

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 shall—

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

22 (II) have expertise in the areas of  
23 migration, local crime indices, civil  
24 and human rights, community rela-  
25 tions, cross-border trade and com-

1 merce, quality of life indicators, or  
2 other pertinent experience.

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

6 (I) 13 members shall be from  
7 State bordering Canada and shall  
8 comprise the northern border sub-  
9 committee; and

10 (II) 17 members shall be from  
11 States bordering Mexico and shall  
12 comprise the southern border sub-  
13 committee.

14 (iii) NORTHERN BORDER SUB-  
15 COMMITTEE.—Of the 13 members of the  
16 northern border subcommittee—

17 (I) 2 shall be elected local gov-  
18 ernment officials;

19 (II) 2 shall be local law enforce-  
20 ment officials;

21 (III) 2 shall be civil rights advo-  
22 cates;

23 (IV) 1 shall represent the busi-  
24 ness community;

4

1 (V) 1 shall represent institutions  
2 of higher education;

3 (VI) 1 shall represent a faith  
4 community;

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

9 (VIII) 2 shall be tribal officials.

10 (iv) SOUTHERN BORDER SUB-  
11 COMMITTEE.—Of the 17 members of the  
12 southern border subcommittee—

13 (I) 3 shall be elected local gov-  
14 ernment officials;

15 (II) 3 shall be local law enforce-  
16 ment officials;

17 (III) 3 shall be civil rights advo-  
18 cates;

19 (IV) 2 shall represent the busi-  
20 ness community;

21 (V) 1 shall represent institutions  
22 of higher education;

23 (VI) 1 shall represent a faith  
24 community;

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

5 (VIII) 2 shall be tribal officials.

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

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

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

19 (3) MEETINGS.—

20 (A) COMMISSION.—The Commission shall  
21 meet at least semiannually and may convene  
22 additional meetings, as necessary, at the call of  
23 the Chair and the Vice Chair.

24 (B) SUBCOMMITTEES.—The northern bor-  
25 der subcommittee and the southern border sub-



1 Protection and U.S. Immigration and Cus-  
2 toms Enforcement;

3 (C) develop recommendations for improve-  
4 ments regarding the safety of agents and offi-  
5 cers of U.S. Customs and Border Protection  
6 and U.S. Immigration and Customs Enforce-  
7 ment while such agents and officers are in the  
8 field; and

9 (D) evaluate training and establish train-  
10 ing courses related to—

11 (i) management and leadership skills  
12 for supervisors in each U.S. Border Patrol  
13 sector, at each port of entry on the north-  
14 ern and southern United States borders,  
15 and at each U.S. Immigration and Cus-  
16 toms Enforcement field office; and

17 (ii) the extent to which supervisory  
18 and management personnel practices at  
19 U.S. Customs and Border Protection and  
20 U.S. Immigration and Customs Enforce-  
21 ment—

22 (I) encourage and facilitate work-  
23 force development for agents and offi-  
24 cers; and

1 (II) promote agent and officer  
2 field safety and post-Federal Law En-  
3 forcement Training Center (referred  
4 to in this Act as “FLETC”) training  
5 of border enforcement personnel in ac-  
6 cordance with section 6.

7 (5) ADDITIONAL RESPONSIBILITIES.—

8 (A) IN GENERAL.—In carrying out the du-  
9 ties set forth in paragraph (4), the Commission  
10 shall take into consideration any recommenda-  
11 tions and evaluations agreed upon by the north-  
12 ern border subcommittee and the southern bor-  
13 der subcommittee.

14 (B) SUBCOMMITTEE REPORTS.—The  
15 northern border subcommittee and the southern  
16 border subcommittee shall each—

17 (i) submit an annual report to the  
18 Chair and Vice Chair of the Commission  
19 that contains the recommendations and  
20 evaluations of the subcommittees developed  
21 pursuant to paragraph (4); and

22 (ii) make each such report available to  
23 the public.

24 (6) PROHIBITION ON COMPENSATION.—Mem-  
25 bers of the Commission may not receive pay, allow-

1           ances, or benefits from the Federal Government by  
2           reason of their service on the Commission or on ei-  
3           ther of its subcommittees.

4           (b) HEARINGS AND EVIDENCE.—The Commission or,  
5           on the authority of the Commission, any subcommittee or  
6           member of the Commission, may, for the purpose of car-  
7           rying out this Act, hold such hearings, and sit and act  
8           at such times and places, take such testimony, receive  
9           such evidence, and administer such oaths as the Commis-  
10          sion or such designated subcommittee or designated mem-  
11          ber determines necessary to carry out its duties under sub-  
12          section (a)(4).

13          (c) SAVINGS PROVISION.—Nothing in this Act may  
14          be construed as affecting the investigative and disciplinary  
15          procedures of U.S. Customs and Border Protection, U.S.  
16          Immigration and Customs Enforcement, or the Depart-  
17          ment of Homeland Security with respect to agents and  
18          officers of U.S. Customs and Border Protection or U.S.  
19          Immigration and Customs Enforcement.

20          (d) REPORTS.—

21                (1) ANNUAL REPORTS.—The Commission  
22                shall—

23                        (A) submit an annual report to the Sec-  
24                        retary of Homeland Security that contains in-  
25                        formation regarding the activities, findings, and

1 recommendations of the Commission, including  
2 the northern border subcommittee and the  
3 southern border subcommittee, during the pre-  
4 ceding year; and

5 (B) make each such report available to the  
6 public.

7 (2) CONGRESSIONAL NOTIFICATION.—The Sec-  
8 retary of Homeland Security shall brief the Com-  
9 mittee on Homeland Security and Governmental Af-  
10 fairs of the Senate, the Committee on the Judiciary  
11 of the Senate, the Committee on Homeland Security  
12 of the House of Representatives, and the Committee  
13 on the Judiciary of the House of Representatives re-  
14 garding each report received from the Commission  
15 pursuant to paragraph (1).

16 **SEC. 3. ESTABLISHMENT OF THE OFFICE OF THE OMBUDS-**  
17 **MAN FOR BORDER AND IMMIGRATION RE-**  
18 **LATED CONCERNS.**

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

22 **“SEC. 406. OMBUDSMAN FOR BORDER AND IMMIGRATION-**  
23 **RELATED CONCERNS.**

24 “(a) IN GENERAL.—The Department shall have the  
25 position of Ombudsman for Border and Immigration-Re-

1 lated Concerns (referred to in this section as the ‘Ombuds-  
2 man’). The Secretary shall appoint an individual as Om-  
3 budsman who has a background in immigration or civil  
4 liberties law or law enforcement.

5 “(b) ORGANIZATIONAL INDEPENDENCE.—The Om-  
6 budsman shall report directly to the Secretary. The Sec-  
7 retary shall take appropriate action to ensure the inde-  
8 pendence of the Ombudsman’s office from other officers  
9 or employees of the Department engaged in border secu-  
10 rity or immigration activities.

11 “(c) STAFFING.—The Secretary shall take appro-  
12 priate action to ensure the Ombudsman’s office is suffi-  
13 ciently staffed and resourced to carry out its duties effec-  
14 tively and efficiently.

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

16 “(1) establish an independent, neutral, and ap-  
17 propriately confidential process to receive, inves-  
18 tigate, resolve, and provide redress, including immi-  
19 gration relief, monetary damages, or any other ac-  
20 tion determined appropriate, for complaints, griev-  
21 ances, or requests for assistance from individuals,  
22 associations, and employers regarding the border se-  
23 curity and immigration activities of the Department;

24 “(2) conduct inspections of the facilities, includ-  
25 ing privately owned or operated contract facilities, of

1 U.S. Customs and Border Protection, U.S. Immigra-  
2 tion and Customs Enforcement, and U.S. Citizen-  
3 ship and Immigration Services;

4 “(3) assist individuals and families who—

5 “(A) have been victims of crimes com-  
6 mitted by noncitizens present in the United  
7 States or of violence near the United States  
8 border; or

9 “(B) have been impacted by situations in  
10 which the Department has exercised force  
11 against an individual, including by use of a fire-  
12 arm, electronic control weapon, explosive device,  
13 chemical agent, baton, projectile, blunt instru-  
14 ment, body part, canine, or vehicle;

15 “(4) identify areas in which individuals, associa-  
16 tions, and employers have identified concerns with  
17 respect to interacting with U.S. Customs and Border  
18 Protection, U.S. Immigration and Customs Enforce-  
19 ment, or U.S. Citizenship and Immigration Services;

20 “(5) propose changes in the administrative  
21 practices of U.S. Customs and Border Protection,  
22 U.S. Immigration and Customs Enforcement, and  
23 U.S. Citizenship and Immigration Services to miti-  
24 gate problems identified under this section;

1           “(6) review, examine, and make recommenda-  
2           tions regarding the border security and immigration  
3           and enforcement activities of U.S. Customs and Bor-  
4           der Protection, U.S. Immigration and Customs En-  
5           forcement, and U.S. Citizenship and Immigration  
6           Services;

7           “(7) establish a uniform and standardized com-  
8           plaint process regarding complaints against any indi-  
9           vidual employed by U.S. Customs and Border Pro-  
10          tection or U.S. Immigration and Customs Enforce-  
11          ment for violations of standards of professional con-  
12          duct that—

13                 “(A) requires the completion of an inde-  
14                 pendent review and investigation not later than  
15                 1 year after the receipt of any such complaint;

16                 “(B) requires that complainants receive—

17                         “(i) written confirmation that their  
18                         complaint was received not later than 60  
19                         days after such receipt; and

20                         “(ii) a written summary regarding the  
21                         outcome of such complaint not later than  
22                         30 days after the completion of the review  
23                         and investigation under subparagraph (A),  
24                         including findings of fact, recommended  
25                         action, and available redress;

1 “(C) features—

2 “(i) a centralized multilingual online  
3 complaint form that includes street ad-  
4 dress, toll-free telephone number, and elec-  
5 tronic mailbox address to permit an indi-  
6 vidual to file an immigration or border-re-  
7 lated complaint and submit supporting evi-  
8 dence through the portal of choice of any  
9 such individual; and

10 “(ii) the posting of multilingual infor-  
11 mation relating to such form at ports of  
12 entry and at U.S. Border Patrol interior  
13 checkpoints;

14 “(D) includes procedures for referring  
15 complaints to the Office for Civil Rights and  
16 Civil Liberties, the Office of the Inspector Gen-  
17 eral, or other appropriate agency of the Depart-  
18 ment;

19 “(E) establishes a publicly accessible na-  
20 tional, standardized database capable of track-  
21 ing and analyzing complaints and their resolu-  
22 tion; and

23 “(F) provides publicly accessible records,  
24 with copies of complaints, and their resolutions  
25 permanently preserved and available for inspec-

1           tion, while maintaining the confidentiality of  
2           complainants' identities; and

3           “(8) establish an online detainee locator system  
4           for individuals held in U.S. Customs and Border  
5           Protection custody.

6           “(e) OTHER RESPONSIBILITIES.—In addition to the  
7           functions set forth in subsection (d), the Ombudsman  
8           shall—

9           “(1) monitor the coverage and geographic allo-  
10          cation of local offices of the Ombudsman, including  
11          appointing local ombudsmen for border and immi-  
12          gration related concerns;

13          “(2) evaluate and take personnel actions (in-  
14          cluding dismissal), as appropriate, with respect to  
15          any employee of the Ombudsman;

16          “(3) recommend disciplinary action, including  
17          contract termination, suspension, and debarment, or  
18          termination, suspension, and sanctions, to the appro-  
19          priate departmental entity regarding any contractor  
20          proven to have violated departmental policies or pro-  
21          cedures while executing any border security or immi-  
22          gration activity;

23          “(4) refer to the Inspector General of the De-  
24          partment any complaints of the violation of depart-  
25          mental policies or procedures by any Department

1 employee relating to border security or immigration  
2 activity; and

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

8 “(f) COMPLAINANTS.—

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

13 “(2) RETALIATORY ACTION PROHIBITED.—  
14 Complainants and other individuals identified in a  
15 complaint submitted pursuant to this section shall  
16 be protected from retaliatory action by law enforce-  
17 ment or by any officer of the United States based  
18 on the content of such complaint. No information  
19 contained in a complaint that is germane to such  
20 complaint may be used as evidence in any removal  
21 or criminal proceedings against the complainant or  
22 any individual identified in such complaint.

23 “(3) NO EFFECT ON REMOVAL OR CRIMINAL  
24 PROCEEDINGS.—Neither the filing of a complaint  
25 nor the contents of a complaint shall confer immu-

1 nity or otherwise impact any removal or criminal  
2 proceedings against a complainant or an individual  
3 identified in such complaint.

4 “(4) PRIVACY.—No personally identifiable in-  
5 formation related to an individual involved in a com-  
6 plaint the could be used to identify such individual  
7 may be published.

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

13 “(g) REQUEST FOR INVESTIGATIONS.—The Ombuds-  
14 man may request the Inspector General of the Department  
15 to conduct inspections, investigations, and audits related  
16 to compliance with the requirements under subsections  
17 (d), (e), and (f).

18 “(h) COORDINATION WITH DEPARTMENT COMPO-  
19 NENTS.—

20 “(1) IN GENERAL.—The Director of U.S. Citi-  
21 zenship and Immigration Services, the Assistant  
22 Secretary of U.S. Immigration and Customs En-  
23 forcement, and the Commissioner of U.S. Customs  
24 and Border Protection shall each establish proce-  
25 dures to provide formal responses to recommenda-

1 tions submitted to such officials by the Ombudsman  
2 not later than 60 days after receiving such rec-  
3 ommendations.

4 “(2) ACCESS TO INFORMATION.—The Secretary  
5 shall establish procedures to provide the Ombuds-  
6 man access to all departmental records that are nec-  
7 essary to execute the responsibilities of the Ombuds-  
8 man set forth in subsection (d) or (e) not later than  
9 60 days after the Ombudsman requests such infor-  
10 mation.

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

12 “(1) take all appropriate action to advise the  
13 public regarding the existence, duties, responsibil-  
14 ities, and grievance processes of the Ombudsman’s  
15 office; and

16 “(2) promulgate regulations to ensure—

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

19 “(B) that absent written permission of all  
20 affected parties, all documents submitted to the  
21 Ombudsman’s office are used solely by the Om-  
22 budsman’s office to advance the purposes de-  
23 scribed in this section.

24 “(j) ANNUAL REPORTING.—Not later than June 30  
25 of each calendar year beginning after the date of the en-

1 actment of the Homeland Security Improvement Act, the  
2 Ombudsman shall submit a report to the Committee on  
3 Homeland Security and Governmental Affairs of the Sen-  
4 ate, the Committee on the Judiciary of the Senate, the  
5 Committee on Homeland Security of the House of Rep-  
6 resentatives, and the Committee on the Judiciary of the  
7 House of Representatives that includes—

8           “(1) the number and type of complaints re-  
9           ceived pursuant to this section;

10           “(2) a summary of the demographics of the  
11           complainants who filed such complaints;

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

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

18           “(5) an inventory of complaints received pursu-  
19           ant to this section for which action has been taken  
20           and the period between the receipt of each such  
21           complaint and its resolution;

22           “(6) an inventory of complaints received pursu-  
23           ant to this section for which action was not taken  
24           during the 1-year period immediately following the  
25           filing of such complaint, including the period during

1 which each such complaint remained open, and the  
2 reason for failing to resolve each such complaint  
3 during such 1-year period;

4 “(7) recommendations that the Ombudsman  
5 has made to improve the services and responsiveness  
6 of U.S. Citizenship and Immigration Services, U.S.  
7 Immigration and Customs Enforcement, and U.S.  
8 Customs and Border Protection, and any responses  
9 received from each such component or the Depart-  
10 ment regarding such recommendations; and

11 “(8) any other information the Ombudsman  
12 considers relevant to such report.

13 “(k) ESTABLISHMENT OF BORDER COMMUNITIES LI-  
14 AISON OFFICE.—

15 “(1) IN GENERAL.—The Ombudsman, in con-  
16 junction with the Office for Civil Rights and Civil  
17 Liberties of the Department, shall establish a Bor-  
18 der Community Liaison Office (referred to in this  
19 subsection as the ‘Liaison Office’) in each U.S. Bor-  
20 der Patrol sector on the northern or southern border  
21 of the United States.

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

23 “(A) foster cooperation between the U.S.  
24 Border Patrol, U.S. Customs and Border Pro-  
25 tection’s Office of Field Operations, U.S. Immi-

1           gration and Customs Enforcement, and border  
2           communities;

3           “(B) consult with border communities re-  
4           garding the development of policies, directives,  
5           and programs of the U.S. Border Patrol and  
6           the Office of Field Operations and U.S. Immi-  
7           gration and Customs Enforcement; and

8           “(C) receive feedback from border commu-  
9           nities regarding the performance of the U.S.  
10          Border Patrol, the Office of Field Operations,  
11          and U.S. Immigration and Customs Enforce-  
12          ment.

13          “(3) MEMBERSHIP.—Each Liaison Office shall  
14          be comprised of equal representation from the bor-  
15          der community and U.S. Customs and Border Pro-  
16          tection and U.S. Citizenship and Customs Enforce-  
17          ment, including not fewer than—

18                 “(A) 1 member of the community in which  
19                 each U.S. Border Patrol sector is located who  
20                 has expertise in migration, local public safety,  
21                 civil and human rights, the local community, or  
22                 community relations;

23                 “(B) 1 member of an Indian tribe (as such  
24                 term is defined in section 4 of the Indian Self-

1 Determination and Education Assistance Act  
2 (25 U.S.C. 5304)) or a tribal organization;

3 “(C) 1 Border Patrol processing coordi-  
4 nator with significant experience working for  
5 the U.S. Border Patrol;

6 “(D) 1 nonuniformed U.S. Customs and  
7 Border Patrol officer with significant experience  
8 working for U.S. Customs and Border Protec-  
9 tion; and

10 “(E) 1 Enforcement and Removal Oper-  
11 ations agent with significant experience working  
12 for U.S. Immigration and Customs Enforce-  
13 ment.”.

14 (b) CLERICAL AMENDMENT.—The table of contents  
15 for the Homeland Security Act of 2002 (Public Law 107–  
16 296) is amended by inserting after the item relating to  
17 section 405 the following:

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

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

19 (a) MANDATORY TRAINING AND CONTINUING EDU-  
20 CATION TO PROMOTE CBP AGENT AND OFFICER SAFETY  
21 AND PROFESSIONALISM.—

22 (1) POLICIES AND GUIDELINES.—The Secretary  
23 of Homeland Security shall establish policies and  
24 guidelines to ensure that all U.S. Customs and Bor-

1 der Protection agents and officers receive a min-  
2 imum of—

3 (A) 19 weeks of training for employees of  
4 U.S. Customs and Border Protection’s Office of  
5 Field Operations, and 23 weeks of training for  
6 employees of the U.S. Border Patrol, that—

7 (i) is directly related to the mission of  
8 the U.S. Border Patrol or the mission of  
9 U.S. Customs and Border Protection’s Of-  
10 fice of Field Operations before the initial  
11 assignment of such agents and officers;  
12 and

13 (ii) is in alignment with curriculum  
14 developed and endorsed by FLETC; and

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

18 (2) TRAINERS.—The training and continuing  
19 education required under paragraph (1) shall be con-  
20 ducted by attorneys who—

21 (A) have experience with the Fourth  
22 Amendment to the United States Constitution,  
23 including appropriate application of the use of  
24 force by agents and officers of U.S. Customs  
25 and Border Protection; and

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

3 (b) FLETC.—The Secretary of Homeland Security  
4 shall establish policies and guidelines governing training  
5 with FLETC and continuing education of agents and offi-  
6 cers of U.S. Customs and Border Protection and U.S. Im-  
7 migration and Customs Enforcement regarding border  
8 awareness, accountability, and oversight. Such training  
9 with FLETC shall include individual courses regarding—

10 (1) community relations, including—

11 (A) best practices in community policing;

12 (B) best practices to adhere to policies lim-  
13 iting the location of enforcement and coopera-  
14 tion with local law enforcement; and

15 (C) best practices in responding to griev-  
16 ances, including how to refer complaints to the  
17 Ombudsman for Border and Immigration-Re-  
18 lated Concerns in accordance with section 406  
19 of the Homeland Security Act of 2002, as  
20 added by section 3;

21 (2) interdiction, including—

22 (A) instruction regarding formal and prop-  
23 er command language;

24 (B) situational awareness of what language  
25 is appropriate in a given situation;

1 (C) policies and guidelines regarding the  
2 legal application of use of force;

3 (D) policies and training scenarios nec-  
4 essary to ensure the safety of the agent or offi-  
5 cer and the surrounding community during  
6 interventions in urban areas, including—

7 (i) scenario-based training and guide-  
8 lines; and

9 (ii) non-lethal force training and cer-  
10 tification on at least 1 non-lethal force in-  
11 strument, including electronic control  
12 weapons; and

13 (E) policies necessary to ensure the safety  
14 of the agent or officer and the surrounding  
15 community during interventions in rural and re-  
16 mote locations;

17 (3) vulnerable populations, including instruction  
18 on screening, identifying, and responding to vulner-  
19 able populations, such as children, victims of human  
20 trafficking, victims of trauma, and the acutely ill;

21 (4) cultural and societal issues, including—

22 (A) understanding the diversity of immi-  
23 grant communities;

24 (B) language and basic cultural awareness  
25 of major migrant-sending countries;

1 (C) natural resource protection and envi-  
2 ronmental policies along the United States bor-  
3 der;

4 (D) privacy considerations regarding bor-  
5 der-related technologies; and

6 (E) the history and ethics of asylum law;  
7 and

8 (5) standards of professional conduct, includ-  
9 ing—

10 (A) the lawful use of force;

11 (B) complying with chain of command and  
12 lawful orders;

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

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

17 (E) non-racially biased questioning tech-  
18 niques; and

19 (F) de-escalation tactics and alternatives  
20 to the use of force.

21 (c) SUPERVISOR TRAINING.—In addition to the train-  
22 ing and continuing education required to be established  
23 under subsections (a) and (b), the Secretary of Homeland  
24 Security shall establish policies and guidelines governing  
25 the continuing education of agents and officers of U.S.

1 Customs and Border Protection and U.S. Immigration  
2 and Customs Enforcement in supervisory or management  
3 positions, including—

4 (1) instruction relating to management and  
5 leadership best practices;

6 (2) refresher instruction or in-service training  
7 relating to legal application of use of force policies  
8 and guidelines, intervention, community relations,  
9 and professional conduct; and

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

13 (d) REVIEW PROCESS.—The Secretary of Homeland  
14 Security shall establish a review process to ensure that  
15 port supervisors and managers of U.S. Customs and Bor-  
16 der Protection and U.S. Immigration and Customs En-  
17 forcement receive annual evaluations regarding—

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

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

21 (e) CONTINUING EDUCATION.—

22 (1) IN GENERAL.—The Secretary of Homeland  
23 Security shall require all agents and officers of U.S.  
24 Customs and Border Protection and U.S. Immigra-  
25 tion and Customs Enforcement who are required to

1       undergo training under subsections (a) through (c)  
2       to participate in annual continuing education to  
3       maintain and update their understanding of Federal  
4       legal rulings, court decisions, and Department of  
5       Homeland Security policies, procedures, and guide-  
6       lines related to the subject matters described in such  
7       subsections.

8               (2) SUBJECT MATTERS.—Continuing education  
9       under this subsection shall include training courses  
10       on—

11               (A) protecting the civil, constitutional,  
12       human, and privacy rights of individuals, with  
13       special emphasis on the scope of enforcement  
14       authority, including—

15                       (i) chain of evidence practices and  
16       document seizure; and

17                       (ii) use of force policies available to  
18       agents and officers;

19               (B) the scope of authority of agents and  
20       officers to conduct immigration enforcement ac-  
21       tivities, including interviews, interrogations,  
22       stops, searches, arrests, and detentions, in addi-  
23       tion to identifying and detecting fraudulent doc-  
24       uments;

1 (C) identifying, screening, and responsi-  
2 bility for vulnerable populations, such as chil-  
3 dren and victims of trafficking; and

4 (D) cultural and societal issues, includ-  
5 ing—

6 (i) the diversity of immigrant commu-  
7 nities;

8 (ii) language and basic cultural aware-  
9 ness of major migrant-sending countries;  
10 and

11 (iii) natural resource protection and  
12 environmental policies along the United  
13 States border.

14 (3) ADMINISTRATION.—Courses offered under  
15 this subsection—

16 (A) shall be administered in consultation  
17 with FLETC by the individual U.S. Border Pa-  
18 trol sectors and U.S. Customs and Border Pro-  
19 tection's Office of Field Operations in order to  
20 provide such sectors' field offices with flexibility  
21 to design or tailor such courses to the specific  
22 needs and conditions of each such sector and  
23 field office; and

24 (B) shall be approved in advance by the  
25 Secretary of Homeland Security to ensure that

1           such courses satisfy the requirements for train-  
2           ing under this section.

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

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

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

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

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

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

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

23           (a) IN GENERAL.—Not later than 180 days after the  
24           date of the enactment of this Act, the Secretary of Home-  
25           land Security shall submit a report to the Committee on

1 Homeland Security and Governmental Affairs of the Sen-  
2 ate and the Committee on Homeland Security of the  
3 House of Representatives that contains an assessment of  
4 the standards and guidelines for managing ports of entry  
5 under the control of the Department of Homeland Secu-  
6 rity, including information regarding—

7 (1) staffing levels and the need for additional  
8 staffing;

9 (2) the rules governing the actions of officers of  
10 U.S. Customs and Border Protection’s Office of  
11 Field Operations;

12 (3) average delays for transit through land  
13 ports of entry;

14 (4) existing efforts and technologies used for  
15 border security, including the impact of such efforts  
16 and technologies on—

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

18 (B) civil rights, private property rights,  
19 privacy rights, and civil liberties;

20 (5) the economic impact of the policies and  
21 practices of U.S. Customs and Border Protection ag-  
22 ricultural specialists and U.S. Customs and Border  
23 Protection’s Office of Field Operations personnel;

24 (6) physical infrastructure and technological  
25 needs at ports of entry;

1           (7) a plan for increasing the number of U.S.  
2           Customs and Border Protection’s Office of Field Op-  
3           erations officers certified as emergency medical tech-  
4           nicians and the number of medical professionals as-  
5           signed to land ports of entry; and

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

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

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

22                 (2) updating or increasing the use of technology  
23                 at ports of entry at which there are average delays  
24                 exceeding 2 hours based on U.S. Customs and Bor-

1 der Protection data collected during the previous fis-  
2 cal year;

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

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

10 (5) establishing training courses relating to  
11 management and leadership skills for supervisors  
12 and managers at ports of entry.

13 **SEC. 6. BORDER ENFORCEMENT ACCOUNTABILITY AND**  
14 **TRANSPARENCY.**

15 (a) DEFINITIONS.—In this section:

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

21 (2) CHECKPOINT.—The term “checkpoint”  
22 means a location—

23 (A) at which vehicles or individuals trav-  
24 eling through the location are stopped by a law  
25 enforcement official for the purposes of enforce-

1           ment of United States immigration laws and  
2           regulations; and

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

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

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

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

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

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

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

23           (4) PATROL STOP.—The term “patrol stop”  
24           means a search, seizure, or interrogation of a motor-  
25           ist, passenger, or pedestrian initiated anywhere ex-

1       cept as part of an inspection at a port of entry or  
2       a primary inspection at a checkpoint.

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

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

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

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

19                       (A) the date, time, and location of the con-  
20       tact;

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

24                       (C) a description of any items seized dur-  
25       ing such search, including contraband or

1 money, and a specification of the type of search  
2 conducted;

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

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

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

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

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

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

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

1 (iii) any other agreement with the De-  
2 partment of Homeland Security, including  
3 any Federal grant program.

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

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

12 (B) the location of each such checkpoint;

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

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

20 (3) RULEMAKING.—Not later than 180 days  
21 after the date of the enactment of this Act, the Sec-  
22 retary of Homeland Security, in consultation with  
23 stakeholders, including research, civil, and human  
24 rights organizations, shall promulgate regulations re-

1 relating to the collection and reporting of data re-  
2 quired under paragraphs (1) and (2) that—

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

4 (B) provide standards, definitions, and  
5 technical specifications to ensure uniform re-  
6 porting.

7 (4) COMPILATION OF DATA.—

8 (A) DEPARTMENT OF HOMELAND SECUR-  
9 RITY LAW ENFORCEMENT OFFICIALS.—The  
10 Secretary of Homeland Security shall—

11 (i) compile the data recorded pursuant  
12 to paragraph (1) by agents and officers of  
13 U.S. Customs and Border Protection and  
14 the data collected pursuant to paragraph  
15 (2) by the Commissioner of U.S. Customs  
16 and Border Protection; and

17 (ii) determine—

18 (I) whether any complaint was  
19 made by the individual subject to the  
20 contact under paragraph (1); and

21 (II) which oversight component  
22 within or outside of the Department  
23 of Homeland Security investigated the  
24 complaint.

1 (B) OTHER LAW ENFORCEMENT OFFI-  
2 CIALS.—The head of each agency, department,  
3 or other entity that employs law enforcement  
4 officials other than agents and officers referred  
5 to in subparagraph (A) shall—

6 (i) compile the data collected by such  
7 law enforcement officials pursuant to para-  
8 graph (1); and

9 (ii) submit the compiled data to the  
10 Secretary of Homeland Security.

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

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

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

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

1 (c) ANNUAL REPORT.—

2 (1) REQUIREMENT.—Not later than 1 year  
3 after the date of the enactment of this Act and an-  
4 nually thereafter, the Secretary of Homeland Secu-  
5 rity shall submit a report to Congress containing the  
6 data compiled pursuant to subsection (b)(4), includ-  
7 ing all such data for the previous year.

8 (2) AVAILABILITY.—Each report submitted  
9 pursuant to paragraph (1) shall be made available to  
10 the public, except for particular data if the Secretary  
11 of Homeland Security—

12 (A) explicitly invokes an exemption con-  
13 tained in paragraphs (1) through (9) of section  
14 552(b) of title 5, United States Code; and

15 (B) provides a written explanation for the  
16 applicability of such exemption.

17 (3) PRIVACY.—The Secretary may not report,  
18 for purposes of this section, unique personal identi-  
19 fying information of persons stopped, searched, or  
20 subjected to a property seizure.

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

1 **SEC. 7. REPORTING REQUIREMENTS.**

2 (a) ANNUAL CBP REPORT ON MISSION AND PER-  
3 SONNEL BY BORDER PATROL SECTOR.—Not later than  
4 1 year after the date of the enactment of this Act and  
5 annually thereafter, the Commissioner of U.S. Customs  
6 and Border Protection shall submit a report to the Com-  
7 mittee on Homeland Security and Governmental Affairs  
8 of the Senate and the Committee on Homeland Security  
9 of the House of Representatives that includes, for each  
10 Border Patrol sector—

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

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

22 (3) a description of—

23 (A) the border security roles and missions  
24 of Federal, State, regional, Tribal, and local au-  
25 thorities; and

1 (B) recommendations regarding actions the  
2 Commissioner could carry out to improve co-  
3 ordination with such authorities to enable bor-  
4 der security activities to be carried out in a  
5 more efficient and effective manner;

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

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

14 (b) ANNUAL REPORT ON MIGRANT DEATHS.—

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

1 (A) the number of documented migrant  
2 deaths;

3 (B) a geographical breakdown of where  
4 such migrant deaths occurred;

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

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

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

17 (2) GAO REVIEW.—Not later than 90 days  
18 after the submission of each report required under  
19 paragraph (1), the Comptroller General of the  
20 United States shall complete a review of such report  
21 to determine—

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

1 (B) the extent to which U.S. Customs and  
2 Border Protection and U.S. Immigration and  
3 Customs Enforcement have adopted simple and  
4 low-cost measures, such as water supply sites  
5 and rescue beacons, to reduce the frequency of  
6 migrants deaths;

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

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

18 (i) to accurately identify deceased in-  
19 dividuals;

20 (ii) to notify family members of such  
21 deaths; and

22 (iii) to compare information to miss-  
23 ing persons registries.

24 (c) GAO REPORT ON USE OF FORCE.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of the enactment of this Act, the Comp-  
3 troller General of the United States shall conduct a  
4 study that examines the extent to which U.S. Cus-  
5 toms and Border Protection and U.S. Immigration  
6 and Customs Enforcement have clarified use of force  
7 policies and submit a report to Congress containing  
8 the results of such study, which shall include—

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

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

22           (C) efforts to review and enhance current  
23 training and tactics related to use of force, and  
24 to implement reforms to ensure that agents and

1 officers are better equipped to assess and re-  
2 spond to threats;

3 (D) the extent to which U.S. Customs and  
4 Border Protection and U.S. Immigration and  
5 Customs Enforcement have established a stake-  
6 holder engagement framework to better inform  
7 and enhance U.S. Customs and Border Protec-  
8 tion's use of force training;

9 (E) the extent to which U.S. Customs and  
10 Border Protection and U.S. Immigration and  
11 Customs Enforcement have established  
12 metrics—

13 (i) to track the effectiveness of use of  
14 force training; and

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

22 (F) how U.S. Customs and Border Protec-  
23 tion and U.S. Immigration and Customs En-  
24 forcement could implement best law enforce-  
25 ment practices to improve policies for trans-

1 parent communication with family members of  
2 individuals injured or killed by U.S. Customs  
3 and Border Protection or U.S. Immigration and  
4 Customs Enforcement agent's and officer's use  
5 of force, including—

6 (i) updates on any pending investiga-  
7 tions; and

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

21 (G) how recommendations and requests  
22 made by agents and officers of U.S. Customs  
23 and Border Protection and U.S. Immigration  
24 and Customs Enforcement have been received,  
25 reviewed, and, if possible, implemented into the

1 use of force policies and best practices of U.S.  
2 Customs and Border Protection; and

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

12 (2) IMPLEMENTATION OF GAO FINDINGS.—

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

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

1           mittee on Homeland Security of the House of  
2           Representatives that explains why such rec-  
3           ommendations have not been implemented.

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

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

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

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

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

24                 (C) the rank and position of the agents  
25                 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, publish, and make available to  
23 the public a report that—

24 (1) analyzes the feasibility of establishing an  
25 immigration court system, outside the executive

1 branch, composed of judges appointed for a fixed  
2 term with jurisdiction over cases arising under the  
3 Immigration and Nationality Act (8 U.S.C. 1101 et  
4 seq.) or any other immigration law of the United  
5 States;

6 (2) analyzes the appeal process for such cases;

7 (3) analyzes the impact that such an immigra-  
8 tion court system would have on the number of cases  
9 heard by each immigration judge and any backlog of  
10 such cases;

11 (4) analyzes the barriers to the establishment of  
12 such an immigration court system; and

13 (5) provides recommendations relating to the  
14 establishment of such an immigration court system.

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

16 (a) DEFINITIONS.—In this section:

17 (1) CHILD WELFARE AGENCY.—The term  
18 “child welfare agency” means the State, territorial,  
19 or Tribal agency responsible for child or family serv-  
20 ices and welfare.

21 (2) IMMIGRATION LAWS.—The term “immigra-  
22 tion laws” has the meaning given such term in sec-  
23 tion 101(17) of the Immigration and Nationality Act  
24 (8 U.S.C. 1101(17)).

1           (3) QUALIFIED CHILD WELFARE EXPERT.—The  
2           term “qualified child welfare expert” means a child  
3           welfare expert who is—

4                   (A) licensed by the State or county in  
5                   which the child was removed from the parent or  
6                   legal guardian of such child; and

7                   (B) independent of U.S. Customs and Bor-  
8                   der Protection.

9           (b) PROHIBITION ON SEPARATION.—An agent or of-  
10          ficer of a designated law enforcement agency performing  
11          functions under the immigration laws may not remove a  
12          child from the parent or legal guardian of such child solely  
13          for the policy goal of—

14                   (1) deterring individuals from migrating to the  
15                   United States; or

16                   (2) promoting compliance with immigration  
17                   laws.

18          (c) EXCEPTION.—

19                   (1) IN GENERAL.—An agent or officer of a des-  
20                   ignated law enforcement agency performing func-  
21                   tions under the immigration laws may remove a  
22                   child from the parent or legal guardian of such  
23                   child, at or near a port of entry or within 100 miles  
24                   of a border of the United States, if—

1 (A) any State court, authorized under  
2 State law—

3 (i) terminates the rights of the parent  
4 or legal guardian;

5 (ii) determines it is in the best inter-  
6 ests of the child to be removed from the  
7 parent or legal guardian, in accordance  
8 with the Adoption and Safe Families Act  
9 of 1997 (Public Law 105–89); or

10 (iii) makes any similar determination  
11 that is legally authorized under State law;  
12 or

13 (B) any official from a State or county  
14 child welfare agency makes a determination  
15 that it is in the best interests of the child to be  
16 removed from the parent or legal guardian be-  
17 cause the child—

18 (i) is in danger of abuse or neglect at  
19 the hands of the parent or legal guardian;  
20 or

21 (ii) is a danger to himself or herself or  
22 others.

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

1 (A) IN GENERAL.—Not later than 48  
2 hours after a child is removed from his or her  
3 parent or legal guardian pursuant to paragraph  
4 (1), the Secretary of Homeland Security shall  
5 seek a determination from a qualified child wel-  
6 fare expert on whether such removal was per-  
7 missible.

8 (B) RESULTS OF DETERMINATION.—If the  
9 qualified child welfare expert does not deter-  
10 mine that the removal of the child from the  
11 parent or legal guardian was permissible under  
12 paragraph (1), the child shall be reunited with  
13 his or her parent or legal guardian.

14 (d) CAUSE OF ACTION.—A parent or legal guardian  
15 of a child who was removed in violation of this section  
16 may bring an action against the Secretary of Homeland  
17 Security in a district court of the United States for injunc-  
18 tive relief.

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

23 (f) DOCUMENTATION REQUIRED.—The Secretary of  
24 Homeland Security shall ensure that the parent or legal  
25 guardian of a child who is removed from his or her parent

1 or legal guardian under this section is provided docu-  
2 mentation of such removal, including—

3 (1) an explanation of why the child was re-  
4 moved from the parent or guardian; and

5 (2) any evidence the Secretary has relating to  
6 removal of the child from his or her parent or legal  
7 guardian.

8 **SEC. 9. RULE OF CONSTRUCTION.**

9 Nothing in this Act may be construed to limit the  
10 right any parent, legal guardian or child may have under  
11 law, including the settlement agreement in *Ms. L. v. ICE*,  
12 18–cv–00428 (S.D. Cal. Dec. 11, 2023), any tort remedy  
13 under chapter 171 of title 28, United States Code (com-  
14 monly referred to as the “Federal Tort Claims Act”), or  
15 any other Act.