

113TH CONGRESS
1ST SESSION

S. 1817

To require the Secretary to implement standards for short-term custody of individuals held in facilities of U.S. Customs and Border Protection and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12 (legislative day, DECEMBER 11), 2013

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

A BILL

To require the Secretary to implement standards for short-term custody of individuals held in facilities 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 “Humane Short Term
5 Custody Act”.

6 **SEC. 2. STANDARDS FOR SHORT-TERM CUSTODY BY U.S.**
7 **CUSTOMS AND BORDER PROTECTION.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of Home-

1 land Security shall, in consultation with the Office for
2 Civil Rights and Civil Liberties of the Department of
3 Homeland Security, prescribe regulations establishing
4 standards for short-term custody of individuals by U.S.
5 Customs and Border Protection that provide for basic
6 minimums of care at all facilities of U.S. Customs and
7 Border Protection that hold individuals in custody, includ-
8 ing Border Patrol stations, ports of entry, checkpoints,
9 forward operating bases, secondary inspection areas, and
10 short-term custody facilities.

11 (b) REQUIREMENTS.—

12 (1) IN GENERAL.—The regulations prescribed
13 under subsection (a) shall include standards with re-
14 spect to the following:

15 (A) Limits on detention space capacity.

16 (B) The availability of potable water and
17 food.

18 (C) Access to bathroom facilities and hy-
19 giene items.

20 (D) Sleeping arrangements for detainees
21 held overnight.

22 (E) Adequate climate control.

23 (F) Access to language-appropriate forms
24 and materials that include an explanation of the
25 consequences of signing such forms.

1 (G) Pregnant women and individuals with
2 medical needs.

3 (H) Reasonable accommodations in accord-
4 ance with the Americans with Disabilities Act
5 of 1990 (42 U.S.C. 12101 et seq.).

6 (I) Access to emergency medical care, if
7 necessary.

8 (J) Access to facilities by nongovernmental
9 organizations.

10 (K) Transferring detainees to facilities of
11 U.S. Immigrations and Customs Enforcement.

12 (L) Returning personal property to former
13 detainees.

14 (2) ADDITIONAL STANDARDS.—The Secretary
15 of Homeland Security may prescribe such additional
16 standards with respect to the short-term custody of
17 individuals as the Secretary considers appropriate.

18 (3) CONSISTENCY WITH THE PRISON RAPE
19 ELIMINATION ACT OF 2003.—The regulations pre-
20 scribed under subsection (a) shall be fully consistent
21 with the national standards required under section
22 8(c) of the Prison Rape Elimination Act of 2003 (42
23 U.S.C. 15607(c)).

24 (c) INSPECTIONS.—The Inspector General of the De-
25 partment of Homeland Security shall—

1 (1) inspect the facilities described in subsection
2 (a) not less frequently than annually; and

3 (2) make the results of the inspections available
4 to the public without the need to submit a request
5 under section 552 of title 5, United States Code.

6 (d) CERTIFICATION.—Not later than 18 months after
7 the issuance of the regulations required by subsection (a),
8 the Secretary of Homeland Security shall certify to Con-
9 gress that the regulations have been fully implemented.

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