

gressional committees an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.

**(B) Publication**

Not later than 6 months after the date that the Administrator receives an annual report under subparagraph (A), the Administrator shall publish a public version of the report, in accordance with section 552a(b) of title 5.

**(e) Administration response**

**(1) Consideration**

The Administrator shall consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

**(2) Feedback**

Not later than 90 days after the date that the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2), the Administrator shall submit to the Advisory Committee written feedback on the recommendation, including—

(A) if the Administrator agrees with the recommendation, a plan describing the actions that the Administrator has taken, will take, or recommends that the head of another Federal department or agency take to implement the recommendation; or

(B) if the Administrator disagrees with the recommendation, a justification for that determination.

**(3) Notices**

Not later than 30 days after the date the Administrator submits feedback under paragraph (2), the Administrator shall—

(A) notify the appropriate congressional committees of the feedback, including the determination under subparagraph (A) or subparagraph (B) of that paragraph, as applicable; and

(B) provide the appropriate congressional committees with a briefing upon request.

**(4) Updates**

Not later than 90 days after the date the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2) that the Administrator agrees with, and quarterly thereafter until the recommendation is fully implemented, the Administrator shall submit a report to the appropriate congressional committees or post on the public website under paragraph (5) an update on the status of the recommendation.

**(5) Website**

The Administrator shall maintain a public website that—

(A) lists the members of the Advisory Committee; and

(B) provides the contact information for the Advisory Committee.

**(f) Nonapplicability of FACA**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee

or any subcommittee established under this section.

(Pub. L. 107-296, title IV, § 404, as added Pub. L. 115-254, div. K, title I, § 1969(a), Oct. 5, 2018, 132 Stat. 3609.)

REFERENCES IN TEXT

Executive Order 13526, referred to in subsec. (c)(7)(B)(ii), is set out as a note under section 3161 of Title 50, War and National Defense.

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

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 contract 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

CODIFICATION

Pub. L. 114-125, title VIII, §802(g)(1)(B)(iii)(D), 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. Customs and Border Protection (in this section referred to as the “Commissioner”).

**(2) Committee referral**

As an exercise of the rulemaking power of the Senate, any nomination for the Commissioner submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance.

**(c) Duties**

The Commissioner shall—

(1) coordinate and integrate the security, trade facilitation, and trade enforcement functions of U.S. Customs and Border Protection;

(2) ensure the interdiction of persons and goods illegally entering or exiting the United States;

(3) facilitate and expedite the flow of legitimate travelers and trade;

(4) direct and administer the commercial operations of U.S. Customs and Border Protection, and the enforcement of the customs and trade laws of the United States;

(5) detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States, in cases in which such persons are entering, or have recently entered, the United States;

(6) safeguard the borders of the United States to protect against the entry of dangerous goods;

(7) ensure the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;

(8) in coordination with U.S. Immigration and Customs Enforcement and United States Citizenship and Immigration Services, enforce and administer all immigration laws, as such term is defined in paragraph (17) of section 1101(a) of title 8, including—

(A) the inspection, processing, and admission of persons who seek to enter or depart the United States; and

(B) the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons unlawfully entering, or who have recently unlawfully entered, the United States;

(9) develop and implement screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound;

(10) in coordination with the Secretary, deploy technology to collect the data necessary for the Secretary to administer the biometric entry and exit data system pursuant to section 1365b of title 8;

(11) enforce and administer the laws relating to agricultural import and entry inspection referred to in section 231 of this title;