

JULY 23, 2019

RULES COMMITTEE PRINT 116–27
TEXT OF H.R. 2203, HOMELAND SECURITY
IMPROVEMENT ACT

**[Showing the text of H.R. 2203, as reported by the Committee
on Homeland Security, with modifications.]**

1 SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Homeland Security Improvement Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—NATIONAL COMMISSION TO INVESTIGATE THE TREAT-
MENT OF THE MIGRANT FAMILIES AND CHILDREN BY THE
TRUMP ADMINISTRATION**

- Sec. 101. Establishment of commission.
- Sec. 102. Purposes.
- Sec. 103. Composition of the Commission; qualifications.
- Sec. 104. Functions of commission.
- Sec. 105. Powers of commission.
- Sec. 106. Public meetings and release of public version of reports.
- Sec. 107. Staff of commission.
- Sec. 108. Compensation and travel expenses.
- Sec. 109. Security clearances for commission members and staff.
- Sec. 110. Reports of commission; termination.
- Sec. 111. Funding.

**TITLE II—OMBUDSMAN, BORDER COMMUNITY LIAISONS,
TRAINING AND MANAGEMENT**

- Sec. 201. Establishment of the Office of the Ombudsman for Border and Immigration Related Concerns.
- Sec. 202. Establishment of border community stakeholder advisory committee.
- Sec. 203. Training and continuing education.
- Sec. 204. Body-worn cameras.
- Sec. 205. Limitation on the separation of families.
- Sec. 206. Prohibition on exceeding 72 hours in short-term detention.
- Sec. 207. Electronic tracking.

- Sec. 208. Termination of Remain In Mexico Protocol and metering policy.
- Sec. 209. Surge support for care of families and unaccompanied children.
- Sec. 210. Port of entry temporary duty assignments.
- Sec. 211. Prohibition on physical restraints for women who are pregnant or post-delivery.

TITLE III—OVERSIGHT

- Sec. 301. GAO report on the extent of CBP activities, operations, and claimed authority.
- Sec. 302. Migrant deaths reporting.
- Sec. 303. Review of the use of force.
- Sec. 304. Accountability and transparency within the border zone.
- Sec. 305. Audit and inspections of detention facilities.

1 **TITLE I—NATIONAL COMMIS-**
2 **SION TO INVESTIGATE THE**
3 **TREATMENT OF THE MI-**
4 **GRANT FAMILIES AND CHIL-**
5 **DREN BY THE TRUMP ADMIN-**
6 **ISTRATION**

7 **SEC. 101. ESTABLISHMENT OF COMMISSION.**

8 There is established in the legislative branch the Na-
9 tional Commission to Investigate the Treatment of Mi-
10 grant Families and Children By the Trump Administra-
11 tion (in this Act referred to as the “Commission”).

12 **SEC. 102. PURPOSES.**

13 The purposes of the Commission are to—

14 (1) examine the handling of migrant families
15 and children apprehended along the United States-
16 Mexico border by U.S. Customs and Border Protec-
17 tion since January 2017;

18 (2) ascertain, evaluate, and report on the evi-
19 dence developed by all relevant governmental agen-

1 cies regarding the facts and circumstances sur-
2 rounding the handling by the Departments of Home-
3 land Security and Health and Human Services of
4 migrant families and children who were apprehended
5 at the southern border since January 2017;

6 (3) build upon the investigations of other enti-
7 ties, and avoid unnecessary duplication, by reviewing
8 the findings, conclusions, and recommendations of—

9 (A) Department of Homeland Security Of-
10 fice of Inspector General;

11 (B) Department of Health and Human
12 Services Office of Inspector General; and

13 (C) other executive branch, congressional,
14 or independent investigations into the treatment
15 of and detention conditions for migrant families
16 and children apprehended at the southern bor-
17 der by the Department of Homeland Security
18 since January 2017;

19 (4) make a full and complete accounting of the
20 handling of the migrant families and children appre-
21 hended at the southern border since January 2017;
22 and

23 (5) investigate and report to the President and
24 Congress on its findings, conclusions, and rec-
25 ommendations for corrective measures.

1 **SEC. 103. COMPOSITION OF THE COMMISSION; QUALIFICA-**
2 **TIONS.**

3 (a) MEMBERS.—The Commission shall be composed
4 of 10 members, of whom—

5 (1) one member shall be appointed by the lead-
6 er of the Democratic Party (majority or minority
7 leader, as the case may be) in the House of Rep-
8 resentatives, with the concurrence of the leader of
9 the Democratic party (majority or minority leader as
10 the case may be) in the Senate, who shall serve as
11 chairman of the Commission;

12 (2) two members shall be appointed by the sen-
13 ior member of the leadership of the Democratic
14 party in Senate;

15 (3) three members shall be appointed by the
16 senior member of the leadership of the Republican
17 party in the Senate;

18 (4) three members shall be appointed by the
19 senior member of the leadership of the Democratic
20 party in the House of Representatives; and

21 (5) one member shall be appointed by the sen-
22 ior member of the leadership of the Republican
23 party in of the House of Representatives.

24 (b) QUALIFICATIONS.—Each individual appointed to
25 the Commission shall have expertise and experience in at
26 least one of the following areas:

1 (1) Immigration law, particularly experience
2 representing asylees.

3 (2) Public health.

4 (3) Child welfare.

5 (4) Civil rights.

6 (5) As a representative of a humanitarian orga-
7 nization that gives assistance to individuals crossing
8 the southern border.

9 (6) As a local official from a border community
10 on the southern border of the United States.

11 **SEC. 104. FUNCTIONS OF COMMISSION.**

12 The functions of the Commission are to—

13 (1) investigate the relevant facts and cir-
14 cumstances related to the handling by the Depart-
15 ments of Homeland Security and Health and
16 Human Services of the migrant families and chil-
17 dren apprehended at the southern border since Jan-
18 uary 2017, including any relevant legislation, Execu-
19 tive order, regulation, plan, policy, practice, or pro-
20 cedure;

21 (2) identify, review, and evaluate the lessons
22 learned from the handling by the Departments of
23 Homeland Security and Health and Human Services
24 of the migrant families and children apprehended at
25 the southern border since January 2017, regarding

1 the structure, coordination, management policies,
2 and procedures of the Federal Government, and, if
3 appropriate, State and local governments and non-
4 governmental entities, relative to providing timely,
5 effective and humane treatment of migrant families
6 and unaccompanied alien children seeking asylum in
7 the United States; and

8 (3) submit to the President and Congress such
9 reports as are required by this title containing such
10 findings, conclusions, and recommendations as the
11 Commission shall determine, including proposing or-
12 ganization, coordination, planning, management ar-
13 rangements, procedures, rules, and regulations.

14 **SEC. 105. POWERS OF COMMISSION.**

15 (a) IN GENERAL.—

16 (1) HEARINGS AND EVIDENCE.—The Commis-
17 sion or, on the authority of the Commission, any
18 subcommittee or member thereof, may, for the pur-
19 pose of carrying out this title—

20 (A) hold such hearings and sit and act at
21 such times and places, take such testimony, re-
22 ceive such evidence, administer such oaths; and

23 (B) subject to paragraph (2)(A), require,
24 by subpoena or otherwise, the attendance and
25 testimony of such witnesses and the production

1 of such books, records, correspondence, memo-
2 randa, papers, and documents, as the Commis-
3 sion or such designated subcommittee or des-
4 ignated member may determine advisable.

5 (2) SUBPOENAS.—

6 (A) ISSUANCE.—

7 (i) IN GENERAL.—A subpoena may be
8 issued under this subsection only—

9 (I) by the agreement of the
10 chairman and the vice chairman; or

11 (II) by the affirmative vote of 6
12 members of the Commission.

13 (ii) SIGNATURE.—Subject to clause
14 (i), subpoenas issued under this subsection
15 may be issued under the signature of the
16 chairman or any member designated by a
17 majority of the Commission, and may be
18 served by any person designated by the
19 chairman or by a member designated by a
20 majority of the Commission.

21 (B) ENFORCEMENT.—

22 (i) IN GENERAL.—In the case of con-
23 tumacy or failure to obey a subpoena
24 issued under subsection (a), the United
25 States district court for the judicial district

1 in which the subpoenaed person resides, is
2 served, or may be found, or where the sub-
3 poena is returnable, may issue an order re-
4 quiring such person to appear at any des-
5 ignated place to testify or to produce docu-
6 mentary or other evidence. Any failure to
7 obey the order of the court may be pun-
8 ished by the court as a contempt of that
9 court.

10 (ii) ADDITIONAL ENFORCEMENT.—In
11 the case of any failure of any witness to
12 comply with any subpoena or to testify
13 when summoned under authority of this
14 section, the Commission may, by majority
15 vote, certify a statement of fact consti-
16 tuting such failure to the appropriate
17 United States attorney, who may bring the
18 matter before the grand jury for its action,
19 under the same statutory authority and
20 procedures as if the United States attorney
21 had received a certification under sections
22 102 through 104 of the Revised Statutes
23 of the United States (2 U.S.C. 192
24 through 194).

1 (b) CONTRACTING.—The Commission may, to such
2 extent and in such amounts as are provided in appropria-
3 tion Acts, enter into contracts to enable the Commission
4 to discharge its duties under this title.

5 (c) INFORMATION FROM FEDERAL AGENCIES.—

6 (1) IN GENERAL.—The Commission is author-
7 ized to secure directly from any executive depart-
8 ment, bureau, agency, board, commission, office,
9 independent establishment, or instrumentality of the
10 Government, information, suggestions, estimates,
11 and statistics for the purposes of this title. Each de-
12 partment, bureau, agency, board, commission, office,
13 independent establishment, or instrumentality shall,
14 to the extent authorized by law, furnish such infor-
15 mation, suggestions, estimates, and statistics di-
16 rectly to the Commission, upon request made by the
17 chairman, the chairman of any subcommittee cre-
18 ated by a majority of the Commission, or any mem-
19 ber designated by a majority of the Commission.

20 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
21 SEMINATION.—Information shall only be received,
22 handled, stored, and disseminated by members of
23 the Commission and its staff consistent with all ap-
24 plicable statutes, regulations, and Executive orders.

25 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

1 (1) GENERAL SERVICES ADMINISTRATION.—
2 The Administrator of General Services shall provide
3 to the Commission on a reimbursable basis adminis-
4 trative support and other services for the perform-
5 ance of the Commission's functions.

6 (2) OTHER DEPARTMENTS AND AGENCIES.—In
7 addition to the assistance prescribed in paragraph
8 (1), departments and agencies of the United States
9 may provide to the Commission such services, funds,
10 facilities, staff, and other support services as they
11 may determine advisable and as may be authorized
12 by law.

13 **SEC. 106. PUBLIC MEETINGS AND RELEASE OF PUBLIC**
14 **VERSION OF REPORTS.**

15 (a) PUBLIC MEETINGS AND RELEASE OF PUBLIC
16 VERSIONS OF REPORTS.—The Commission shall—

17 (1) hold public hearings and meetings to the ex-
18 tent appropriate; and

19 (2) release public versions of the reports re-
20 quired under section 110(a) and (b).

21 (b) PUBLIC HEARINGS.—Any public hearings of the
22 Commission shall be conducted in a manner consistent
23 with the protection of information provided to or developed
24 for or by the Commission as required by any applicable
25 statute, regulation, or Executive order.

1 **SEC. 107. STAFF OF COMMISSION.**

2 (a) IN GENERAL.—

3 (1) APPOINTMENT AND COMPENSATION.—The
4 chairman, in consultation with vice chairman, in ac-
5 cordance with rules agreed upon by the Commission,
6 may appoint and fix the compensation of a staff di-
7 rector and such other personnel as may be necessary
8 to enable the Commission to carry out its functions,
9 without regard to the provisions of title 5, United
10 States Code, governing appointments in the competi-
11 tive service, and without regard to the provisions of
12 chapter 51 and subchapter III of chapter 53 of such
13 title relating to classification and General Schedule
14 pay rates, except that no rate of pay fixed under this
15 subsection may exceed the equivalent of that payable
16 for a position at level V of the Executive Schedule
17 under section 5316 of title 5, United States Code.

18 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

19 (A) IN GENERAL.—The executive director
20 and any personnel of the Commission who are
21 employees shall be employees under section
22 2105 of title 5, United States Code, for pur-
23 poses of chapters 63, 81, 83, 84, 85, 87, 89,
24 and 90 of that title.

1 (B) MEMBERS OF COMMISSION.—Subpara-
2 graph (A) shall not be construed to apply to
3 members of the Commission.

4 (b) DETAILEES.—Any Federal Government employee
5 may be detailed to the Commission without reimbursement
6 from the Commission, and such detailee shall retain the
7 rights, status, and privileges of his or her regular employ-
8 ment without interruption.

9 (c) CONSULTANT SERVICES.—The Commission is au-
10 thorized to procure the services of experts and consultants
11 in accordance with section 3109 of title 5, United States
12 Code, but at rates not to exceed the daily rate paid a per-
13 son occupying a position at level IV of the Executive
14 Schedule under section 5315 of title 5, United States
15 Code.

16 **SEC. 108. COMPENSATION AND TRAVEL EXPENSES.**

17 Each member of the Commission may be com-
18 pensated at not to exceed the daily equivalent of the an-
19 nual rate of basic pay in effect for a position at level IV
20 of the Executive Schedule under section 5315 of title 5,
21 United States Code, for each day during which that mem-
22 ber is engaged in the actual performance of the duties of
23 the Commission.

1 **SEC. 109. SECURITY CLEARANCES FOR COMMISSION MEM-**
2 **BERS AND STAFF.**

3 The appropriate Federal agencies or departments
4 shall cooperate with the Commission in expeditiously pro-
5 viding to the Commission members and staff appropriate
6 security clearances to the extent possible pursuant to ex-
7 isting procedures and requirements, except that no person
8 shall be provided with access to classified information
9 under this title without the appropriate security clear-
10 ances.

11 **SEC. 110. REPORTS OF COMMISSION; TERMINATION.**

12 (a) INTERIM REPORTS.—The Commission may sub-
13 mit to the President and Congress interim reports con-
14 taining such findings, conclusions, and recommendations
15 for corrective measures as have been agreed to by a major-
16 ity of Commission members.

17 (b) REPORT.—Not later than 18 months after the
18 date of the enactment of this Act, the Commission shall
19 submit to the President and Congress a final report con-
20 taining such findings, conclusions, and recommendations
21 for corrective measures as have been agreed to by a major-
22 ity of Commission members.

23 (c) TERMINATION.—

24 (1) IN GENERAL.—The Commission, and all the
25 authorities of this title, shall terminate 60 days after

1 the date on which the final report is submitted
2 under subsection (b).

3 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
4 MINATION.—The Commission may use the 60-day
5 period referred to in paragraph (1) for the purpose
6 of concluding its activities, including providing testi-
7 mony to committees of Congress concerning its re-
8 ports and disseminating the final report.

9 **SEC. 111. FUNDING.**

10 (a) IN GENERAL.—There is authorized \$3,000,000
11 for purposes of carrying out the activities of the Commis-
12 sion under this title.

13 (b) DURATION OF AVAILABILITY.—Amounts made
14 available to the Commission under subsection (a) shall re-
15 main available until the termination of the Commission.

16 **TITLE II—OMBUDSMAN, BORDER**
17 **COMMUNITY LIAISONS,**
18 **TRAINING AND MANAGEMENT**

19 **SEC. 201. ESTABLISHMENT OF THE OFFICE OF THE OM-**
20 **BUDSMAN FOR BORDER AND IMMIGRATION**
21 **RELATED CONCERNS.**

22 (a) IN GENERAL.—Subtitle C of title IV of the
23 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
24 is amended by adding at the end the following new section:

1 **“SEC. 437. ESTABLISHMENT OF THE OFFICE OF OMBUDS-**
2 **MAN FOR BORDER AND IMMIGRATION RE-**
3 **LATED CONCERNS.**

4 “(a) IN GENERAL.—The Secretary shall appoint an
5 Ombudsman for Border and Immigration Related Con-
6 cerns (hereinafter referred to as the ‘Ombudsman’), who
7 shall—

8 “(1) be independent of Department agencies
9 and officers;

10 “(2) report directly to the Secretary; and

11 “(3) have a background in immigration, civil
12 rights, and law enforcement.

13 “(b) FUNCTIONS.—The functions of the Ombudsman
14 shall be to—

15 “(1) establish an independent, neutral, and con-
16 fidential process to receive, investigate, resolve, and
17 provide redress, including referral for investigation
18 to the Office of the Inspector General, referral to the
19 Office of Civil Rights and Civil Liberties to inves-
20 tigate complaints and information indicating possible
21 abuses of civil rights or civil liberties, referral to
22 U.S. Citizenship and Immigration Services for immi-
23 gration relief, or any other action determined appro-
24 priate, in cases in which Department employees, or
25 subcontracted or cooperating entity personnel, are

1 alleged to have engaged in misconduct or violated
2 the rights of individuals, associations, or employers;

3 “(2) establish an accessible and standardized
4 complaint process regarding complaints against any
5 employee of U.S. Customs and Border Protection or
6 U.S. Immigration and Customs Enforcement, or any
7 subcontracted or cooperating entity personnel, for
8 violations of law or violations of standards of profes-
9 sional conduct pertaining to interaction with a
10 United States citizen or non-United States citizen in
11 the course of carrying out any duty under law; and

12 “(3) identify and thereafter review, examine,
13 and make recommendations to the Secretary or des-
14 ignee to address chronic concerns in border security
15 and enforcement activities of U.S. Customs and Bor-
16 der Protection and U.S. Immigration and Customs
17 Enforcement.

18 “(c) ANNUAL REPORT.—On an annual basis, starting
19 one year after the date of the enactment of this section,
20 the Secretary shall submit to the Committee on Homeland
21 Security and the Committee on the Judiciary of the House
22 of Representatives and the Committee on Homeland Secu-
23 rity and Governmental Affairs and the Committee on the
24 Judiciary of the Senate a report prepared by the Ombuds-
25 man that provides information regarding the Office of the

1 Ombudsman's activities for the prior year, including infor-
2 mation relating to the following:

3 “(1) The number of complaints received in the
4 period, with information on each complaint including
5 whether it is against any employee of U.S. Customs
6 and Border Protection or U.S. Immigration and
7 Customs Enforcement, or any subcontracted or co-
8 operating entity personnel, for violations of law or
9 violations of standards of professional conduct per-
10 taining to interaction with a United States citizen or
11 non-United States citizen in the course of carrying
12 out any duty under law, when and where the inci-
13 dent that gave rise to the complaint occurred, in-
14 cluding, where possible, identification of the port of
15 entry, U.S. Border Patrol station, or detention facil-
16 ity where the alleged incident occurred.

17 “(2) The number of investigations commenced
18 or carried out in the period, with information on
19 each investigation including whether it involves any
20 employee of U.S. Customs and Border Protection or
21 U.S. Immigration and Customs Enforcement, or any
22 subcontracted or cooperating entity personnel, for
23 violations of law or violations of standards of profes-
24 sional conduct pertaining to interaction with a

1 United States citizen or non-United States citizen in
2 the course of carrying out any duty under law.

3 “(3) The number of complaints resolved in the
4 period, with information on how each complaint was
5 resolved, including for those complaints that were—

6 “(A) referred for investigation to the Of-
7 fice of the Inspector General;

8 “(B) referred to the Office of Civil Rights
9 and Civil Liberties;

10 “(C) referred to U.S. Citizenship and Im-
11 migration Services for immigration relief; and

12 “(D) resolved in some other manner.

13 “(4) Findings and recommendations for the pe-
14 riod that address chronic concerns in border security
15 and enforcement activities of U.S. Customs and Bor-
16 der Protection and U.S. Immigration and Customs
17 Enforcement, including the impact of such activities
18 on border communities and the civil rights, property
19 rights, privacy rights, and civil liberties of residents
20 of such communities.

21 “(5) Any actions taken by the Department to
22 implement recommendations that address chronic
23 concerns in border security and enforcement activi-
24 ties.

1 “(d) PUBLICATION.—Not later than 30 days after re-
2 ceiving the annual report required pursuant to subsection
3 (c), the Secretary shall publish the annual report on the
4 website of the Department and in the Federal Register,
5 together with any feedback from the Secretary regarding
6 the report.

7 “(e) CONFIDENTIALITY.—In the absence of the writ-
8 ten consent of an individual who submits a complaint, the
9 Ombudsman shall keep confidential the identity of and
10 any identifying information relating to that individual.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 1(b) of the Homeland Security Act of 2002 is
13 amended by striking the items relating to sections 435 and
14 436 and inserting the following new items:

“Sec. 435. Maritime operations coordination plan.

“Sec. 436. Maritime security capabilities assessments.

“Sec. 437. Establishment of the Office of Ombudsman for Border and Immigra-
tion Related Concerns.”.

15 **SEC. 202. ESTABLISHMENT OF BORDER COMMUNITY**
16 **STAKEHOLDER ADVISORY COMMITTEE.**

17 (a) IN GENERAL.—Subtitle C of title IV of the
18 Homeland Security Act of 2002, as amended by section
19 201 of this Act, is further amended by adding at the end
20 the following new section:

1 **“SEC. 438. ESTABLISHMENT OF BORDER COMMUNITY**
2 **STAKEHOLDER ADVISORY COMMITTEE.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish within the Department a border community stake-
5 holders advisory committee pursuant to section 871 of this
6 Act.

7 “(b) DUTIES.—

8 “(1) IN GENERAL.—The Secretary shall consult
9 with the Advisory Committee, as appropriate, on
10 border security and immigration enforcement mat-
11 ters, including on the development, refinement, and
12 implementation of policies, protocols, programs, and
13 rulemaking pertaining to border security and immi-
14 gration enforcement that may impact border commu-
15 nities.

16 “(2) RECOMMENDATIONS.—The Advisory Com-
17 mittee shall develop, at the request of the Secretary,
18 recommendations regarding policies, protocols, pro-
19 grams and rulemaking pertaining to border security
20 and immigration enforcement that may impact bor-
21 der communities.

22 “(3) PERIODIC REPORTS.—The Advisory Com-
23 mittee shall periodically submit to the Secretary—

24 “(A) reports on matters identified by the
25 Secretary; and

1 “(B) reports on other matters identified by
2 a majority of the members of the Advisory
3 Committee.

4 “(4) ANNUAL REPORT.—The Advisory Com-
5 mittee shall submit to the Secretary an annual re-
6 port providing information on the activities, findings,
7 and recommendations of the Advisory Committee,
8 including its subcommittees, for the preceding year.
9 Not later than six months after the date on which
10 the Secretary receives the annual report, the Sec-
11 retary shall publish a public version describing the
12 Advisory Committee’s activities and such related
13 matters as would be informative to the public, con-
14 sistent with section 552(b) of title 5, United States
15 Code.

16 “(5) FEEDBACK.—Not later than 90 days after
17 receiving recommendations transmitted by the Advi-
18 sory Committee under paragraph (4), the Secretary
19 shall respond in writing to the Advisory Committee
20 with feedback on each of the recommendations, an
21 action plan to implement any of the recommenda-
22 tions with which the Secretary concurs, and a jus-
23 tification for why any of the recommendations have
24 been rejected.

1 “(6) CONGRESSIONAL NOTIFICATION.—Not
2 later than 30 days after providing written feedback
3 to the Advisory Committee under paragraph (5), the
4 Secretary shall notify the Committee on Homeland
5 Security of the House of Representatives and the
6 Committee on Homeland Security and Governmental
7 Affairs of the Senate on such feedback, and provide
8 a briefing upon request.

9 “(7) REPORT TO CONGRESS.—Prior to briefing
10 the Committee on Homeland Security of the House
11 of Representatives and the Committee on Homeland
12 Security and Governmental Affairs of the Senate
13 under paragraph (6), the Secretary shall submit to
14 such committees a report containing information re-
15 lating to the recommendations transmitted by the
16 Advisory Committee in accordance with paragraph
17 (4).

18 “(c) MEMBERSHIP.—

19 “(1) APPOINTMENT.—

20 “(A) IN GENERAL.—Not later than 90
21 days after the date of enactment of this section,
22 the Secretary shall appoint the members of the
23 Advisory Committee.

24 “(B) COMPOSITION.—The membership of
25 the Advisory Committee shall consist of a bor-

1 der community stakeholder from each of the
2 nine U.S. Border Patrol sectors and three indi-
3 viduals with significant expertise and experience
4 in immigration law, civil rights, and civil lib-
5 erties, particularly as relates to interests of
6 residents of border communities.

7 “(2) TERM OF OFFICE.—

8 “(A) TERMS.—The term of each member
9 of the Advisory Committee shall be two years.
10 A member of the Advisory Committee may be
11 reappointed.

12 “(B) REMOVAL.—The Secretary may re-
13 view the participation of a member of the Advi-
14 sory Committee and remove such member for
15 cause at any time.

16 “(3) PROHIBITION ON COMPENSATION.—The
17 members of the Advisory Committee shall not re-
18 ceive pay, allowances, or benefits from the Govern-
19 ment by reason of their service on the Advisory
20 Committee.

21 “(4) MEETINGS.—

22 “(A) IN GENERAL.—The Secretary shall
23 require the Advisory Committee to meet at least
24 semiannually and may convene additional meet-
25 ings as necessary.

1 “(B) PUBLIC MEETINGS.—At least one of
2 the meetings described in subparagraph (A)
3 shall be within a Border Patrol sector and open
4 to the public.

5 “(C) ATTENDANCE.—The Advisory Com-
6 mittee shall maintain a record of the persons
7 present at each meeting.

8 “(5) MEMBER ACCESS TO SENSITIVE SECURITY
9 INFORMATION.—Not later than 60 days after the
10 date of a member’s appointment, the Secretary shall
11 determine if there is cause for the member to be re-
12 stricted from possessing sensitive security informa-
13 tion. Without such cause, and upon the member vol-
14 untarily signing a non-disclosure agreement, the
15 member may be granted access to sensitive security
16 information that is relevant to the member’s advi-
17 sory duties. The member shall protect the sensitive
18 security information in accordance with part 1520 of
19 title 49, Code of Federal Regulations.

20 “(6) CHAIRPERSON.—A stakeholder representa-
21 tive on the Advisory Committee who is elected by the
22 appointed membership of the Advisory Committee
23 shall chair the Advisory Committee.

1 “(d) NONAPPLICABILITY OF FACA.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not apply
3 to the Advisory Committee and its subcommittees.

4 “(e) DEFINITIONS.—In this section:

5 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
6 sory Committee’ means the border community stake-
7 holder advisory committee established under sub-
8 section (a).

9 “(2) BORDER COMMUNITY STAKEHOLDER.—
10 The term ‘border community stakeholder’ means in-
11 dividuals who have ownership interests or reside in
12 the land borders of the United States and who have
13 not publicly taken positions on the Trump Adminis-
14 tration’s border security and immigration enforce-
15 ment actions, including—

16 “(A) a landowner within 10 miles of a land
17 border of the United States;

18 “(B) a business leader in a company oper-
19 ating within 10 miles of a land border of the
20 United States;

21 “(C) a local official from a community on
22 a land border of the United States; and

23 “(D) a representative of Indian tribes on a
24 land border of the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002, as
3 amended by section 201 of this Act, is further amended
4 by inserting after the item relating to section 437 the fol-
5 lowing new item:

“Sec. 438. Establishment of Border Community Stakeholder Advisory Com-
mittee.”.

6 **SEC. 203. TRAINING AND CONTINUING EDUCATION.**

7 (a) MANDATORY TRAINING AND CONTINUING EDU-
8 CATION TO PROMOTE CBP AGENT AND OFFICER SAFETY
9 AND PROFESSIONALISM.—The Secretary of Homeland Se-
10 curity shall establish policies and guidelines to ensure that
11 every agent and officer of U.S. Customs and Border Pro-
12 tection and U.S. Immigration and Customs Enforcement
13 receives a minimum of 20 weeks of training upon
14 onboarding that is directly related to the mission and 40
15 hours of training and continuing education annually there-
16 after, to include personnel in a supervisory or management
17 position. Such training shall include training provided by
18 attorneys outside of the Department of Homeland Secu-
19 rity.

20 (b) CURRICULUM.—The Secretary of Homeland Se-
21 curity shall establish policies and guidelines governing
22 training and continuing education of agents and officers
23 of U.S. Customs and Border Protection and U.S. Immi-
24 gration and Customs Enforcement regarding account-

1 ability, standards for professional and ethical conduct, and
2 oversight. Such training shall address the following:

3 (1) Community relations, including the fol-
4 lowing:

5 (A) Best practices in community policing,
6 cultural awareness, and carrying out enforce-
7 ment actions near sensitive locations such as
8 places of worship or religious ceremony, school
9 or education-related place or event, courthouse
10 or other civic building providing services acces-
11 sible to the public, hospital, medical treatment,
12 or health care facility, a public demonstration,
13 or an attorney's office, including a public de-
14 fender or legal aid office.

15 (B) Policies limiting location of enforce-
16 ment and cooperation with local law enforce-
17 ment.

18 (C) Best practices in responding to griev-
19 ances and how to refer complaints to the Om-
20 budsman for Border and Immigration Related
21 Concerns in accordance with section 437 of the
22 Homeland Security Act of 2002, as added by
23 section 201 of this Act.

24 (2) Interaction with vulnerable populations, in-
25 cluding instruction on screening, identifying, and re-

1 sponding to vulnerable populations, such as children,
2 victims of human trafficking, and the acutely ill.

3 (3) Standards of professional and ethical con-
4 duct, including the following:

5 (A) Lawful use of force, de-escalation tac-
6 tics, and alternatives to the use of force.

7 (B) Complying with chain of command and
8 lawful orders.

9 (C) Conduct and ethical behavior toward
10 the public in a civil and professional manner.

11 (D) Civil rights and legal protections.

12 (E) Non-racially biased questioning.

13 (F) De-escalation tactics and alternatives
14 to use of force.

15 (G) Permissible and impermissible social
16 media activity.

17 (c) PERFORMANCE REVIEW PROCESS.—The Sec-
18 retary of Homeland Security shall establish a review proc-
19 ess to ensure that port supervisors and managers of U.S.
20 Customs and Border Protection and U.S. Immigration
21 and Customs Enforcement, as the case may be, are evalu-
22 ated annually on their actions and standards of conduct,
23 and on the actions, situational and educational develop-
24 ment, and standards of conduct of their staffs.

25 (d) CONTINUING EDUCATION.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security shall annually require all agents and offi-
3 cers of U.S. Customs and Border Protection and
4 U.S. Immigration and Customs Enforcement who
5 are required to undergo training under subsections
6 (a) through (c) to participate in continuing edu-
7 cation to maintain and update understanding of
8 Federal legal rulings, court decisions, and Depart-
9 ment of Homeland Security policies, procedures, and
10 guidelines related to the subject matters described in
11 such subsections.

12 (2) CONSTITUTIONAL AUTHORITY SUBJECT
13 MATTER.—Continuing education under this sub-
14 section shall include a course on protecting the civil,
15 constitutional, human, and privacy rights of individ-
16 uals, with special emphasis on the scope of enforce-
17 ment authority, including chain of evidence practices
18 and document seizure, and use of force policies
19 available to agents and officers.

20 (3) ADDITIONAL SUBJECT MATTERS.—Con-
21 tinuing education under this subsection shall also in-
22 clude a course on the following:

23 (A) Scope of authority to conduct immigra-
24 tion enforcement activities, including interviews,
25 interrogations, stops, searches, arrests, and de-

1 tentions, in addition to identifying and detect-
2 ing fraudulent documents.

3 (B) Identifying, screening, and responsi-
4 bility for vulnerable populations, such as chil-
5 dren and victims of trafficking.

6 (C) Permissible and impermissible social
7 media activity.

8 (4) ADMINISTRATION.—Courses offered as part
9 of continuing education under this subsection shall
10 be administered by the Federal Law Enforcement
11 Training Centers.

12 (e) TRAINING ASSESSMENT.—Not later than three
13 years after the date of the enactment of this Act, the
14 Comptroller General of the United States shall submit to
15 the Committee on Homeland Security of the House of
16 Representatives and the Committee on Homeland Security
17 and Governmental Affairs of the Senate a report that as-
18 sesses the training and education, including continuing
19 education, required under this section as well as its imple-
20 mentation.

21 **SEC. 204. BODY-WORN CAMERAS.**

22 (a) REQUIREMENT.—Not later than 60 days after the
23 date of enactment of this Act, the Secretary of Homeland
24 Security, shall submit to the Committees on Homeland Se-
25 curity and Judiciary of the House of Representatives and

1 the Committees on Homeland Security and Governmental
2 Affairs and Judiciary of the Senate a plan for requiring
3 not later than one year after such date of enactment the
4 use of body-worn cameras by U.S. Border Patrol agents
5 and U.S. Immigration and Customs Enforcement officers
6 whenever engaged in border security or immigration en-
7 forcement activities.

8 (b) ELEMENTS.—The plan shall include the fol-
9 lowing:

10 (1) Benchmarks for implementation within U.S.
11 Customs and Border Protection and U.S. Immigra-
12 tion and Customs Enforcement.

13 (2) Policies, procedures, and training modules
14 for the use of body-worn cameras by agents and offi-
15 cers, including training modules relating to the ap-
16 propriate use of such cameras and adverse action for
17 non-compliance.

18 (3) Mechanisms for enforcement of body-worn
19 camera policies and procedures by agents and offi-
20 cers within U.S. Customs and Border Protection and
21 U.S. Immigration and Customs Enforcement.

22 **SEC. 205. LIMITATION ON THE SEPARATION OF FAMILIES.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, a child may not be removed from a parent,
25 legal guardian, or family member of such child by U.S.

1 Customs and Border Protection upon apprehension after
2 entering the United States at or near a port of entry or
3 within 100 miles of a border of the United States, unless
4 one of the following has occurred:

5 (1) A State court, authorized under State law,
6 terminates the rights of the parent or legal guard-
7 ian, determines that it is in the best interests of the
8 child to be removed from the parent or legal guard-
9 ian, in accordance with the Adoption and Safe Fam-
10 ilies Act of 1997 (Public Law 105–89), or makes
11 any similar determination that is legally authorized
12 under State law.

13 (2) An official from the State or county child
14 welfare agency with expertise in child trauma and
15 development makes a best interests determination
16 that it is in the best interests of the child to be re-
17 moved from the parent, legal guardian, or family
18 member because the child is in danger of abuse or
19 neglect at the hands of the parent, legal guardian,
20 or family member or is a danger to herself or others.

21 (b) PROHIBITION ON SEPARATION.—

22 (1) IN GENERAL.—A designated agency may
23 not remove a child from a parent, legal guardian, or
24 family member solely for the policy goal of deterring
25 individuals from migrating to the United States or

1 for the policy goal of promoting compliance with civil
2 immigration laws.

3 (2) PENALTY FOR FAMILY SEPARATION.—Any
4 person who knowingly separates a child from his or
5 her parent, legal guardian, or family member in vio-
6 lation of this section, shall be fined not more than
7 \$10,000.

8 (c) FAMILY MEMBER DEFINED.—For purposes of
9 this section, the term “family member” means an indi-
10 vidual who is any of the following:

11 (1) A parent or legal guardian.

12 (2) A spouse.

13 (3) A child.

14 (4) A step-family member.

15 (5) An immediate family member, to include
16 adult siblings.

17 (6) An extended family member, to include
18 aunts, uncles, adult cousins, and grandparents.

19 **SEC. 206. PROHIBITION ON EXCEEDING 72 HOURS IN**
20 **SHORT-TERM DETENTION.**

21 Notwithstanding any other provision of law, the Sec-
22 retary of Homeland Security shall ensure that each indi-
23 vidual apprehended by U.S. Customs and Border Protec-
24 tion is released, paroled, or transferred to an appropriate
25 long-term facility operated by a non-profit organization,

1 U.S. Immigration and Customs Enforcement, or the De-
2 partment of Health and Human Services not later than
3 72 hours after such apprehension absent an exigent cir-
4 cumstance that is beyond the Secretary's control, such as
5 a natural disaster. The Secretary shall inform the Com-
6 mittees on Homeland Security and the Judiciary of the
7 House of Representatives and Committees on Homeland
8 Security and Governmental Affairs and the Judiciary of
9 the Senate within three days of the Secretary determining
10 such an exigent circumstance exists, and provide informa-
11 tion on when the impacted individuals will be so released,
12 paroled, or transferred.

13 **SEC. 207. ELECTRONIC TRACKING.**

14 (a) ESTABLISHMENT.—The Secretary of Homeland
15 Security and the Secretary of Health and Human Services
16 shall establish an electronic tracking system on a single
17 interface, which shall be—

18 (1) accessible to agents and officials of U.S.
19 Customs and Border Protection, U.S. Immigration
20 and Customs Enforcement, and the Office of Ref-
21 ugee Resettlement; and

22 (2) used to track the location of a child who has
23 been separated under section 205 and the parent or
24 legal guardian of the child.

1 (b) TRACKING NUMBER.—The Secretary of Home-
2 land Security shall assign to a child who has been sepa-
3 rated under section 205 and the parent or legal guardian
4 of the child a tracking number that—

5 (1) is transferrable;

6 (2) may be shared easily on the electronic
7 tracking system described in subsection (a) by
8 agents and officials of—

9 (A) U.S. Customs and Border Protection;

10 (B) U.S. Immigration and Customs En-
11 forcement; and

12 (C) the Office of Refugee Resettlement;

13 and

14 (3) is included on the paperwork of the child
15 and the parent or legal guardian of the child.

16 (c) CONTACT INFORMATION.—The Secretary of
17 Homeland Security and the Secretary of Health and
18 Human Services shall advise a child who has been sepa-
19 rated under section 205 and the parent or legal guardian
20 of the child on the manner in which the child and the par-
21 ent or legal guardian may be contacted during the term
22 of the separation .

1 **SEC. 208. TERMINATION OF REMAIN IN MEXICO PROTOCOL**
2 **AND METERING POLICY.**

3 (a) MPP AND METERING TERMINATION.—Not later
4 than 30 days after the date of the enactment of this Act,
5 the following shall terminate:

6 (1) The Migrant Protection Protocols that were
7 announced by the Secretary of Homeland Security
8 on December 20, 2018, any subsequent revisions to
9 such protocols, or any successor protocols in which
10 certain individuals seeking asylum in the United
11 States are required to wait outside of the United
12 States for the duration of their immigration pro-
13 ceedings.

14 (2) The U.S. Customs and Border Protection
15 metering policy to regulate the flow of asylum seek-
16 ers at ports of entry by denying asylum seekers ac-
17 cess to ports of entry or any successor policy that
18 impedes access to ports of entry.

19 (b) ADDITIONAL CAPACITY AT PORTS OF ENTRY.—
20 For the purposes of increasing processing capacity at
21 ports of entry, the Commissioner of U.S. Customs and
22 Border Protection shall every fiscal year hire, train, and
23 assign not fewer than 600 new officers above the level as
24 of September 30 of the immediately preceding fiscal year
25 until the total number of such officers equals the require-

1 ments identified each year in the Workload Staffing Model
2 developed by the Commissioner.

3 (c) PROHIBITION ON CERTAIN INTERVIEWS.—No
4 personnel employed by U.S. Customs and Border Protec-
5 tion may carry out credible fear interviews pursuant to
6 the Immigration and Nationality Act.

7 (d) OFFICE OF PROFESSIONAL RESPONSIBILITY.—
8 The Commissioner of U.S. Customs and Border Protec-
9 tion shall every fiscal year hire, train, and assign 30 new
10 full-time investigators within the Office of Professional
11 Responsibility of U.S. Customs and Border Protection
12 until the total number of investigators enables the Office
13 to fulfill its mission proportionate to the number of new
14 personnel hired in accordance with subsection (c).

15 (e) TRAFFIC FORECASTS.—In calculating the number
16 of Office of Field Operations officers needed at each port
17 of entry through the Workload Staffing Model, the Office
18 of Field Operations shall—

19 (1) rely on data collected regarding the inspec-
20 tions and other activities conducted at each such
21 port of entry; and

22 (2) consider volume associated with the increase
23 in the volume of individuals from El Salvador, Gua-
24 temala, and Honduras seeking asylum in the United
25 States and seasonal surges, other projected changes

1 in commercial and passenger volumes, the most cur-
2 rent commercial forecasts, and other relevant infor-
3 mation.

4 (f) AMENDMENT.—Subparagraph (A) of section
5 411(g)(5) of the Homeland Security Act of 2002 (6
6 U.S.C. 211(g)(5)) is amended—

7 (1) by striking “model” and inserting “mod-
8 els”; and

9 (2) by inserting before the period at the end the
10 following: “, and information concerning the
11 progress made toward meeting officer hiring targets,
12 while accounting for attrition”.

13 **SEC. 209. SURGE SUPPORT FOR CARE OF FAMILIES AND**
14 **UNACCOMPANIED CHILDREN.**

15 (a) IN GENERAL.—Not later than 60 days after the
16 date of the enactment of this Act, the Secretary of Home-
17 land Security shall enter into memoranda of under-
18 standing with appropriate Federal agencies and applicable
19 emergency government relief services, and contracts with
20 State-licensed, vetted, and qualified contractors with
21 health care, public health, social work, and transportation
22 professionals, for purposes of providing care for individ-
23 uals, including unaccompanied alien children, apprehended
24 at the southern border during the period of increased vol-
25 ume since January 2017.

1 (b) STRATEGIC DEPLOYMENT.—The Secretary of
2 Homeland Security shall ensure that the memoranda of
3 understanding and contracts entered into pursuant to sub-
4 section (a) ensure core capacity within the Department of
5 Homeland Security to provide adequate care to individuals
6 in short-term detention that includes physicians special-
7 izing in pediatrics, family medicine, emergency medicine,
8 obstetrics and gynecology, geriatric medicine, internal
9 medicine, and infectious diseases, nurse practitioners,
10 other nurses, physician assistants, licensed social workers,
11 mental health professionals, public health professionals,
12 and dieticians.

13 (c) PROCESSING COORDINATOR.—The Commissioner
14 of U.S. Customs and Border Protection may, on a case-
15 by-case basis, hire and train a processing coordinator to
16 operate within U.S. Border Patrol station to—

17 (1) facilitate the provision of services pursuant
18 to a memorandum of understanding or contract en-
19 tered into pursuant to subsection (a) within a U.S.
20 Border Patrol station;

21 (2) perform administrative tasks related to the
22 intake and processing of individuals apprehend by
23 U.S. Border Patrol agents, where necessary;

24 (3) transport individuals in U.S. Border Patrol
25 custody, where necessary; and

1 (4) perform custodial watch duties of individ-
2 uals in such custody who have been admitted to a
3 hospital, except that neither the coordinator nor a
4 U.S. Border Patrol agent may be physically present
5 in a hospital room of such an individual.

6 (d) MONTHLY REPORTS.—Not later than 90 days
7 after the date of the enactment of this Act, the Secretary
8 of Homeland Security shall submit to the Committee on
9 Homeland Security of the House of Representatives and
10 the Committee on Homeland Security and Governmental
11 Affairs of the Senate a monthly report on the memoranda
12 of understanding and contracts entered into pursuant to
13 subsection (a) as of such date, together with the following:

14 (1) Information on the deployment of physi-
15 cians specializing in pediatrics, family medicine,
16 emergency medicine, obstetrics and gynecology, geri-
17 atric medicine, internal medicine, and infectious dis-
18 eases;, nurse practitioners, other nurses, physician
19 assistants, licensed social workers, mental health
20 professionals, public health professionals, and dieti-
21 cians within each U.S. Border Patrol sector.

22 (2) For each U.S. Border Patrol sector, the de-
23 gree to which responsibilities have been transferred
24 from Department of Homeland Security personnel,
25 particularly law enforcement personnel, for the pro-

1 vision of care of migrant families and unaccom-
2 panied alien children apprehended at the southern
3 border of the United States to personnel under a
4 memorandum of understanding or contract.

5 **SEC. 210. PORT OF ENTRY TEMPORARY DUTY ASSIGN-**
6 **MENTS.**

7 (a) QUARTERLY REPORT.—Not later than 60 days
8 after the date of the enactment of this Act and quarterly
9 thereafter, the Commissioner of U.S. Customs and Border
10 Protection shall submit to the appropriate congressional
11 committees a report that includes, for each such reporting
12 period, the following:

13 (1) The number of temporary duty assignments
14 of U.S. Customs and Border Protection officers and
15 support personnel from a port of entry to a tem-
16 porary duty assignment in response to the Northern
17 Triangle Migrant Surge.

18 (2) The ports of entry from which such employ-
19 ees were reassigned.

20 (3) The ports of entry to which such employees
21 were reassigned.

22 (4) The ports of entry at which reimbursable
23 service agreements have been entered into that may
24 be affected by such temporary duty assignments.

1 (5) The duration of each temporary duty as-
2 signment.

3 (6) The specific duties personnel will be under-
4 taking during each temporary duty assignment.

5 (7) The cost of each temporary duty assign-
6 ment.

7 (b) NOTICE.—Not later than 10 days before rede-
8 ploying employees from one port of entry to another in
9 response to the Northern Triangle Migrant Surge, absent
10 emergency circumstances—

11 (1) the Commissioner of U.S. Customs and
12 Border Protection shall notify the director of the
13 port of entry from which employees will be reas-
14 signed of the intended redeployments; and

15 (2) the port director shall notify impacted facili-
16 ties (including airports, seaports, and land ports) of
17 the intended redeployments.

18 (c) WORKFORCE BRIEFING.—The Commissioner of
19 U.S. Customs and Border Protection shall brief all af-
20 fected U.S. Customs and Border Protection employees re-
21 garding plans to mitigate vulnerabilities created by any
22 planned staffing reductions at ports of entry.

1 **SEC. 211. PROHIBITION ON PHYSICAL RESTRAINTS FOR**
2 **WOMEN WHO ARE PREGNANT OR POST-DE-**
3 **LIVERY.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), no officer or agent of the U.S. Customs and Border
6 Protection or Immigration and Customs Enforcement may
7 place physical restraints on a woman in the custody of
8 the Department of Homeland Security (including during
9 transport, in a detention facility, or at an outside medical
10 facility) who is pregnant or in post-delivery recuperation.

11 (b) EXCEPTION.—Subsection (a) shall not apply with
12 respect to a pregnant woman if—

13 (1) a supervisory official of the Department of
14 Homeland Security makes an individualized deter-
15 mination that the woman—

16 (A) is a serious flight risk, and such risk
17 cannot be prevented by other means; or

18 (B) poses an immediate and serious threat
19 to harm herself or others that cannot be pre-
20 vented by other means; or

21 (2) a medical professional responsible for the
22 care of the pregnant woman determines that the use
23 of therapeutic restraints is appropriate for the med-
24 ical safety of the woman.

25 (c) LIMITATIONS.—If a pregnant woman is re-
26 strained pursuant to subsection (b), only the safest and

1 least restrictive restraints, as determined by the appro-
2 priate medical professional treating the woman, may be
3 used. In no case may restraints be used on a woman who
4 is in active labor or delivery, and in no case may a preg-
5 nant woman be restrained in a face-down position with
6 four-point restraints, on her back, or in a restraint belt
7 that constricts the area of the pregnancy. A pregnant
8 woman who is immobilized by restraints shall be posi-
9 tioned, to the maximum extent feasible, on her left side.

10 (d) RECORDKEEPING.—If a pregnant woman is re-
11 strained pursuant to subsection (b), the supervisory offi-
12 cial of the Department of Homeland Security shall docu-
13 ment the basis for an individualized determination that
14 restraints should be used in the Departmental records
15 maintained on that woman.

16 **TITLE III—OVERSIGHT**

17 **SEC. 301. GAO REPORT ON THE EXTENT OF CBP ACTIVI-** 18 **TIES, OPERATIONS, AND CLAIMED AUTHOR-** 19 **ITY.**

20 Not later than one year after the date of the enact-
21 ment of this subsection, the Comptroller General of the
22 United States shall submit to the Committee on Homeland
23 Security and the Committee on the Judiciary of the House
24 of Representatives and the Committee on Homeland Secu-
25 rity and Governmental Affairs and the Committee on the

1 Judiciary of the Senate a report that assesses the fol-
2 lowing issues:

3 (1) How far into the United States interior the
4 current activities, operations (including checkpoints),
5 and claimed authority of U.S. Customs and Border
6 Protection extend.

7 (2) The extent to which the area of activities,
8 operations, and claimed authority referred to in
9 paragraph (1) is necessary.

10 (3) The effectiveness of U.S. Customs and Bor-
11 der Protection's interior enforcement and its impact
12 on civil, constitutional, and private property rights.

13 **SEC. 302. MIGRANT DEATHS REPORTING.**

14 (a) IMMEDIATE REPORTS.—Not later than 24 hours
15 after a migrant death, the Secretary of Homeland Security
16 shall report such death to the Committees on Homeland
17 Security and Judiciary of the House of Representatives
18 and the Committees on Homeland Security and Govern-
19 mental Affairs and Judiciary of the Senate.

20 (b) ANNUAL REPORT ON MIGRANT DEATHS.—Not
21 later than 180 days after the date of the enactment of
22 this Act and annually thereafter, the Commissioner of
23 U.S. Customs and Border Protection and the Director of
24 U.S. Immigration and Customs Enforcement shall jointly
25 submit to the Comptroller General of the United States,

1 the Committees on Homeland Security and Judiciary of
2 the House of Representatives, and the Committees on
3 Homeland Security and Governmental Affairs and Judici-
4 ary of the Senate a report on migrant deaths that occurred
5 in the preceding year along the United States-Mexico bor-
6 der, including information on the following:

7 (1) The total number of documented migrant
8 deaths within the preceding year of the report.

9 (2) A geographical breakdown of where such
10 migrant deaths occur.

11 (3) To the extent possible, the cause of death
12 for each migrant.

13 (4) A detailed description of U.S. Customs and
14 Border Protection and U.S. Immigration and Cus-
15 toms Enforcement programs or plans to reduce the
16 number of migrant deaths along the border, includ-
17 ing an assessment on the effectiveness of water sup-
18 ply sites and rescue beacons.

19 (5) Criteria and methodology for collecting such
20 data within each sector.

21 (c) GAO REPORT ON MIGRANT DEATHS.—Not later
22 than one year after the submission of the first report re-
23 quired under subsection (a), the Comptroller General of
24 the United States shall publish a review on the extent to

1 which U.S. Customs and Border Protection and U.S. Im-
2 migration and Customs Enforcement have—

3 (1) adopted measures, such as programs or
4 plans, to reduce migrants deaths;

5 (2) the effectiveness of its efforts to reduce mi-
6 grant deaths; and

7 (3) collected data and information sharing as
8 well as cooperation between U.S. Customs and Bor-
9 der Protection, U.S. Immigration and Customs En-
10 forcement, local and State law enforcement, foreign
11 diplomatic and consular posts, and nongovernmental
12 organizations to accurately identify deceased individ-
13 uals and notify family members and compare infor-
14 mation to missing persons registries.

15 **SEC. 303. REVIEW OF THE USE OF FORCE.**

16 Not later than one year after the date of the enact-
17 ment of this Act, the Comptroller General of the United
18 States shall examine the extent to which U.S. Customs
19 and Border Protection and U.S. Immigration and Cus-
20 toms Enforcement have trained their workforces regarding
21 use of force policies, including the following (and any rec-
22 ommendations related to the following):

23 (1) Implementation of new training to improve
24 use of force policies, including how the use of force

1 policy conforms to Department of Homeland Security and Federal law enforcement best practices.

2 (2) Identified additional or alternative weapons
3 and equipment to improve agents' and officers' abilities to de-escalate confrontations, including protective gear.

4 (3) Established metrics to track the effectiveness of use of force training and to ensure the reporting of all incidents of use of force to determine whether such force was justified.

11 **SEC. 304. ACCOUNTABILITY AND TRANSPARENCY WITHIN**
12 **THE BORDER ZONE.**

13 (a) DEFINITIONS.—In this section:

14 (1) BORDER SECURITY.—The term “border security” means the prevention of unlawful entries
15 into the United States, including entries by individuals, instruments of terrorism, narcotics, and other
16 contraband.

17 (2) BORDER ZONE.—The term “border zone”
18 means the 100-mile of land from a United States
19 international land and coastal border into the interior of the United States, as established by Federal
20 regulation in 1953.

21 (3) CHECKPOINT.—The term “checkpoint”
22 means a location—
23
24
25

1 (A) at which vehicles or individuals trav-
2 eling through the location are stopped by a law
3 enforcement official for the purposes of enforce-
4 ment of United States laws and regulations;
5 and

6 (B) that is not located at a port of entry
7 along an international border of the United
8 States.

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

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

13 (B) an agent or officer of U.S. Immigra-
14 tion and Customs Enforcement; or

15 (C) an officer or employee of a State, or a
16 political subdivision of a State, who is carrying
17 out the functions of an immigration officer pur-
18 suant to—

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

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

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

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

9 (6) PRIMARY INSPECTION.—The term “primary
10 inspection” means an initial inspection of a vehicle
11 or individual at a checkpoint.

12 (7) SECONDARY INSPECTION.—The term “sec-
13 ondary inspection” means a further inspection of a
14 vehicle or individual that is conducted following a
15 primary inspection.

16 (b) DATA COLLECTION BY LAW ENFORCEMENT OF-
17 FICIALS FOR BORDER SECURITY AND IMMIGRATION EN-
18 FORCEMENT ACTIVITIES WITHIN THE BORDER ZONE.—

19 (1) DATA COLLECTION REGARDING STOPS AND
20 SEARCHES AND ACTIVITY AT INTERIOR CHECK-
21 POINTS.—A law enforcement official who initiates a
22 patrol stop or who detains any individual beyond a
23 brief and limited inquiry, such as a primary inspec-
24 tion at a checkpoint, shall record the following:

1 (A) The date, time, and location of the
2 contact.

3 (B) The law enforcement official's basis
4 for, or circumstances surrounding, the contact,
5 including if such individual's perceived race or
6 ethnicity contributed to the basis for, and cir-
7 cumstances surrounding, the contact.

8 (C) The identifying characteristics of such
9 individual, including the individual's perceived
10 race, gender, ethnicity, and approximate age.

11 (D) The duration of the stop, detention, or
12 search, whether consent was requested and ob-
13 tained for the contact, including any search.

14 (E) A description of any articulable facts
15 and behavior by the individual that justify initi-
16 ating the contact or probable cause to justify
17 any search pursuant to such contact.

18 (F) A description of any items seized dur-
19 ing such search, including contraband or
20 money, and a specification of the type of search
21 conducted.

22 (G) Whether any arrest, detention, warn-
23 ing, or citation resulted from such contact and
24 the basis for such action.

1 (H) The immigration status of the indi-
2 vidual, if obtained during the ordinary course of
3 the contact without additional questioning in
4 accordance with this section, and whether re-
5 moval proceedings were subsequently initiated
6 against the individual.

7 (I) If the contact involved an individual
8 whose primary language of communication is
9 not English, the means of communication used.

10 (J) If the contact occurred at a location
11 proximate to a place of worship or religious
12 ceremony, school or education-related place or
13 event, courthouse or other civic building pro-
14 viding services accessible to the public, hospital,
15 medical treatment, or health care facility, at a
16 public demonstration, or an attorney's office,
17 including a public defender or legal aid office.

18 (K) If the contact occurred at a location
19 described in subparagraph (J), why that loca-
20 tion was chosen and any supervisory approval
21 that was sought to carry out the contact at the
22 location.

23 (2) GAO AUDIT.—Not later than one year after
24 the enactment of this Act, the Comptroller General
25 of the United States shall conduct an audit of the

1 data compiled under paragraph (1) to determine
2 whether law enforcement officials are complying with
3 data collection requirements and submit to Congress
4 a report that contains a summary of the findings of
5 such audit.

6 (3) OPEN GAO RECOMMENDATIONS.—Not later
7 than 180 days after the date of enactment of this
8 Act, the Commissioner of U.S. Customs and Border
9 Protection shall submit to the Committee on Home-
10 land Security and the Committee on Homeland Se-
11 curity and Governmental Affairs of the Senate a
12 plan to address any open recommendations made by
13 the Comptroller General on checkpoint performance
14 and the impact of checkpoint operations on nearby
15 communities. Within 180 days after the submission
16 of the report to the Committees, the Comptroller
17 General shall issue a report to the committees evalu-
18 ating the Commissioner’s plan to address the open
19 recommendations.

20 (c) ANNUAL REPORT.—

21 (1) REQUIREMENT.—Not later than one year
22 after the date of the enactment of this Act and an-
23 nually thereafter, the Secretary of Homeland Secu-
24 rity shall submit to Congress a report on the data

1 compiled under subsection (b)(1), including all such
2 data for the previous year.

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

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

10 (B) provides a written explanation for the
11 exemption's applicability.

12 (3) PRIVACY.—The Secretary of Homeland Se-
13 curity may not report unique personal identifying in-
14 formation of persons stopped, searched, or subjected
15 to a property seizure, for purposes of this section.

16 (4) PUBLICATION.—The data compiled under
17 subsection (b) shall be made available to the public
18 to the extent the release of such data is permissible
19 under Federal law.

20 **SEC. 305. AUDIT AND INSPECTIONS OF DETENTION FACILI-**
21 **TIES.**

22 (a) OIG AND GAO.—The Inspector General of the
23 Department of Homeland Security and the Comptroller
24 General shall carry out regular audits and inspections, in-
25 cluding unannounced audits and inspections, of processes

1 (including recordkeeping) utilized by U.S. Customs and
2 Border Protection to conduct intake and process individ-
3 uals apprehended by U.S. Customs and Border Protection,
4 as well as any facility operated by or for the Department
5 of Homeland Security used to detain or otherwise house
6 individuals in custody of the Department of Homeland Se-
7 curity. The Inspector General and Comptroller General
8 shall, to the extent possible, share information and coordi-
9 nate to ensure that Congress is provided timely audit and
10 inspection information.

11 (b) CONGRESSIONAL ACCESS.—

12 (1) IN GENERAL.—The Commissioner of U.S.
13 Customs and Border Protection may not—

14 (A) prevent a Member of Congress or an
15 employee of the United States House of Rep-
16 resentatives or the United States Senate des-
17 ignated by such a Member for the purposes of
18 this section from entering, for the purpose of
19 conducting oversight, any such facility: and

20 (B) make any temporary modification at
21 any such facility that in any way alters what is
22 observed by a visiting member of Congress or
23 such designated employee, compared to what
24 would be observed in the absence of such modi-
25 fication.

1 (2) RULE OF CONSTRUCTION.—Nothing in this
2 subsection may be construed to require a Member of
3 Congress to provide prior notice of the intent to
4 enter such facility for the purpose of conducting
5 oversight.

6 (3) REQUIREMENT.—With respect to individ-
7 uals described in paragraph (1), the Department of
8 Homeland Security may require that a request be
9 made at least 24 hours in advance of an intent to
10 enter a facility.

11 (c) PHOTOGRAPHS.—The Inspector General of the
12 Department of Homeland Security, Comptroller General,
13 a Member of Congress, or an employee of the United
14 States House of Representatives or United States Senate
15 shall be authorized to take photographs or video or audio
16 recordings of conditions in a facility but may not publish
17 photographs or video or audio recordings with personally
18 identifiable information without permission.

