

which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

#### **Statutory Notes and Related Subsidiaries**

##### **SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE MEMBERS**

Pub. L. 115-254, div. K, title I, § 1969(b), Oct. 5, 2018, 132 Stat. 3612, provided that:

“(1) **VOTING MEMBERS.**—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall appoint the voting members of the Surface Transportation Security Advisory Committee established under section 404 of the Homeland Security Act of 2002 [6 U.S.C. 204], as added by subsection (a) of this section.

“(2) **NONVOTING MEMBERS.**—Not later than 90 days after the date of enactment of this Act, each Federal Government department and agency with regulatory authority over a mode of surface or maritime transportation, as the Administrator considers appropriate, shall designate an appropriate representative to serve as a nonvoting member of the Surface Transportation Security Advisory Committee.”

#### **§ 205. Ombudsman for immigration detention**

##### **(a) In general**

Within the Department, there shall be a position of Immigration Detention Ombudsman (in this section referred to as the “Ombudsman”). The Ombudsman shall be independent of Department agencies and officers and shall report directly to the Secretary. The Ombudsman shall be a senior official with a background in civil rights enforcement, civil detention care and custody, and immigration law.

##### **(b) Functions**

The functions of the Ombudsman shall be to—

(1) Establish and administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of the Inspector General, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, for cases in which Department officers or other personnel, or contracted, subcontracted, or cooperating entity personnel, are found to have engaged in misconduct or violated the rights of individuals in immigration detention;

(2) Establish an accessible and standardized process regarding complaints against any officer or employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any contracted, subcontracted, or cooperating entity personnel, for violations of law, standards of professional conduct, contract terms, or policy related to immigration detention;

(3) Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody, including those owned or operated by units of State or local government and privately-owned or operated facilities;

(4) Review, examine, and make recommendations to address concerns or violations of con-

tract terms identified in reviews, audits, investigations, or detainee interviews regarding immigration detention facilities and services;

(5) Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards by Department of Homeland Security officers or other personnel, or contracted, subcontracted, or cooperating entity personnel; and

(6) Ensure that the functions performed by the Ombudsman are complementary to existing functions within the Department of Homeland Security.

##### **(c) Access to detention facilities**

The Ombudsman or designated personnel of the Ombudsman, shall be provided unfettered access to any location within each such detention facility and shall be permitted confidential access to any detainee at the detainee’s request and any departmental records concerning such detainee.

##### **(d) Coordination with department components**

###### **(1) In general**

The Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection shall each establish procedures to provide formal responses to recommendations submitted to such officials by the Ombudsman within 60 days of receiving such recommendations.

###### **(2) Access to information**

The Secretary shall establish procedures to provide the Ombudsman access to all departmental records necessary to execute the responsibilities of the Ombudsman under subsection (b) or (c) not later than 60 days after a request from the Ombudsman for such information.

##### **(e) Annual report**

The Ombudsman shall prepare a report to Congress on an annual basis on its activities, findings, and recommendations.

(Pub. L. 107-296, title IV, §405, as added Pub. L. 116-93, div. D, title I, §106(a), Dec. 20, 2019, 133 Stat. 2504.)

#### **PART B—U.S. CUSTOMS AND BORDER PROTECTION**

##### **Editorial Notes**

###### **CODIFICATION**

Pub. L. 114-125, title VIII, §802(g)(1)(B)(iii)(I), Feb. 24, 2016, 130 Stat. 211, substituted “U.S. Customs and Border Protection” for “United States Customs Service” in part heading.

#### **§ 211. Establishment of U.S. Customs and Border Protection; Commissioner, Deputy Commissioner, and operational offices**

##### **(a) In general**

There is established in the Department an agency to be known as U.S. Customs and Border Protection.

##### **(b) Commissioner of U.S. Customs and Border Protection**

###### **(1) In general**

There shall be at the head of U.S. Customs and Border Protection a Commissioner of U.S.