111TH CONGRESS 1ST SESSION

To ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights.

### IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ (for himself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on

## A BILL

- To ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights.
  - 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 "Safe Treatment, Avoid-
- 5 ing Needless Deaths, and Abuse Reduction in the Deten-
- 6 tion System Act" or the "Strong STANDARDS Act".

#### 7 SEC. 2. DEFINITIONS.

8 In this Act:

1	(1) DETAINEE.—The term "detainee" means
2	an individual who is subject to detention under the
3	Immigration and Nationality Act.
4	(2) DETENTION.—The term "detention" means
5	government custody or any other deprivation of an
6	individual's freedom of movement by government
7	agents.
8	(3) DETENTION FACILITY.—The term "deten-
9	tion facility" means any Federal, State, local govern-
10	ment facility, or privately owned and operated facil-
11	ity that is used to hold detainees for more than 72
12	hours.
13	(4) Secretary.—The term "Secretary" means
14	the Secretary of Homeland Security.
15	(5) Short-term detention facility.—The
16	term "short-term detention facility" means any Fed-
17	eral, State, local government, or privately owned and
18	operated facility that is used to hold immigration de-
19	tainees for 72 hours or less.
20	(6) UNACCOMPANIED ALIEN CHILDREN.—The
21	term "unaccompanied alien children" has the mean-
22	ing given the term in section 462(g) of the Home-
23	land Security Act of 2002 (6 U.S.C. 279(g)).
24	SEC. 3. DETENTION CONDITIONS.
25	(a) IN GENERAL.—The Secretary shall—

1	(1) ensure that all detainees are treated hu-
2	manely and granted the protections described in this
3	section; and
4	(2) comply with the minimum requirements set
5	forth in this section.
6	(b) QUALITY OF MEDICAL CARE.—
7	(1) RIGHT TO MEDICAL CARE.—Each detainee
8	has the right to—
9	(A) prompt and adequate medical care, de-
10	signed to ensure continuity of care, at no cost
11	to the detainee;
12	(B) care to address medical needs that ex-
13	isted prior to detention; and
14	(C) primary care, emergency care, chronic
15	care, reproductive health care, prenatal care,
16	dental care, eye care, mental health care, and
17	other medically necessary specialized care.
18	(2) Screenings and examinations.—Each
19	detainee shall receive—
20	(A) a comprehensive medical, dental, and
21	mental health intake screening, including
22	screening for sexual abuse or assault by a li-
23	censed health care professional upon arrival at
24	a detention facility or short-term detention fa-
25	cility; and

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(B) a comprehensive medical and mental health examination by a licensed health care professional not later than 14 days after the detainee's arrival at a detention facility.

#### (3) MEDICATIONS AND TREATMENT.—

6 (A) PRESCRIPTIONS.—Each detainee tak-7 ing prescribed medications prior to detention 8 shall be allowed to continue taking such medica-9 tions, on schedule and without interruption, 10 until and unless a licensed health care profes-11 sional examines the immigration detainee and 12 decides upon an alternative course of treatment. 13 Detainees who arrive at a detention facility 14 without prescription medications and report 15 being on such medications shall be evaluated by 16 a qualified health care professional not later 17 than 24 hours after arrival. All decisions to dis-18 continue or modify a detainee's reported pre-19 scription medication regimen shall be conveyed 20 to the detainee in a language that the detainee 21 understands and shall be recorded in writing in 22 the detainee's medical records.

23 (B) PSYCHOTROPIC MEDICATION.—Medi24 cation may not be forcibly administered to a de25 tainee to facilitate transport, removal, or other-

1	wise to control the detainee's behavior. Involun-
2	tary psychotropic medication may only be used,
3	to the extent authorized by applicable law, in
4	emergency situations after a physician has per-
5	sonally examined the detainee and determined
6	that—
7	(i) the detainee is imminently dan-
8	gerous to self or others due to a mental ill-
9	ness; and
10	(ii) involuntary psychotropic medica-
11	tion is medically appropriate to treat the
12	mental illness and necessary to prevent
13	harm.
14	(C) TREATMENT.—Each detainee shall be
15	provided medically necessary treatment, includ-
16	ing prenatal care, prenatal vitamins, hormonal
17	therapies, and birth control. Female detainees
18	shall be provided with adequate access to sani-
19	tary products.
20	(4) MEDICAL CARE DECISIONS.—Any decision
21	regarding requested medical care for a detainee—
22	(A) shall be made in writing by an on-site
23	licensed health care professional not later than
24	72 hours after such medical care is requested;
25	and

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1	(B) shall be immediately communicated to
2	the detainee.
3	(5) Administrative appeals process.—
4	(A) IN GENERAL.—Detention facilities, in
5	conjunction with the Department of Homeland
6	Security, shall ensure that detainees, medical
7	providers, and legally appointed advocates have
8	the opportunity to appeal a denial of requested
9	health care services by an on-site provider to an
10	independent appeals board.
11	(B) APPEALS BOARD.—The appeals board
12	shall include health care professionals in the
13	fields relevant to the request for medical or
14	mental health care.
15	(C) DECISION.—Not later than 7 days
16	after an appeal is received by the appeals board
17	under this paragraph, or earlier if medically
18	necessary, the appeals board shall issue a writ-
19	ten decision regarding the appeal and notify the
20	detention facility and the appellee of such deci-
21	sion.
22	(6) REVIEW OF ON-SITE MEDICAL PROVIDER
23	REQUESTS.—
24	(A) IN GENERAL.—The Secretary shall re-
25	spond within 72 hours to any request by an on-

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site medical provider for authorization to provide medical or mental health care to a detainee.

4 (B) WRITTEN EXPLANATION.—If the Sec5 retary denies or fails to grant a request de6 scribed in subparagraph (A), the Secretary shall
7 immediately provide a written explanation of
8 the reasons for such decision to the on-site
9 medical provider and the detainee.

10 (C) APPEALS BOARD.—The on-site medical
11 provider and the detainee (or the detainee's le12 gally appointed advocate) shall be permitted to
13 appeal the denial of, or failure to grant, a re14 quest described in subparagraph (A) to an inde15 pendent appeals board.

16 (D) DECISION.—Not later than 7 days 17 after an appeal is received by the appeals board 18 under this paragraph, or earlier if medically 19 necessary, the appeals board shall issue a writ-20 ten decision regarding the appeal and notify the 21 on-site medical provider, the detainee, and the 22 detention facility of such decision.

23 (7) CONDITIONAL RELEASE.—

24 (A) IN GENERAL.—If a licensed health
25 care professional determines that a detainee has

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1 a medical or mental health care condition, is 2 pregnant, or is a nursing mother, the Secretary 3 shall consider releasing the detainee on parole, on bond, or into a secure alternatives program. 4 5 (B) REEVALUATION.—If a detainee de-6 scribed in subparagraph (A) is not initially re-7 leased under this paragraph, the Secretary shall 8 periodically reevaluate the situation of the de-9 tainee to determine if such a release would be 10 appropriate. 11 DISCHARGE PLANNING.—Upon (C) re-12 moval or release, all detainees with serious med-13 ical or mental health conditions and women who 14 are pregnant shall receive discharge planning to 15 ensure continuity of care for a reasonable pe-16 riod of time. 17 (8) Medical records.— 18 (A) IN GENERAL.—The Secretary shall 19 maintain complete, confidential medical records 20 for every detainee and make such records available to a detainee or to individuals authorized 21 22 by the detainee not later than 72 hours after 23 receiving a request for such records. 24 (B) TRANSFER OF MEDICAL RECORDS.— 25 Immediately upon a detainee's transfer between

detention facilities, the detainee's complete
 medical records, including any transfer sum mary, shall be provided to the receiving deten tion facility.

5 (c) TRANSFERS OF DETAINEES.—

6 NOTICE.—Absent exigent circumstances, (1)7 such as a natural disaster or comparable emergency, 8 the Secretary shall provide not less than 72 hours 9 written notice to any detainee before transferring 10 such detainee to another detention facility. Not later 11 than 24 hours after such transfer, the Secretary 12 shall notify the detainee's legal representative or 13 other person designated by the detainee of the trans-14 fer, by telephone and in writing.

15 (2) PROCEDURES.—Absent exigent cir16 cumstances, such as a natural disaster or com17 parable emergency, the Secretary shall not transfer
18 a detainee to another detention facility if such trans19 fer would—

20 (A) impair an existing attorney-client rela21 tionship;

(B) prejudice the rights of the detainee in
any legal proceeding, including any Federal,
State, or administrative proceeding; or

1	(C) negatively affect the detainee's health,
2	including by interrupting the continuity of med-
3	ical care or provision of prescription medication.
4	(d) Access to Telephones.—
5	(1) IN GENERAL.—Not later than 6 hours after
6	the commencement of a detention of a detainee, the
7	detainee shall be provided reasonable access to a
8	telephone, with at least 1 working telephone avail-
9	able for every 25 detainees.
10	(2) CONTACTS.—Each detainee has the right to
11	contact by telephone, free of charge—
12	(A) legal representatives;
13	(B) nongovernmental organizations des-
14	ignated by the Secretary;
15	(C) consular officials;
16	(D) Federal and State courts in which the
17	detainee is, or may become, involved in a legal
18	proceeding; and
19	(E) all government immigration agencies
20	and adjudicatory bodies, including the Office of
21	the Inspector General of the Department of
22	Homeland Security and the Office for Civil
23	Rights and Civil Liberties of the Department of
24	Homeland Security, through confidential toll-
25	free numbers.

1	(3) EMERGENCIES.—Each detainee subject to
2	expedited removal or who is experiencing a personal
3	or family emergency, including the need to arrange
4	care for dependents, shall be allowed to make con-
5	fidential calls at no charge.
6	(4) PRIVACY.—Each detainee has the right to
7	privacy of telephone conversations made for the pur-
8	pose of obtaining legal representation or related to
9	legal matters.
10	(5) RATES.—The Secretary shall ensure that
11	rates charged in detention facilities for telephone
12	calls are reasonable and do not significantly impair
13	the detainee's right to make telephone calls.
14	(e) Physical and Sexual Abuse.—
15	(1) IN GENERAL.—No detainee, whether in a
16	detention facility or short-term detention facility,
17	shall be subject to degrading or inhumane treatment
18	such as physical abuse, sexual abuse or harassment,
19	or arbitrary punishment.
20	(2) PREVENTION.—Detention facilities shall
21	take all necessary measures—
22	(A) to prevent sexual abuse and sexual as-
23	saults of detainees;

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(B) to provide medical and mental health
 treatment to victims of sexual abuse and sexual
 assaults; and

4 (C) to comply fully with the national 5 standards for the detection, prevention, reduc-6 tion, and punishment of prison rape adopted 7 pursuant to section 8 of the Prison Rape Elimi-8 nation Act of 2003 (42 U.S.C. 15607).

9 (f) LIMITATIONS ON SOLITARY CONFINEMENT,10 SHACKLING, AND STRIP SEARCHES.—

11 (1)EXTRAORDINARY CIRCUMSTANCES.—The 12 use of solitary confinement, shackling, and strip searches of detainees shall be limited to situations 13 14 where the use of such techniques is necessitated by 15 extraordinary circumstances when the safety of 16 other persons is at imminent risk. These techniques 17 may not be used for the purpose of humiliating de-18 tainees either within or outside the detention facility.

19 (2) PROTECTED CLASSES.—Solitary confine20 ment, shackling, and strip searches may not be used
21 on pregnant women, nursing mothers, women in
22 labor or delivery, or children who are younger than
23 18 years of age. Strip searches may not be con24 ducted in front of children who are younger than 21
25 years of age.

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1	(3) WRITTEN POLICIES.—Detention facilities
2	shall—
3	(A) adopt written policies pertaining to the
4	use of force and the use of restraints; and
5	(B) train all staff on the proper use of
6	such techniques and devices.
7	(g) Location of Detention Facilities.—
8	(1) New facilities.—All detention facilities
9	first used by the Department of Homeland Security
10	after the date of the enactment of this Act shall be
11	located within 50 miles of a community in which
12	there is a demonstrated capacity to provide free or
13	low-cost legal representation by—
14	(A) nonprofit legal aid organizations; or
15	(B) pro bono attorneys with expertise in
16	asylum or immigration law.
17	(2) EXISTING FACILITIES.—Not later than Jan-
18	uary 1, 2012, all detention facilities used by the De-
19	partment of Homeland Security shall meet the loca-
20	tion requirement described in paragraph (1).
21	(3) REPORT.—If the Secretary fails to comply
22	with the requirement under paragraph $(2)$ by Janu-
23	ary 1, 2012, the Secretary shall submit a report to
24	Congress on such date, and annually thereafter,
25	that—

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1	(A) explains the reasons for such failure;
2	and
3	(B) describes the specific plans of the Sec-
4	retary to meet such requirement.
5	(h) TRANSLATION CAPABILITIES.—Detention facili-
6	ties and short-term detention facilities shall—
7	(1) employ staff who are professionally qualified
8	in any language spoken by more than 10 percent of
9	its detainee population;
10	(2) arrange for alternative translation services,
11	as needed, in the exceptional circumstances when
12	trained bilingual staff members are unavailable to
13	translate; and
14	(3) provide notices and written materials to de-
15	tainees in the native language of such detainees if
16	such language is spoken by more than 5 percent of
17	the detainees in the facility.
18	(i) LEGAL ACCESS.—All detention facilities shall pro-
19	vide detainees with—
20	(1) access to legal information, including an on-
21	site law library with up-to-date legal materials and
22	law databases;
23	(2) free access to the necessary equipment and
24	materials for legal research and correspondence,

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such as computers, printers, copiers, and type writers;
 (3) information regarding the availability of

4 legal information and services to assist those with
5 limited English proficiency or disabilities; and

6 (4) confidential meeting space to confer with7 legal counsel; and

8 (5) services to send confidential legal docu9 ments to legal counsel, government offices, and legal
10 organizations.

11 (j) VISITORS.—

12 LEGAL REPRESENTATION.—Detainees in (1)13 detention facilities have the right to meet privately 14 with current or prospective legal representatives, in-15 terpreters, and other legal support staff for at least 16 8 hours per day on regular business days and 4 17 hours per day on weekends and holidays, subject to 18 appropriate security procedures. Legal visits may 19 only be restricted for narrowly defined exceptional 20 circumstances, such as a natural disaster or com-21 parable emergency.

(2) PRO BONO ORGANIZATIONS.—Detention facilities shall prominently post, in detainee housing
units and other appropriate areas, official lists of
pro bono legal organizations and their contact infor-

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mation, which shall be updated semiannually by the
Secretary.
(3) RELIGIOUS, CULTURAL, AND SPIRITUAL
VISITORS.—Detainees have the right to reasonable
access to religious or other qualified individuals to
address religious, cultural, and spiritual considerations.

8 (4) CHILDREN.—Detainees have the right to
9 regular, private contact visits with children who are
10 younger than 18 years of age.

(k) RECREATIONAL PROGRAMS AND ACTIVITIES.—
Detention facilities shall provide detainees with access to
at least 1 hour of indoor and outdoor recreational programs and activities each day.

(1) TRAINING OF PERSONNEL.—All personnel in detention facilities and short-term detention facilities shall
be given comprehensive, specialized training and regular,
periodic updates, including—

19 (1) an overview of immigration detention and20 all detention standards;

(2) the characteristics of the noncitizen detainee population, including special characteristics of
vulnerable groups; and

24 (3) the due process and grievance procedures to25 protect the rights of detainees.

1 (m) TRANSPORTATION.—The Secretary shall ensure 2 that----3 (1) each detainee is safely transported, which 4 shall include the appropriate use of safety harnesses 5 and occupancy limitations of vehicles; and 6 (2) female officers are responsible and at all 7 times present during the transfer and transport of 8 female detainees who are in the custody of the De-9 partment of Homeland Security. 10 (n) VULNERABLE POPULATIONS.—Detention facility 11 conditions and minimum requirements for detention facili-12 ties shall recognize and accommodate the unique needs of 13 vulnerable detainees, including— 14 (1) families with children; 15 (2) asylum seekers; 16 (3) victims of abuse, torture, or trafficking; 17 (4) individuals who are older than 65 years of 18 age; 19 (5) pregnant women; and 20 (6) nursing mothers. 21 (o) CHILDREN.—The Secretary shall ensure that un-22 accompanied alien children are-

23 (1) physically separated from any adult who is24 not an immediate family member; and

25 (2) separated by sight and sound from—

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1	(A) immigration detainees and inmates
2	with criminal convictions;
3	(B) pretrial inmates facing criminal pros-
4	ecution;
5	(C) children who have been adjudicated
6	delinquents or convicted of adult offenses or are
7	pending delinquency or criminal proceedings;
8	and
9	(D) inmates exhibiting violent behavior
10	while in detention.
11	SEC. 4. SPECIFIC DETENTION REQUIREMENTS FOR SHORT-
12	TERM DETENTION FACILITIES.
13	(a) Access to Basic Needs, People, and Prop-
14	ERTY.—
15	(1) BASIC NEEDS.—All detainees in short-term
16	detention facilities shall receive—
17	(A) potable water;
18	(B) food, if detained for more than 5
19	hours;
20	(C) basic toiletries, diapers, sanitary prod-
21	ucts, and blankets; and
22	(D) access to bathroom facilities.
23	(2) PEOPLE.—The Secretary shall provide con-
24	sular officials with access to detainees held at any
25	short-term detention facility. Detainees shall be af-

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forded reasonable access to a licensed health care
 professional. The Secretary shall ensure that nursing
 mothers in such facilities have access to their chil dren.

5 (3) PROPERTY.—Any property belonging to a
6 detainee that was confiscated by an official of the
7 Department of Homeland Security shall be returned
8 to the detainee upon repatriation or transfer.

9 (b) PROTECTIONS FOR CHILDREN.—

10 (1) QUALIFIED STAFF.—The Secretary shall 11 ensure that adequately trained and qualified staff 12 are stationed at each major port of entry at which, 13 during the most recent 2 fiscal years, an average of 14 not fewers than 50 unaccompanied alien children per 15 year have been held by United States Customs and 16 Border Protection, which staff shall include—

17 (A) independent licensed social workers
18 dedicated to ensuring the proper temporary
19 care for the children while in the custody of
20 United States Customs and Border Protection;
21 and

(B) agents charged primarily with the safe,
swift, and humane transportation of such children to the custody of the Office of Refugee Resettlement.

1	(2) Specific rights.—The social workers de-
2	scribed in paragraph (1)(A) shall ensure that each
3	unaccompanied alien child—
4	(A) receives emergency medical care;
5	(B) receives mental health care in case of
6	trauma;
7	(C) has access to psychosocial health serv-
8	ices;
9	(D) is provided with—
10	(i) a pillow, linens, and sufficient
11	blankets to rest at a comfortable tempera-
12	ture; and
13	(ii) a bed and mattress placed in an
14	area specifically designated for residential
15	use;
16	(E) receives adequate nutrition;
17	(F) enjoys a safe and sanitary living envi-
18	ronment;
19	(G) receives educational materials; and
20	(H) has access to at least 3 hours of in-
21	door and outdoor recreational programs and ac-
22	tivities per day.
23	(c) Confidentiality.—
24	(1) IN GENERAL.—The Secretary of Health and
25	Human Services shall maintain the privacy and con-

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1	fidentiality of all information gathered in the course
2	of providing care, custody, placement, and follow-up
3	services to unaccompanied alien children, consistent
4	with the best interest of such children, by not dis-
5	closing such information to other government agen-
6	cies or nonparental third parties, except as provided
7	under paragraph (2).
8	(2) Limited disclosure of information.—
9	The Secretary may only disclose information regard-
10	ing an unaccompanied alien child if—
11	(A) the child authorizes such disclosure
12	and such is consistent with the child's best in-
13	terest; or
14	(B) the disclosure is to a duly recognized
15	law enforcement entity and is necessary to pre-
16	vent imminent and serious harm to another in-
17	dividual.
18	(3) WRITTEN RECORD.—All disclosures under
19	paragraph (2) shall be duly recorded in writing and
20	placed in the child's file.
21	SEC. 5. RULEMAKING AND ENFORCEMENT.
22	(a) REGULATIONS.—
23	(1) Notice of proposed rulemaking.—Not
24	later than 60 days after the date of the enactment
25	of this Act, the Secretary shall issue a notice of pro-

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posed rulemaking regarding the implementation of
 this Act.

3 (2) FINAL REGULATIONS.—Not later than 180 4 days after the date of the enactment of this Act, the 5 Secretary shall promulgate regulations, which shall 6 be binding upon all detention facilities and short-7 term detention facilities, to ensure that the detention 8 requirements under sections 3 and 4 are fully imple-9 mented and enforced and that all facilities comply 10 with the regulations.

11 (b) ENFORCEMENT.—

12 (1) IN GENERAL.—The Secretary shall enforce 13 all regulations and standards promulgated under 14 subsection (a). Not later than 180 days after the 15 date of the enactment of this Act, the Secretary 16 shall issue guidance to detention facilities and short-17 term detention facilities to ensure compliance with 18 all the detention requirements under sections 3 and 19 4.

20 (2) INVESTIGATION.—

21 (A) GRIEVANCES.—Each detainee has the
22 right to file grievances with the staff of deten23 tion facilities, short-term detention facilities,
24 and the Department of Homeland Security, and

1	shall be protected from retaliation for exercising
2	such right.
3	(B) REVIEW.—The Secretary shall—
4	(i) review any grievance or other com-
5	plaint containing evidence that a detention
6	facility or short-term detention facility has
7	violated any requirement under this Act;
8	(ii) issue a determination in writing to
9	the complainant indicating the Secretary's
10	findings regarding the alleged violation not
11	later than 30 days after receiving such
12	complaint;
13	(iii) remedy any violation not later
14	than 30 days after issuing a determination
15	under clause (ii); and
16	(iv) promptly advise the complainant
17	of the remedy referred to in clause (iii).
18	(C) WRITTEN RESPONSE.—If the Sec-
19	retary issues a written response under subpara-
20	graph (B)(ii) indicating that no violation has
21	occurred, such response shall constitute final
22	agency action for the purposes of section 702 of
23	title 5, United States Code.

1	(3) PENALTIES.—The Secretary shall enforce
2	compliance with the detention requirements under
3	sections 3 and 4 by—
4	(A) imposing financial penalties upon de-
5	tention facilities and short-term detention facili-
6	ties that are not in compliance with such re-
7	quirements; and
8	(B) terminating the contracts of such fa-
9	cilities if such noncompliance persists.
10	(4) Compliance officer.—
11	(A) DESIGNATION.—Each detention facil-
12	ity and short-term detention facility shall des-
13	ignate an officer to ensure compliance with the
14	provisions of this Act.
15	(B) DUTIES.—Each officer designated
16	under subparagraph (A) shall—
17	(i) investigate all evidence pertaining
18	to a violation of this Act; and
19	(ii) if a violation is identified, remedy
20	the violation within 30 days.
21	(C) JUDICIAL REVIEW.—A detainee may
22	not seek judicial review of the detention facili-
23	ty's determination until after the passage of the
24	30-day period, except where irreparable harm
25	would result.

1 (c) RULE OF CONSTRUCTION.—Nothing in the sec-2 tion may be construed to preclude review of noncompliance with this Act under— 3 4 (1) section 1331 or 2241 of title 28, United 5 States Code; or 6 (2) section 1979 of the Revised Statutes (42)7 U.S.C. 1983). 8 (d) PUNITIVE DAMAGES.—No individual may seek 9 punitive damages for any violation under this Act. 10 SEC. 6. IMMIGRATION DETENTION COMMISSION. 11 (a) APPOINTMENT.—The Secretary shall appoint and 12 convene an Immigration Detention Commission (referred 13 to in this section as the "Commission"), which shall be 14 comprised of-15 (1) experts from United States Immigration 16 and Customs Enforcement, United States Customs 17 and Border Protection, the Office of Refugee Reset-18 tlement, and the Division of Immigration Health 19 Services of the Department of Health and Human 20 Services; and 21 (2) independent experts, in a number equal to 22 the number of experts appointed under paragraph 23 (1), from nongovernmental organizations and inter-24 governmental organizations with expertise in work-

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ing on behalf of detainees and other vulnerable pop ulations.

3 (b) DUTIES.—The Commission shall conduct inde-4 pendent investigations, and evaluate and report on the 5 compliance of detention facilities, short-term detention fa-6 cilities, and the Department of Homeland Security with 7 the detention requirements under sections 3 and 4.

8 (c) BIENNIAL REPORTS.—Not later than 60 days 9 after the end of the first fiscal year beginning after the 10 date of the enactment of this Act, and every 2 years there-11 after, the Commission shall submit a report containing the 12 findings of its investigations and evaluations under sub-13 section (b) to—

# 14 (1) the Committee on the Judiciary of the Sen-15 ate;

- 16 (2) the Committee on Homeland Security and17 Governmental Affairs of the Senate;
- 18 (3) the Committee on the Judiciary of the19 House of Representatives; and
- 20 (4) the Committee on Homeland Security of the21 House of Representatives.

#### 22 SEC. 7. DEATH IN CUSTODY REPORTING REQUIREMENT.

(a) IN GENERAL.—If an individual dies while in the
custody of the Department of Homeland Security or en
route to or from such custody—

	21
1	(1) the supervising official at the detention fa-
2	cility or short-term detention facility at which the
3	death took place shall immediately notify the Sec-
4	retary of such death; and
5	(2) not later than 48 hours after receiving a no-
6	tification under paragraph (1), the Secretary shall
7	report the death to—
8	(A) the Office of the Inspector General of
9	the Department of Homeland Security; and
10	(B) the Department of Justice.
11	(b) REPORT TO CONGRESS.—Not later than 60 days
12	after the end of each fiscal year, the Secretary shall sub-
13	mit a report containing detailed information regarding all
14	the deaths of individuals in the custody of the Department
15	of Homeland Security during the preceding fiscal year to
16	the committees set forth in section $6(c)$ .
17	(c) CONTENTS.—The reports submitted under sub-
18	section $(a)(2)$ and subsection $(b)$ shall include—
19	(1) the name, gender, race, ethnicity, and age
20	of the deceased;
21	(2) the date, time, and location of death;
22	(3) the law enforcement agency that detained,
23	arrested, or was in the process of arresting the de-
24	ceased;

(4) a description of the circumstances sur rounding the death;
 (5) the status and results of any investigation
 that has been conducted into the circumstances sur rounding the death; and
 (6) all medical records of the deceased.