

118TH CONGRESS
2D SESSION

H. R. 10237

To require the Commissioner of U.S. Customs and Border Protection to develop and disseminate guidance for the handling of personal property of individuals who are under arrest, restrained, or confined by U.S. Customs and Border Protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2024

Mrs. RAMIREZ (for herself, Mr. GRIJALVA, Ms. VELÁZQUEZ, Ms. NORTON, Ms. CLARKE of New York, Mr. VARGAS, Mr. GOLDMAN of New York, Ms. BUSH, Mr. MCGOVERN, Mr. GARCÍA of Illinois, Mr. CORREA, Mr. MENENDEZ, Ms. BARRAGÁN, Ms. TLAIB, Ms. OMAR, Mr. ROBERT GARCIA of California, Mr. THANEDAR, Mr. SOTO, Mr. ESPAILLAT, and Ms. ESCOBAR) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Commissioner of U.S. Customs and Border Protection to develop and disseminate guidance for the handling of personal property of individuals who are under arrest, restrained, or confined by 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “CBP Guidance on Per-
3 sonal Belongings Act”.

4 **SEC. 2. CBP GUIDANCE FOR HANDLING PERSONAL PROP-**
5 **ERTY.**

6 (a) **IN GENERAL.**—Not later than 180 days after the
7 date of the enactment of this Act, the Commissioner of
8 U.S. Customs and Border Protection (CBP) shall develop
9 and disseminate to the appropriate congressional commit-
10 tees and all CBP personnel who come into contact with
11 individuals under arrest, restrained, or confined by CBP
12 guidance for the handling of the personal property of such
13 individuals.

14 (b) **CONSULTATION REQUIRED.**—The Commissioner
15 of CBP shall consult with nongovernmental organizations
16 and the Immigration Detention Ombudsman of the De-
17 partment of Homeland Security in the development and
18 dissemination of the guidance required under subsection
19 (a).

20 (c) **CONTENTS.**—The guidance required under sub-
21 section (a) shall provide for the following:

22 (1) Allow individuals to keep as much of their
23 personal property as CBP’s physical capacity, safety
24 considerations, transportation limitations, and per-
25 sonnel availability permit.

1 (2) Ensure CBP returns all personal property
2 that CBP stores on behalf of an individual who is
3 under arrest, restrained, or confined by CBP di-
4 rectly to such individual immediately upon the re-
5 lease of such individual from CBP custody to the
6 greatest extent operationally feasible.

7 (3) A description of the types of personal prop-
8 erty considered essential and that must remain in an
9 individual's possession (or be otherwise stored by
10 CBP under paragraph (4)) to the greatest extent
11 operationally feasible, including, at a minimum, reli-
12 gious articles, personal contact information of family
13 members and loved ones, and essential medical prop-
14 erty that does not pose a threat or hazard to CBP
15 personnel, detainees, or other personnel inside a
16 CBP facility.

17 (4) A description of the types of personal prop-
18 erty considered essential and that CBP is required
19 to store, including, at a minimum, legal and identi-
20 fication documents that are not determined to be
21 fraudulent or counterfeit, cell phones and electronic
22 devices, health-related documents, and currency, if
23 such property does not pose a threat or hazard to
24 CBP personnel, detainees, or other personnel inside
25 a CBP facility, including relating to the reasons and

1 circumstances under which the amount of such prop-
2 erty could be restricted.

3 (5) Specific procedures for managing essential
4 personal property described in paragraphs (3) and
5 (4), ensuring such procedures comply with all CBP
6 policies and Federal law, and that individuals who
7 are under arrest, restrained, or confined by CBP are
8 provided a written receipt of any stored personal
9 property.

10 (6) A description of the circumstances which
11 would necessitate discarding the personal property of
12 an individual who is under arrest, restrained, or con-
13 fined by CBP, including the circumstances under
14 which collecting, transporting or storing such prop-
15 erty would not be operationally feasible.

16 (7) A description of the circumstances under
17 which the personal property of an individual who is
18 under arrest, restrained, or confined by CBP may be
19 considered a hazard or threat.

20 (8) A protocol for how CBP personnel is to
21 manage the transfer of personal property when an
22 individual who is under arrest, restrained, or con-
23 fined by CBP is transferred into the custody of an-
24 other agency.

1 (9) A protocol for providing to each individual
2 released from CBP custody written instructions ex-
3 plaining how to retrieve any personal property re-
4 maining in CBP facilities.

5 (10) A protocol for handling medical property
6 that directs CBP personnel to ensure detainees'
7 medications remain available to such detainees un-
8 less a specific safety concern is identified or a non-
9 United States prescribed medication has been re-
10 placed with a United States equivalent medication.

11 (11) A description of the mechanism for moni-
12 toring the compliance of CBP personnel with such
13 guidance.

14 (d) MONITORING.—At the time the guidance required
15 under subsection (a) is disseminated, the Commissioner
16 of CBP shall implement the mechanism described in sub-
17 section (e)(11) to monitor the extent to which CBP per-
18 sonnel is in compliance with such guidance.

19 (e) REPORT.—Not later than one year after the date
20 of the dissemination of the guidance required under sub-
21 section (a) and annually thereafter for five years, the
22 Commissioner of CBP shall submit to the appropriate con-
23 gressional committees and the Comptroller General of the
24 United States a report on the development and implemen-
25 tation of such guidance. Each such report shall also in-

1 clude information on the discarded essential personal
2 property of individuals who are under arrest, restrained,
3 or confined by CBP, including relating to the following:

4 (1) The number of times and an identification
5 of the locations at which CBP officers discarded es-
6 sential personal property, including such property
7 disposed of outside of CBP facilities.

8 (2) The reasons why such property was dis-
9 carded.

10 (3) A description of CBP’s efforts to reduce
11 such instances, as applicable.

12 (f) COMPTROLLER GENERAL REVIEW.—Not later
13 than one year after receipt of the report required under
14 subsection (e), the Comptroller General of the United
15 States shall submit to the appropriate congressional com-
16 mittees a review of the guidance required by subsection
17 (a), including the following:

18 (1) The implementation of such guidance.

19 (2) The effects of such guidance on CBP oper-
20 ations.

21 (3) The compliance of CBP personnel with such
22 guidance.

23 (g) DEFINITIONS.—In this section:

24 (1) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—The term “appropriate congressional com-

1 mittees” means the Committee on Homeland Secu-
2 rity of the House of Representatives and the Com-
3 mittee on Homeland Security and Governmental Af-
4 fairs of the Senate.

5 (2) ESSENTIAL MEDICAL PROPERTY.—The term
6 “essential medical property” means medical items
7 validated by a qualified medical professional as in
8 working order, medically necessary, and falling
9 under any of the following categories:

10 (A) Prescription eyewear, including glasses
11 or contacts.

12 (B) Prosthetic devices and durable medical
13 equipment.

14 (C) Dentures (whether full or partial) and
15 orthodontic devices.

16 (3) PERSONAL PROPERTY.—The term “per-
17 sonal property” means the belongings, not including
18 contraband, found on or carried by an individual
19 who is under arrest, restrained, or confined by U.S.
20 Customs and Border Protection.

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