House of Representatives that includes, for each
6 Border Patrol sector—

7 (1) an assessment of the most appropriate,
8 practical, and cost effective means of defending the
9 land borders of the United States against threats to
10 security and illegal transit, including intelligence ca-
11 pacities, technology, equipment, personnel, and
12 training needed to address security vulnerabilities;

13 (2) an assessment of staffing needs for all bor-
14 der security functions, including an assessment of
15 efforts to take into account asylum seekers, traf-
16 ficking victims, unaccompanied children, and other
17 vulnerable populations;

18 (3) a description of—

19 (A) the border security roles and missions
20 of Federal, State, regional, Tribal, and local au-
21 thorities; and

22 (B) recommendations regarding actions the
23 Commissioner could carry out to improve co-
24 ordination with such authorities to enable bor-

1 der security activities to be carried out in a
2 more efficient and effective manner;

3 (4) a description of ways to ensure that the free
4 flow of travel and commerce is not diminished by ef-
5 forts, activities, and programs aimed at securing the
6 land borders of the United States; and

7 (5) an impact assessment of the loss of trade
8 and commerce due to inadequate staffing at land
9 ports of entry by U.S. Customs and Border Protec-
10 tion agents and officers.

11 (b) ANNUAL REPORT ON MIGRANT DEATHS.—

12 (1) CBP AND ICE.—Not later than 180 days
13 after the date of the enactment of this Act, and an-
14 nually thereafter, the Commissioner of U.S. Customs
15 and Border Protection and the Director of U.S. Im-
16 migration and Customs Enforcement shall jointly
17 submit a report to the Comptroller General of the
18 United States, the Committee on Homeland Security
19 and Governmental Affairs of the Senate, and the
20 Committee on Homeland Security of the House of
21 Representatives regarding deaths occurring along
22 the United States-Mexico border, including—

23 (A) the number of documented migrant
24 deaths;

1 (B) a geographical breakdown of where
2 such migrant deaths occurred;

3 (C) the cause of death for each migrant, to
4 the extent such information is available;

5 (D) the extent to which border technology,
6 physical barriers, and enforcement programs
7 have contributed to such migrant deaths; and

8 (E) a detailed description of U.S. Customs
9 and Border Protection and U.S. Immigration
10 and Customs Enforcement programs or plans to
11 reduce the number of migrant deaths along the
12 border, including an assessment on the effec-
13 tiveness of water supply sites and rescue bea-
14 cons.

15 (2) GAO REVIEW.—Not later than 90 days
16 after the submission of each report required under
17 paragraph (1), the Comptroller General of the
18 United States shall review such report to deter-
19 mine—

20 (A) the validity of U.S. Customs and Bor-
21 der Protection's and U.S. Immigration and
22 Customs Enforcement's statistical analyses of
23 migrant deaths;

24 (B) the extent to which U.S. Customs and
25 Border Protection and U.S. Immigration and

1 Customs Enforcement have adopted simple and
2 low-cost measures, such as water supply sites
3 and rescue beacons, to reduce the frequency of
4 migrants deaths;

5 (C) the extent to which U.S. Customs and
6 Border Protection and U.S. Immigration and
7 Customs Enforcement measure the effectiveness
8 of its programs to address the frequency of mi-
9 grant deaths; and

10 (D) the extent of data and information
11 sharing and cooperation among U.S. Customs
12 and Border Protection, U.S. Immigration and
13 Customs Enforcement, State and local law en-
14 forcement, foreign diplomatic and consular
15 posts, and nongovernmental organizations—

16 (i) to accurately identify deceased in-
17 dividuals;

18 (ii) to notify family members of such
19 deaths; and

20 (iii) to compare information to miss-
21 ing persons registries.

22 (c) GAO REPORT ON USE OF FORCE.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of the enactment of this Act, the Comp-
25 troller General of the United States shall conduct a

1 study that examines the extent to which U.S. Cus-
2 toms and Border Protection and U.S. Immigration
3 and Customs Enforcement have clarified use of force
4 policies and submit a report to Congress containing
5 the results of such study, which shall include—

6 (A) the extent to which U.S. Customs and
7 Border Protection and U.S. Immigration and
8 Customs Enforcement have implemented new
9 training tactics to improve use of force policies,
10 including how the use of force policies conform
11 to Department of Homeland Security and Fed-
12 eral law enforcement best practices;

13 (B) the extent to which U.S. Customs and
14 Border Protection and U.S. Immigration and
15 Customs Enforcement have identified additional
16 or alternative weapons and equipment to im-
17 prove agents' and officers' abilities to de-esca-
18 late confrontations, including protective gear;

19 (C) efforts to review and enhance current
20 training and tactics related to use of force, and
21 to implement reforms to ensure that agents and
22 officers are better equipped to assess and re-
23 spond to threats;

24 (D) the extent to which U.S. Customs and
25 Border Protection and U.S. Immigration and

1 Customs Enforcement have established a stake-
2 holder engagement framework to better inform
3 and enhance U.S. Customs and Border Protec-
4 tion's use of force training;

5 (E) the extent to which U.S. Customs and
6 Border Protection and U.S. Immigration and
7 Customs Enforcement have established
8 metrics—

9 (i) to track the effectiveness of use of
10 force training; and

11 (ii) to ensure the reporting of all uses
12 of force for review to determine whether
13 the force used was justified and whether it
14 could have been avoided through different
15 tactics or training, better supervision, dif-
16 ferent tools, adherence to policy, or
17 changes in policy;

18 (F) how U.S. Customs and Border Protec-
19 tion and U.S. Immigration and Customs En-
20 forcement could implement best law enforce-
21 ment practices to improve policies for trans-
22 parent communication with family members of
23 individuals injured or killed by U.S. Customs
24 and Border Protection or U.S. Immigration and

1 Customs Enforcement agent's and officer's use
2 of force, including—

3 (i) updates on any pending investiga-
4 tions; and

5 (ii) policies for timely notification of
6 such injuries and deaths following such
7 uses of force to the Commissioner of U.S.
8 Customs and Border Protection or the Di-
9 rector of U.S. Immigration and Customs
10 Enforcement, the Joint Intake Center of
11 the Department of Homeland Security, the
12 Office of Inspector General of the Depart-
13 ment, the Office for Civil Rights and Civil
14 Liberties of the Department, the Offices of
15 Public Affairs of the Department, Con-
16 gress, and the applicable consulates, if ap-
17 propriate;

18 (G) how recommendations and requests
19 made by agents and officers of U.S. Customs
20 and Border Protection and U.S. Immigration
21 and Customs Enforcement have been received,
22 reviewed, and, if possible, implemented into the
23 use of force policies and best practices of U.S.
24 Customs and Border Protection; and

1 (H) the extent to which U.S. Customs and
2 Border Protection and U.S. Immigration and
3 Customs Enforcement electronically track per-
4 sonal searches and seizures of personal items at
5 the border, including an assessment of how
6 such information is used to inform U.S. Cus-
7 toms and Border Protection and U.S. Immigra-
8 tion and Customs Enforcement policies and
9 procedures.

10 (2) IMPLEMENTATION OF GAO FINDINGS.—

11 (A) IN GENERAL.—The Secretary of
12 Homeland Security shall direct the Commis-
13 sioner of U.S. Customs and Border Protection
14 and the Director of U.S. Immigration and Cus-
15 toms Enforcement to implement any rec-
16 ommendations contained in the report required
17 under paragraph (1).

18 (B) NOTIFICATION REQUIREMENT.—If the
19 Secretary of Homeland Security fails to imple-
20 ment such recommendations, the Secretary
21 shall submit written notification to the Com-
22 mittee on Homeland Security and Govern-
23 mental Affairs of the Senate, and the Com-
24 mittee on Homeland Security of the House of

1 Representatives that explains why such rec-
2 ommendations have not been implemented.

3 (d) CBP REPORT ON USE OF BODY-WORN CAM-
4 ERAS.—

5 (1) DEFINED TERM.—In this subsection, the
6 term “data” means video and audio footage cap-
7 tured by a body-worn camera during its use.

8 (2) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act, the Commis-
10 sioner of U.S. Customs and Border Protection shall
11 submit a report to the Committee on Homeland Se-
12 curity and Governmental Affairs of the Senate, and
13 the Committee on Homeland Security of the House
14 of Representatives relating to the use, practices, and
15 procedures of body-worn cameras by U.S. Customs
16 and Border Protection agents and officers, includ-
17 ing—

18 (A) the number of body-worn cameras in
19 active use within U.S. Customs and Border
20 Protection;

21 (B) the location, broken down by station,
22 in which such body-worn cameras are in use;

23 (C) the rank and position of the agents
24 and officers of U.S. Customs and Border Pro-

1 tection at each such station who are assigned
2 body-worn cameras;

3 (D) the standing policies of U.S. Customs
4 and Border Protection regarding—

5 (i) the storage of body-worn camera
6 data, including additional requirements or
7 decisions that are unique to a particular
8 sector;

9 (ii) the review of data from individual
10 body-worn cameras; and

11 (iii) the request for review of data
12 from individual body-worn cameras by U.S.
13 Customs and Border Protection personnel
14 or civilians;

15 (E) the latest complaint reports from each
16 sector and location in which body-worn cameras
17 are being used; and

18 (F) any existing plan to implement, on a
19 permanent basis, the use of body-worn cameras
20 by officers and agents of U.S. Customs and
21 Border Protection.

22 (3) GAO REVIEW.—Not later than 90 days
23 after the submission of the report required under
24 paragraph (2), the Comptroller General of the

1 United States shall review such report to deter-
2 mine—

3 (A) the extent to which U.S. Customs and
4 Border Protection has adopted measures re-
5 lated to body-worn cameras; and

6 (B) the effectiveness of U.S. Customs and
7 Border Protection use, practices, and proce-
8 dures of body-worn cameras by agents and offi-
9 cers.

10 (e) REPORT ON THE IMPACT OF BORDER ENFORCE-
11 MENT TECHNOLOGIES AND OPERATIONS ON BORDER
12 COMMUNITIES.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary of Homeland
14 Security shall submit a report to the Committee on Home-
15 land Security and Governmental Affairs of the Senate, the
16 Committee on the Judiciary of the Senate, the Committee
17 on Homeland Security of the House of Representatives,
18 and the Committee on the Judiciary of the House of Rep-
19 resentatives that assesses—

20 (1) the efforts and technologies used along
21 United States borders; and

22 (2) the impact on border communities of such
23 efforts and technologies on civil rights, private prop-
24 erty rights, privacy rights, and civil liberties.

1 (f) GAO REPORT ON THE EXTENT OF CBP ACTIVI-
2 TIES, OPERATIONS, AND CLAIMED AUTHORITY.—Not
3 later than 1 year after the date of the enactment of this
4 Act, the Comptroller General of the United States shall
5 submit a report to the congressional committees referred
6 to in subsection (e) that assesses—

7 (1) the range of the current activities, oper-
8 ations (including checkpoints), and claimed authority
9 of U.S. Customs and Border Protection;

10 (2) the extent to which the range of activities,
11 operations, and claimed authority referred to in
12 paragraph (1) is necessary for U.S. Customs and
13 Border Protection’s interior enforcement; and

14 (3) the impact of U.S. Customs and Border
15 Protection’s interior enforcement and activities de-
16 scribed in paragraphs (1) and (2) on civil, constitu-
17 tional, and private property rights.

18 (g) GAO REPORT ON FEASIBILITY OF ESTABLISH-
19 MENT OF ALTERNATE IMMIGRATION COURT SYSTEM.—
20 Not later than 1 year after the date of the enactment of
21 this Act, the Comptroller General of the United States
22 shall submit to Congress a report, which shall be published
23 and made available to the public, on the feasibility of es-
24 tablishing an immigration court system, outside the execu-
25 tive branch, composed of judges appointed for a fixed term

1 with jurisdiction over cases arising under the Immigration
2 and Nationality Act (8 U.S.C. 1101 et seq.) or any other
3 immigration law of the United States. Such report shall
4 include an analysis of the appeal process for such cases,
5 the impact that such an immigration court system would
6 have on the number of cases heard by each immigration
7 judge and any backlog of such cases, barriers to the estab-
8 lishment of such an immigration court system, and rec-
9 ommendations relating to the establishment of such an
10 court system.

11 **SEC. 8. LIMITATION ON SEPARATION OF FAMILIES.**

12 (a) PROHIBITION ON SEPARATION.—An agent or of-
13 ficer of a designated law enforcement agency performing
14 functions under the immigration laws (as defined in sec-
15 tion 101 of the Immigration and Nationality Act (8 U.S.C.
16 1101)) may not remove a child from the parent or legal
17 guardian of such child solely for the policy goal of—

18 (1) deterring individuals from migrating to the
19 United States; or

20 (2) promoting compliance with immigration
21 laws (as defined in section 101 of the Immigration
22 and Nationality Act (8 U.S.C. 1101)).

23 (b) EXCEPTION.—

24 (1) IN GENERAL.—An agent or officer of a des-
25 ignated law enforcement agency performing func-

1 tions under the immigration laws (as defined in sec-
2 tion 101 of the Immigration and Nationality Act (8
3 U.S.C. 1101)) may remove a child from the parent
4 or legal guardian of such child, at or near a port of
5 entry or within 100 miles of a border of the United
6 States, if one of the following has been satisfied:

7 (A) Any State court, authorized under
8 State law, terminates the rights of the parent
9 or legal guardian, determines that it is in the
10 best interests of the child to be removed from
11 the parent or legal guardian, in accordance with
12 the Adoption and Safe Families Act of 1997
13 (Public Law 105–89), or makes any similar de-
14 termination that is legally authorized under
15 State law.

16 (B) Any official from a State or county
17 child welfare agency makes a determination
18 that it is in the best interests of the child to be
19 removed from the parent or legal guardian be-
20 cause the child is in danger of abuse or neglect
21 at the hands of the parent or legal guardian, or
22 the child is a danger to himself or herself or
23 others.

24 (2) INDEPENDENT AUTHORIZATION RE-
25 QUIRED.—

1 (A) IN GENERAL.—In the case that a child
2 is removed from the parent or legal guardian of
3 such child pursuant to this subsection, not later
4 than 48 hours after such removal, the Secretary
5 of Homeland Security shall seek a determina-
6 tion from a qualified child welfare expert on
7 whether removal of the child from the parent or
8 legal guardian was permissible under this sub-
9 section.

10 (B) RESULTS OF DETERMINATION.—If the
11 qualified child welfare expert does not make a
12 determination that the removal of the child
13 from the parent or legal guardian was permis-
14 sible under this subsection, the child shall be re-
15 united with the parent or legal guardian.

16 (c) CAUSE OF ACTION.—A parent or legal guardian
17 of a child removed in violation of this section may bring
18 an action against the Secretary of Homeland Security in
19 a district court of the United States for injunctive relief.

20 (d) PENALTY FOR FAMILY SEPARATION.—Any per-
21 son who knowingly removes a child from their parent or
22 legal guardian in violation of this section, shall be fined
23 not more than \$10,000 per occurrence of such removal.

24 (e) DOCUMENTATION REQUIRED.—In the case that
25 a child is removed from the parent or legal guardian of

1 such child in accordance with this section, the Secretary
2 of Homeland Security shall ensure that the parent or legal
3 guardian of the child is provided documentation of such
4 removal, including—

5 (1) why the child was removed from the parent
6 or guardian; and

7 (2) any evidence the Secretary has relating to
8 removal of the child from the parent or legal guard-
9 ian.

10 (f) DEFINITIONS.—In this section:

11 (1) CHILD WELFARE AGENCY DEFINED.—The
12 term “child welfare agency” means the State, terri-
13 torial, or Tribal agency responsible for child or fam-
14 ily services and welfare.

15 (2) QUALIFIED CHILD WELFARE EXPERT.—The
16 term “qualified child welfare expert” means a child
17 welfare expert licensed by the State or county in
18 which the child was removed from the parent or
19 legal guardian of such child and who is independent
20 of the U.S. Customs and Border Protection.

21 **SEC. 9. RULE OF CONSTRUCTION.**

22 Nothing in this Act may be construed to limit the
23 right any parent, legal guardian or child may have under
24 law, including the settlement agreement in *Ms. L. v. ICE*,
25 18–cv–00428 (S.D. Cal. Dec. 11, 2023), or any tort rem-

1 edy under chapter 171 of title 28, United States Code
2 (commonly referred to as the “Federal Tort Claims Act”)
3 or other Act.