113TH CONGRESS  
1ST SESSION  

S._____

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

Mrs. Boxer introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representat-ives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Humane Short Term Custody Act”.

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

(a) IN GENERAL.—Not later than 180 days after the 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.
(G) Pregnant women and individuals with medical needs.

(H) Reasonable accommodations in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

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

(J) Access to facilities by nongovernmental organizations.

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

(L) Returning personal property to former detainees.

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

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

(e) INSPECTIONS.—The Inspector General of the Department of Homeland Security shall—
(1) inspect the facilities described in subsection (a) not less frequently than annually; and
(2) make the results of the inspections available to the public without the need to submit a request under section 552 of title 5, United States Code.

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