

115TH CONGRESS  
1ST SESSION

# H. R. 2406

To amend section 442 of the Homeland Security Act of 2002 to authorize United States Immigration and Customs Enforcement, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2017

Mr. GOODLATTE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and 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

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## A BILL

To amend section 442 of the Homeland Security Act of 2002 to authorize United States Immigration and Customs Enforcement, 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 “Immigration and Cus-  
5 toms Enforcement Authorization Act of 2017”.

1 **TITLE I—UNITED STATES IMMI-**  
2 **GRATION AND CUSTOMS EN-**  
3 **FORCEMENT**

4 **SEC. 101. ESTABLISHMENT OF UNITED STATES IMMIGRA-**  
5 **TION AND CUSTOMS ENFORCEMENT.**

6 (a) IN GENERAL.—Section 442 of the Homeland Se-  
7 curity Act of 2002 (6 U.S.C. 252) is amended to read  
8 as follows:

9 **“SEC. 442. ESTABLISHMENT OF UNITED STATES IMMIGRA-**  
10 **TION AND CUSTOMS ENFORCEMENT.**

11 “(a) ESTABLISHMENT.—There is established within  
12 the Department an agency to be known as ‘United States  
13 Immigration and Customs Enforcement’. The mission of  
14 United States Immigration and Customs Enforcement is  
15 to protect the United States by enforcing the full range  
16 of immigration and customs laws within the interior of the  
17 United States.

18 “(b) DIRECTOR OF UNITED STATES IMMIGRATION  
19 AND CUSTOMS ENFORCEMENT.—There shall be at the  
20 head of United States Immigration and Customs Enforce-  
21 ment a Director of United States Immigration and Cus-  
22 toms Enforcement (in this section referred to as the ‘Di-  
23 rector’), who shall be appointed by the President, by and  
24 with the advice and consent of the Senate, and who shall  
25 report to the Secretary of Homeland Security.

1       “(c) DUTIES AND QUALIFICATIONS.—The Director  
2 shall—

3               “(1) have a minimum of 5 years of professional  
4 experience in law enforcement (which may include  
5 enforcement of the immigration laws, as defined in  
6 section 101(a)(17) of the Immigration and Nation-  
7 ality Act (8 U.S.C. 1101(a)(17))), and a minimum  
8 of 5 years of management experience;

9               “(2) seek the removal of inadmissible and de-  
10 portable aliens and otherwise enforce the immigra-  
11 tion laws (as defined in section 101(a)(17) of the  
12 Immigration and Nationality Act (8 U.S.C.  
13 1101(a)(17))), other than through criminal prosecu-  
14 tion;

15               “(3) investigate and, where appropriate, refer  
16 for prosecution, any criminal violation of Federal  
17 law relating to or involving—

18                       “(A) the immigration laws (as defined in  
19 section 101(a)(17) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1101(a)(17)));

21                       “(B) customs, trade, or import or export  
22 control, including the illicit possession, move-  
23 ment of, or trade in goods, services, property,  
24 contraband, arms, instruments of terrorism,  
25 items controlled or prohibited from export, por-

1           nography, intellectual property, or monetary in-  
2           struments;

3           “(C) transnational money laundering or  
4           bulk cash smuggling;

5           “(D) gangs or criminal syndicates engaged  
6           in transnational criminal activity;

7           “(E) chapter 40 or 44 of title 18, United  
8           States Code, or other violation relating to fire-  
9           arms, explosives, or other destructive devices in-  
10          volving an alien;

11          “(F) the subjection of aliens to a severe  
12          form of trafficking in persons, as defined in sec-  
13          tion 103 of the Trafficking Victims Protection  
14          Act of 2000 (22 U.S.C. 7102);

15          “(G) identification, travel, or employment  
16          documents; or

17          “(H) unlawful use of personal information,  
18          including immigration document fraud, when  
19          such use relates to or affects border security,  
20          terrorism, customs, immigration, naturalization,  
21          trade, travel, or transportation security;

22          “(4) coordinate with Federal, State, local, trib-  
23          al, and foreign agencies in carrying out the duties  
24          described in paragraphs (2) and (3);

1           “(5) in coordination with the Department of  
2           State and the Office of International Affairs of the  
3           Department, establish staff liaison offices and vetted  
4           units in appropriate foreign countries to support the  
5           counterterrorism efforts and other international ac-  
6           tivities and relationships of United States Immigra-  
7           tion and Customs Enforcement;

8           “(6) establish, maintain, and administer appro-  
9           priate interagency law enforcement centers in fur-  
10          therance of the Director’s statutory duties, including  
11          the centers specified in subparagraphs (C) and (D)  
12          of subsection (f)(3); and

13          “(7) carry out other duties prescribed by stat-  
14          ute, or delegated by the Secretary, if within the stat-  
15          utory authority of United States Immigration and  
16          Customs Enforcement.

17          “(d) GENERAL ENFORCEMENT POWERS.—The Di-  
18          rector may authorize agents and officers of United States  
19          Immigration and Customs Enforcement to—

20               “(1) execute any warrants issued under the  
21               laws of the United States;

22               “(2) issue and serve administrative or judicial  
23               subpoenas and summonses;

24               “(3) carry firearms;

1           “(4) make arrests without warrant for any of-  
2       fense against the United States committed in their  
3       presence, or for any felony cognizable under the laws  
4       of the United States if they have reasonable grounds  
5       to believe that the person to be arrested has com-  
6       mitted or is committing such felony;

7           “(5) seize any property, whether real or per-  
8       sonal, that is involved in any violation or attempted  
9       violation, or which constitutes proceeds traceable to  
10      a violation, of those provisions of law which United  
11      States Immigration and Customs Enforcement is au-  
12      thorized by statute to enforce;

13          “(6) offer and pay rewards for services and in-  
14      formation leading to the apprehension of persons in-  
15      volved in the violation or attempted violation of  
16      those provisions of law which United States Immi-  
17      gration and Customs Enforcement is authorized by  
18      statute to enforce; and

19          “(7) issue civil detainers for purposes of the en-  
20      forcement of the immigration laws (as defined in  
21      section 101(a)(17) of the Immigration and Nation-  
22      ality Act (8 U.S.C. 1101(a)(17))).

23          “(e) DEPUTY DIRECTOR.—There shall be in United  
24      States Immigration and Customs Enforcement a Deputy

1 Director who shall assist the Director in the management  
2 of United States Immigration and Customs Enforcement.

3 “(f) OFFICE OF HOMELAND SECURITY INVESTIGA-  
4 TIONS.—

5 “(1) IN GENERAL.—There is established in  
6 United States Immigration and Customs Enforce-  
7 ment an Office of Homeland Security Investigations.

8 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There  
9 shall be at the head of the Office of Homeland Secu-  
10 rity Investigations an Executive Associate Director,  
11 who shall report to the Director.

12 “(3) DUTIES.—The Office of Homeland Secu-  
13 rity Investigations shall—

14 “(A) conduct investigations of terrorist or-  
15 ganizations and other criminal organizations  
16 that threaten homeland or border security;

17 “(B) administer the program to collect in-  
18 formation relating to nonimmigrant foreign stu-  
19 dents and other exchange program participants  
20 described in section 641 of the Illegal Immigra-  
21 tion Reform and Immigrant Responsibility Act  
22 of 1996 (8 U.S.C. 1372), including the Student  
23 and Exchange Visitor Information System es-  
24 tablished under such section, and use such in-  
25 formation to carry out the enforcement func-

1           tions of United States Immigration and Cus-  
2           toms Enforcement;

3           “(C) administer a National Intellectual  
4           Property Rights Coordination Center, which  
5           shall serve as the primary information sharing  
6           forum within the Federal Government to coordi-  
7           nate, promote, and assist Federal and inter-  
8           national investigations of intellectual property  
9           offenses;

10          “(D) administer a National Export En-  
11          forcement Coordination Center, which shall  
12          serve as the primary information sharing forum  
13          within the Federal Government to coordinate,  
14          promote, and assist Federal and international  
15          investigations of export control offenses;

16          “(E) conduct investigations of alleged vio-  
17          lations of, and make arrests under, section  
18          274A of the Immigration and Nationality Act  
19          (8 U.S.C. 1324a), including referring for pros-  
20          ecution, or levying monetary penalties against,  
21          an employer found to be in violation of such  
22          section, and administratively arresting, and ini-  
23          tiating removal proceeding against, any alien  
24          unlawfully employed;



1           “(F) administer a Human Smuggling and  
2           Trafficking Center, which shall serve as the pri-  
3           mary information sharing forum within the  
4           Federal Government to coordinate, promote,  
5           and assist Federal and international investiga-  
6           tions in human smuggling and trafficking inves-  
7           tigations;

8           “(G) administer the Bulk Cash Smuggling  
9           Center, which shall serve to investigate domes-  
10          tic and international bulk cash smuggling ac-  
11          tivities and support law enforcement in efforts  
12          to investigate and restrict bulk cash smuggling;

13          “(H) investigate and refer for prosecution  
14          public safety matters involving—

15               “(i) large-scale operations prosecuted  
16               pursuant to chapter 96 (relating to rack-  
17               eteer influenced and corrupt organizations)  
18               of title 18, United States Code; and

19               “(ii) the smuggling into, and sale  
20               within, the United States of weapons;

21          “(I) investigate and refer for prosecution  
22          matters involving immigration benefits and doc-  
23          ument fraud; and

24          “(J) additional duties within the statutory  
25          authority of United States Immigration and

1 Customs Enforcement as assigned or delegated  
2 by the Director.

3 “(g) OFFICE OF ENFORCEMENT AND REMOVAL OP-  
4 ERATIONS.—

5 “(1) IN GENERAL.—There is established in  
6 United States Immigration and Customs Enforce-  
7 ment an Office of Enforcement and Removal Oper-  
8 ations.

9 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There  
10 shall be at the head of the Office of Enforcement  
11 and Removal Operations an Executive Associate Di-  
12 rector, who shall report to the Director.

13 “(3) DUTIES.—The Office of Enforcement and  
14 Removal Operations shall—

15 “(A) identify, arrest, detain, and seek the  
16 removal of aliens, and remove aliens ordered re-  
17 moved, who—

18 “(i) are inadmissible or deportable  
19 under section 212(a)(3) or 237(a)(4) of  
20 the Immigration and Nationality Act (8  
21 U.S.C. 1182(a)(3) or 1227(a)(4)), or oth-  
22 erwise present a national security risk to  
23 the United States;

24 “(ii) are inadmissible or deportable  
25 under section 212(a)(2) or 237(a)(2) of

1 the Immigration and Nationality Act (8  
2 U.S.C. 1182(a)(2) or 1227(a)(2));

3 “(iii) undermine the border security  
4 efforts and operations of the United  
5 States;

6 “(iv) enter the United States in viola-  
7 tion of Federal law;

8 “(v) are unlawfully present in the  
9 United States;

10 “(vi) are members of a criminal gang  
11 or participate in gang-related crimes, ex-  
12 cept as described in subsection (f)(3);

13 “(vii) constitute threats to the public  
14 safety; or

15 “(viii) are otherwise subject to exclu-  
16 sion, deportation, or removal from the  
17 United States;

18 “(B) refer for prosecution aliens described  
19 in subparagraph (A) or section 922(g)(5) of  
20 title 18, United States Code; and

21 “(C) additional duties within the statutory  
22 authority of United States Immigration and  
23 Customs Enforcement as assigned or delegated  
24 by the Director.

25 “(h) OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—

1           “(1) IN GENERAL.—There is established in  
2       United States Immigration and Customs Enforce-  
3       ment an Office of the Principal Legal Advisor.

4           “(2) PRINCIPAL LEGAL ADVISOR.—There shall  
5       be at the head of the Office the Principal Legal Ad-  
6       visor a Principal Legal Advisor, who shall report to  
7       the Director.

8           “(3) DUTIES.—The office of the Principal  
9       Legal Advisor shall, consistent with section  
10      103(a)(1)(J) of the Homeland Security Act of 2002  
11      (6 U.S.C. 113(a)(1)(J))—

12           “(A) provide specialized legal advice and  
13      policy guidance to the Director;

14           “(B) represent the Department in all ex-  
15      clusion, deportation, and removal proceedings  
16      before the Executive Office for Immigration Re-  
17      view;

18           “(C) represent United States Immigration  
19      and Customs Enforcement in venues and fora  
20      as authorized by the Director or General Coun-  
21      sel of the Department of Homeland Security, or  
22      otherwise permitted by law; and

23           “(D) carry out other duties within the  
24      statutory authority of United States Immigra-

1           tion and Customs Enforcement as assigned or  
2           delegated by the Director or General Counsel.

3           “(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

4                 “(1) IN GENERAL.—There is established in  
5           United States Immigration and Customs Enforce-  
6           ment an Office of Professional Responsibility.

7                 “(2) ASSISTANT DIRECTOR.—There shall be at  
8           the head of the Office of Professional Responsibility  
9           an Assistant Director, who shall report to the Direc-  
10          tor.

11                “(3) DUTIES.—The Office of Professional Re-  
12          sponsibility shall—

13                   “(A) investigate allegations of administra-  
14           tive, civil, and criminal misconduct involving  
15           any employee or contractor of United States  
16           Immigration and Customs Enforcement;

17                   “(B) inspect and review United States Im-  
18           migration and Customs Enforcement’s offices,  
19           operations, and processes, including detention  
20           facilities operated or used by United States Im-  
21           migration and Customs Enforcement, and pro-  
22           vide an independent review of United States  
23           Immigration and Custom Enforcement’s organi-  
24           zational health, effectiveness, and efficiency of  
25           mission; and

1           “(C) provide and manage the security pro-  
2           grams and operations for United States Immi-  
3           gration and Customs Enforcement.

4           “(j) OFFICE OF MANAGEMENT AND ADMINISTRA-  
5           TION.—

6           “(1) IN GENERAL.—There is established in  
7           United States Immigration and Customs Enforce-  
8           ment an Office of Management and Administration.

9           “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There  
10          shall be at the head of the Office of Management  
11          and Administration an Executive Associate Director,  
12          who shall report to the Director.

13          “(3) DUTIES.—The Office of Management and  
14          Administration shall—

15               “(A) administer the Office of Human Cap-  
16               ital to provide guidance to the agency and en-  
17               sure compliance with human resources policies  
18               and practices;

19               “(B) administer the Office of Chief Finan-  
20               cial Officer;

21               “(C) administer the Office of Policy to de-  
22               velop and communicate the agency policies and  
23               priorities;

1           “(D) create best practices to efficiently re-  
2           spond to all Freedom of Information Act re-  
3           quests received by the agency;

4           “(E) manage all information technology  
5           systems within the agency; and

6           “(F) carry out additional duties as as-  
7           signed or delegated by the Director.

8           “(k) OTHER AUTHORITIES.—

9           “(1) IN GENERAL.—The Secretary may estab-  
10          lish such other Executive Associate Directors, As-  
11          sistant Directors, agents, officers, or other offices as  
12          the Secretary determines necessary to carry out the  
13          missions, functions, authorities, and duties of United  
14          States Immigration and Customs Enforcement with-  
15          in its statutory authority.

16          “(2) VICTIMS OF IMMIGRATION CRIME ENGAGE-  
17          MENT OFFICE.—There is established a Victims of  
18          Immigration Crime Engagement Office that shall  
19          provide releasable information about a criminal alien  
20          to the victim and victim’s family and provide them  
21          with referrals to appropriate resources. This office  
22          shall also carry out additional duties within the stat-  
23          utory authority of United States Immigration and  
24          Customs Enforcement as assigned or delegated by  
25          the Director.

1           “(3) PROHIBITION ON OFFICE OF PUBLIC AD-  
2       VOCATE.—Notwithstanding paragraph (1), United  
3       States Immigration and Customs Enforcement shall  
4       not operate any Office of Public Advocate or any  
5       successor office that carries out the same duties as  
6       the former Office of Public Advocate.

7           “(4) DEPARTMENTAL EVIDENCE DATABASES.—  
8       Notwithstanding any other provision of this Act, all  
9       officers within the Office of Enforcement and Re-  
10      moval Operations shall be provided access to any  
11      Department database necessary for the proper col-  
12      lection, recordation, and retention of evidence col-  
13      lected as required to carry out the duties of the Of-  
14      fice under subsection (g).

15          “(l) OTHER FEDERAL AGENCIES.—Nothing in this  
16      section shall be construed to limit the existing authority  
17      of any other Federal agency.”.

18          (b) SPECIAL RULES.—

19              (1) TREATMENT.—Section 442 of the Home-  
20      land Security Act of 2002, as amended by subsection  
21      (a), shall be treated as if included in the enactment  
22      of such Act as of the date of the enactment of such  
23      Act, and, in addition to the functions, missions, du-  
24      ties, and authorities specified in such amended sec-  
25      tion 442, United States Immigration and Customs



1 Enforcement shall continue to perform and carry out  
2 the functions, missions, duties, and authorities  
3 under section 442 of such Act as in existence on the  
4 day before the date of the enactment of this Act.

5 (2) RULES OF CONSTRUCTION.—

6 (A) RULES AND REGULATIONS.—Notwith-  
7 standing paragraph (1), nothing in this Act  
8 may be construed as affecting in any manner  
9 any rule or regulation issued or promulgated  
10 pursuant to any provision of law, including sec-  
11 tion 442 of the Homeland Security Act of 2002  
12 as in existence on the day before the date of the  
13 enactment of this Act, and any such rule or  
14 regulation shall continue to have full force and  
15 effect on and after such date.

16 (B) OTHER ACTIONS.—Notwithstanding  
17 paragraph (1), nothing in this Act may be con-  
18 strued as affecting in any manner any action,  
19 determination, policy, or decision pursuant to  
20 section 442 of the Homeland Security Act of  
21 2002 as in existence on the day before the date  
22 of the enactment of this Act, and any such ac-  
23 tion, determination, policy, or decision shall  
24 continue to have full force and effect on and  
25 after such date.

1       (c) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 is  
3 amended by striking the item relating to section 442 and  
4 inserting the following:

“Sec. 442. Establishment of United States Immigration and Customs Enforcement.”.

5       (d) TRANSPORTATION.—Section 1344(b)(6) of title  
6 31, United States Code, is amended by inserting “the Di-  
7 rector of United States Immigration and Customs En-  
8 forcement, the Commissioner of Customs and Border Pro-  
9 tection,” after “the Administrator of the Drug Enforce-  
10 ment Administration,”.

11       (e) CONFORMING AMENDMENTS.—

12           (1) TITLE 5.—Section 5314 of title 5, United  
13 States Code, is amended by inserting before the item  
14 relating to “Director of the Office of Government  
15 Ethics” the following:

16           “Director of United States Immigration and  
17 Customs Enforcement.”.

18           (2) INSPECTOR GENERAL ACT.—Section 8I(e)  
19 of the Inspector General Act of 1978 (5 U.S.C.  
20 App.) is amended by striking “the Bureau of Border  
21 Security,” and inserting “United States Immigration  
22 and Customs Enforcement,”.

1           (3) HOMELAND SECURITY ACT.—The Home-  
 2       land Security Act of 2002 (6 U.S.C. 101 et seq.) is  
 3       amended—

4           (A) by striking “Assistant Secretary of the  
 5       Bureau of Border Security” each place such  
 6       term appears and inserting “Director of United  
 7       States Immigration and Customs Enforce-  
 8       ment”; and

9           (B) by striking “the Bureau of Border Se-  
 10      curity” and “U.S. Immigration and Customs  
 11      Enforcement” each place such terms appear  
 12      and inserting “United States Immigration and  
 13      Customs Enforcement”.

14   **TITLE II—AID TO IMMIGRATION**  
 15       **AND CUSTOMS ENFORCE-**  
 16       **MENT OFFICERS**

17   **SEC. 201. ICE DEPORTATION OFFICERS.**

18       (a) IN GENERAL.—The Secretary of Homeland Secu-  
 19      rity shall authorize all deportation officers of the Depart-  
 20      ment of Homeland Security who have successfully com-  
 21      pleted basic immigration law enforcement training to exer-  
 22      cise the powers conferred by—

23           (1) section 287(a)(5)(A) of the Immigration  
 24      and Nationality Act (8 U.S.C. 1357(a)(5)(A)) to ar-  
 25      rest for any offense against the United States;

1           (2) section 287(a)(5)(B) of such Act (8 U.S.C.  
2       1357(a)(5)(B)) to arrest for any felony;

3           (3) section 274(a) of such Act (8 U.S.C.  
4       1324(a)) to arrest for bringing in, transporting, or  
5       harboring certain aliens, or inducing them to enter;

6           (4) section 287(a) of such Act (8 U.S.C.  
7       1357(a)) to execute warrants of arrest for adminis-  
8       trative immigration violations issued under section  
9       236 of such Act (8 U.S.C. 1226) or to execute war-  
10      rants of criminal arrest issued under the authority  
11      of the United States; and

12          (5) section 287(a) of such Act (8 U.S.C.  
13      1357(a)) to carry firearms, if they are individually  
14      qualified by training and experience to handle and  
15      safely operate the firearms they are permitted to  
16      carry, maintain proficiency in the use of such fire-  
17      arms, and adhere to the provisions of the enforce-  
18      ment standard governing the use of force.

19      (b) ARREST POWERS.—Section 287(a)(2) of the Im-  
20      migration and Nationality Act (8 U.S.C. 1357(a)(2)) is  
21      amended by striking “regulation and is likely to escape  
22      before a warrant can be obtained for his arrest,” and in-  
23      serting “regulation,”.

1 **SEC. 202. ICE DETENTION ENFORCEMENT OFFICERS.**

2 (a) AUTHORIZATION.—The Secretary of Homeland  
3 Security shall, subject to the availability of appropriations  
4 for such purpose, increase the number of positions for full-  
5 time active duty United States Immigration and Customs  
6 Enforcement detention enforcement officers by 2,500  
7 above the number of full-time positions for which funds  
8 were appropriated for fiscal year 2017. The Secretary  
9 shall determine the rate at which the additional officers  
10 will be added with due regard to filling positions as expedi-  
11 tiously as possible without making any compromises in the  
12 selection or the training of the additional officers.

13 (b) DUTIES.—United States Immigration and Cus-  
14 toms Enforcement detention enforcement officers who  
15 have successfully completed detention enforcement offi-  
16 cers' basic training shall be responsible for—

17 (1) taking and maintaining custody of any per-  
18 son who has been arrested by an immigration offi-  
19 cer;

20 (2) transporting and guarding immigration de-  
21 tainees;

22 (3) securing Department of Homeland Security  
23 detention facilities; and

24 (4) assisting in the processing of detainees.

1 **SEC. 203. ENSURING THE SAFETY OF ICE OFFICERS.**

2 (a) BODY ARMOR.—The Secretary of Homeland Se-  
3 curity shall ensure that every United States Immigration  
4 and Customs Enforcement deportation officer on duty is  
5 issued high-quality body armor that is appropriate for the  
6 climate and risks faced by the agent. Enough body armor  
7 must be purchased to cover every agent in the field.

8 (b) WEAPONS.—Such Secretary shall ensure that  
9 United States Immigration and Customs Enforcement de-  
10 portation officers are equipped with weapons that are reli-  
11 able and effective to protect themselves, their fellow  
12 agents, and innocent third parties from the threats posed  
13 by armed criminals. Such weapons shall include, at a min-  
14 imum, standard-issue handguns, M-4 (or equivalent) ri-  
15 fles, and Tasers.

16 (c) SPECIAL TRAINING FOR HIGH-RISK ENFORCE-  
17 MENT OPERATIONS.—Such Secretary shall provide appro-  
18 priate training and certification to selected United States  
19 Immigration and Customs Enforcement deportation offi-  
20 cers, at each field office, to conduct high-risk enforcement  
21 operations requiring enhanced tactical capabilities effec-  
22 tively to combat known dangers, to assist in high-risk  
23 transports, or to participate in other special assignments  
24 as designated by the Secretary and consistent with law,  
25 except that nothing in this subsection shall be construed  
26 to impose a requirement that such training be completed,

1 or such certification be obtained, in order to participate  
2 in such a high-risk enforcement operation.

3 (d) EFFECTIVE DATE.—This section shall take effect  
4 90 days after the date of the enactment of this Act.

5 **SEC. 204. ICE ADVISORY COUNCIL.**

6 (a) ESTABLISHMENT.—An ICE Advisory Council  
7 shall be established not later than 3 months after the date  
8 of the enactment of this Act.

9 (b) MEMBERSHIP.—The ICE Advisor Council shall  
10 be comprised of 7 members.

11 (c) APPOINTMENT.—Members shall be appointed in  
12 the following manner:

13 (1) One member shall be appointed by the  
14 President.

15 (2) One member shall be appointed by the  
16 Chairman of the Judiciary Committee of the House  
17 of Representatives.

18 (3) One member shall be appointed by the  
19 Chairman of the Judiciary Committee of the Senate.

20 (4) One member shall be appointed by the  
21 Local 511, the ICE prosecutor's union.

22 (5) Three members shall be appointed by the  
23 National Immigration and Customs Enforcement  
24 Council.

1 (d) TERM.—Members shall serve renewable, 2-year  
2 terms.

3 (e) VOLUNTARY.—Membership shall be voluntary and  
4 non-remunerated, except that members will receive reim-  
5 bursement from the Secretary of Homeland Security for  
6 travel and other related expenses.

7 (f) RETALIATION PROTECTION.—Members who are  
8 employed by the Secretary of Homeland Security shall be  
9 protected from retaliation by their supervisors, managers,  
10 and other Department of Homeland Security employees  
11 for their participation on the Council.

12 (g) PURPOSE.—The purpose of the Council is to ad-  
13 vise the Congress and the Secretary of Homeland Security  
14 on issues including the following:

15 (1) The current status of immigration enforce-  
16 ment efforts, including prosecutions and removals,  
17 the effectiveness of such efforts, and how enforce-  
18 ment could be improved.

19 (2) The effectiveness of cooperative efforts be-  
20 tween the Secretary of Homeland Security and other  
21 law enforcement agencies, including additional types  
22 of enforcement activities that the Secretary should  
23 be engaged in, such as State and local criminal task  
24 forces.



1           (3) Personnel, equipment, and other resource  
2       needs of field personnel.

3           (4) Improvements that should be made to the  
4       organizational structure of the Department of  
5       Homeland Security, including whether the position  
6       of immigration enforcement agent should be merged  
7       into the deportation officer position.

8           (5) The effectiveness of specific enforcement  
9       policies and regulations promulgated by the Sec-  
10      retary of Homeland Security, and whether other en-  
11      forcement priorities should be considered.

12       (h) REPORTS.—The Council shall provide quarterly  
13      reports to the Chairmen and Ranking Members of the  
14      Committees on the Judiciary of the Senate and the House  
15      of Representatives and to the Secretary of Homeland Se-  
16      curity. The Council members shall meet directly with the  
17      Chairmen and Ranking Members (or their designated rep-  
18      resentatives) and with the Secretary to discuss their re-  
19      ports every 6 months.

20   **SEC. 205. PILOT PROGRAM FOR ELECTRONIC FIELD PROC-**  
21                           **ESSING.**

22       (a) IN GENERAL.—The Secretary of Homeland Secu-  
23      rity shall establish a pilot program in at least 5 of the  
24      10 United States Immigration and Customs Enforcement  
25      field offices with the largest removal caseloads to allow

1 United States Immigration and Customs deportation offi-  
2 cers to—

3 (1) electronically process and serve charging  
4 documents, including notices to appear, while in the  
5 field;

6 (2) electronically process and place detainers  
7 while in the field; and

8 (3) electronically collect biometric data for the  
9 purpose of identifying an alien and establishing both  
10 immigration status and criminal history while in the  
11 field.

12 (b) DUTIES.—The pilot program described in sub-  
13 section (a) shall be designed to allow deportation officers  
14 to use handheld or vehicle-mounted computers to—

15 (1) enter any required data, including personal  
16 information about the alien subject and the reason  
17 for issuing the document;

18 (2) apply the electronic signature of the issuing  
19 officer or agent;

20 (3) set the date the alien is required to appear  
21 before an immigration judge, in the case of notices  
22 to appear;

23 (4) print any documents the alien subject may  
24 be required to sign, along with additional copies of  
25 documents to be served on the alien; and

1           (5) interface with the ENFORCE database so  
2           that all data is stored and retrievable.

3           (c) CONSTRUCTION.—The pilot program described in  
4           subsection (a) shall be designed to replace, to the extent  
5           possible, the current paperwork and data-entry process  
6           used for issuing such charging documents and detainers.

7           (d) DEADLINE.—The Secretary shall initiate the pilot  
8           program described in subsection (a) not later than 6  
9           months after the date of the enactment of this Act.

10          (e) REPORT.—The Government Accountability Office  
11          shall report to the Judiciary Committee of the Senate and  
12          the House of Representatives no later than 18 months  
13          after the date of the enactment of this Act on the effective-  
14          ness of the pilot program and provide recommendations  
15          for improving it.

16          (f) ADVISORY COUNCIL.—The ICE Advisory Council  
17          established by section 204 shall include recommendations  
18          on how the pilot program should work in the first quar-  
19          terly report of the Council, and shall include assessments  
20          of the program and recommendations for improvement in  
21          each subsequent report.

22          (g) EFFECTIVE DATE.—This section shall take effect  
23          180 days after the date of the enactment of this Act.

1 **SEC. 206. ADDITIONAL ICE DEPORTATION OFFICERS AND**  
2 **SUPPORT STAFF.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-  
4 rity shall, subject to the availability of appropriations for  
5 such purpose, increase the number of positions for full-  
6 time active-duty United States Immigration and Customs  
7 Enforcement deportation officers by 10,000 above the  
8 number of full-time positions for which funds were appro-  
9 priated for fiscal year 2017. The Secretary will determine  
10 the rate at which the additional officers will be added with  
11 due regard to filling the positions as expeditiously as pos-  
12 sible without making any compromises in the selection or  
13 the training of the additional officers.

14 (b) SUPPORT STAFF.—The Secretary shall, subject  
15 to the availability of appropriations for such purpose, in-  
16 crease the number of positions for full-time support staff  
17 for United States Immigration and Customs Enforcement  
18 deportation officers by 700 above the number of full-time  
19 positions for which funds were appropriated for fiscal year  
20 2017.

21 **SEC. 207. ADDITIONAL ICE PROSECUTORS.**

22 The Secretary of Homeland Security shall, subject to  
23 the availability of appropriations for such purpose, in-  
24 crease the number of positions for full-time trial attorneys  
25 working for United States Immigration and Customs En-  
26 forcement by 60 above the number of full-time positions

1 for which funds were appropriated for fiscal year 2017.  
2 The Secretary shall determine the rate at which the addi-  
3 tional trial attorneys will be added with due regard to fill-  
4 ing positions as expeditiously as possible without making  
5 any compromises in the selection or the training of the  
6 additional attorneys.

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