

119TH CONGRESS
2D SESSION

S. 3997

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

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2026

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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-

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

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

(I) 13 members shall be from States bordering Canada and shall comprise the northern border subcommittee; and

(II) 17 members shall be from States bordering Mexico and shall comprise the southern border subcommittee.

(iii) NORTHERN BORDER SUBCOMMITTEE.—Of the 13 members of the northern border subcommittee—

(I) 2 shall be elected local government officials;

(II) 2 shall be local law enforcement officials;

(III) 2 shall be civil rights advocates;

(IV) 1 shall represent the business community;

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 committee shall each meet at least quarterly,
2 and may convene additional meetings, as nec-
3 essary.

4 (4) DUTIES.—The Commission, the northern
5 border subcommittee, and the southern border sub-
6 committee shall—

7 (A) develop recommendations for improve-
8 ments regarding border enforcement policies,
9 strategies, and programs that take into consid-
10 eration the impact of such policies, strategies,
11 and programs on border communities;

12 (B) evaluate policies, strategies, and pro-
13 grams of Federal agencies operating along the
14 northern and southern United States borders—

15 (i) to protect—

16 (I) due process;

17 (II) the civil and human rights of
18 border residents and visitors; and

19 (III) private property rights of
20 land owners;

21 (ii) to reduce the number of migrant
22 deaths; and

23 (iii) to improve the safety of agents
24 and officers of U.S. Customs and Border

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 that 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-

ment of United States immigration laws and regulations; and

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

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

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

(B) an officer or employee of a State, or a political subdivision of a State, who is carrying out the functions of an immigration officer pursuant to—

(i) an agreement entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g));

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

(iii) any other agreement with the Department of Homeland Security, including any Federal grant program.

(4) PATROL STOP.—The term “patrol stop” means a search, seizure, or interrogation of a motorist, 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 lating 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 SECU-
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-

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

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

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

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

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

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

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

(3) GAO REVIEW.—Not later than 90 days
after the submission of the report required under
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.

○