

113TH CONGRESS  
1ST SESSION

# S. 260

To require the collection of data by officers enforcing immigration law and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2013

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

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## A BILL

To require the collection of data by officers enforcing immigration law 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 Enforce-  
5 ment Transparency Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this section:

8 (1) IMMIGRATION LAWS.—The term “immigra-  
9 tion laws” has the meaning given that term in sec-

1 tion 101(a)(17) of the Immigration and Nationality  
2 Act (8 U.S.C. 1101(a)(17)).

3 (2) LAW ENFORCEMENT OFFICIAL.—The term  
4 “law enforcement official” means—

5 (A) an officer of U.S. Customs and Border  
6 Protection;

7 (B) an officer of U.S. Immigration and  
8 Customs Enforcement; or

9 (C) an officer or employee of a State or a  
10 political subdivision of a State who is carrying  
11 out the functions of an immigration officer pur-  
12 suant to an agreement entered into under sec-  
13 tion 287(g) of the Immigration and Nationality  
14 Act (8 U.S.C. 1357(g)) or pursuant to any  
15 other agreement with the Department of Home-  
16 land Security.

17 **SEC. 3. DATA COLLECTION BY LAW ENFORCEMENT OFFI-**  
18 **CIALS ENFORCING IMMIGRATION LAWS.**

19 (a) REQUIREMENT FOR DATA COLLECTION.—A law  
20 enforcement official who makes contact with an individual  
21 with the purpose or effect of enforcing an immigration law  
22 shall collect the following data:

23 (1) The law enforcement official’s basis for, or  
24 circumstances surrounding, such contact, including

1 if such individual's perceived race or ethnicity con-  
2 tributed to such basis.

3 (2) The identifying characteristics of such indi-  
4 vidual, including the individual's race, gender, eth-  
5 nicity, and approximate age.

6 (3) If such contact resulted in a stop or search,  
7 how long such a stop or search lasted, whether con-  
8 sent was requested and obtained for such stop or  
9 search, and the name of the person who provided  
10 such consent.

11 (4) A description of any articulable facts and  
12 behavior by the individual that demonstrate reason-  
13 able suspicion to justify such stop or probable cause  
14 to justify such search or attempt to enforce the im-  
15 migration laws.

16 (5) A description of any items seized during  
17 such search, including contraband or money, and a  
18 specification of the type of search conducted.

19 (6) Whether any warning or citation was issued  
20 as a result of such contact and the basis for such  
21 warning or citation.

22 (7) Whether an arrest or detention was made  
23 as a result of such contact, the justification for such  
24 arrest or detention, and the ultimate disposition of  
25 such arrest or detention.

1           (8) Whether the affected individual is under-  
2 going immigration proceedings as of the date of the  
3 annual report.

4           (9) If a warning, citation, arrest, or detention  
5 is involved, the surname of the affected individual.

6           (10) The immigration status of the individual  
7 involved and whether removal proceedings were sub-  
8 sequently initiated against that individual.

9           (11) Whether any complaint was made by the  
10 individual stopped or searched.

11 (b) COMPILATION OF DATA.—

12           (1) DEPARTMENT OF HOMELAND SECURITY  
13 LAW ENFORCEMENT OFFICIALS.—The Secretary of  
14 Homeland Security shall compile the data collected  
15 under subsection (a) by officers of U.S. Customs  
16 and Border Protection and officers of U.S. Immigra-  
17 tion and Customs Enforcement.

18           (2) OTHER LAW ENFORCEMENT OFFICIALS.—  
19 The head of each agency, department, or other enti-  
20 ty that employs law enforcement officials other than  
21 officers referred to in paragraph (1) shall—

22           (A) compile the data collected by such law  
23 enforcement officials pursuant to subsection  
24 (a); and

1 (B) submit the compiled data to the Sec-  
2 retary of Homeland Security.

3 (c) USE OF DATA.—The Secretary of Homeland Se-  
4 curity shall consider the data compiled under subsection  
5 (b) in making policy and program decisions related to en-  
6 forcement of the immigration laws.

7 **SEC. 4. ANNUAL REPORT.**

8 (a) REQUIREMENT.—Not later than one year after  
9 the effective date of this Act, and annually thereafter, the  
10 Secretary of Homeland Security shall submit to Congress  
11 a report on the data compiled under section 3(b).

12 (b) AVAILABILITY.—Each report submitted under  
13 subsection (a) shall be made available to the public.

14 **SEC. 5. EFFECTIVE DATE.**

15 This Act shall take effect 60 days after the date of  
16 the enactment of this Act.

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