

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To propose an alternative to section 1114, relating to the immigration ombudsman.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 744**

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. HIRONO

Viz:

1 Strike section 1114 and insert the following:

2 **SEC. 1114. OMBUDSMAN FOR IMMIGRATION RELATED CON-**

3 **CERNS OF THE DEPARTMENT OF HOMELAND**

4 **SECURITY.**

5 (a) ESTABLISHMENT.—Title I of the Homeland Se-

6 curity Act of 2002 (6 U.S.C. 111 et seq.) is amended by

7 adding at the end the following new section:

8 **“SEC. 104. OMBUDSMAN FOR IMMIGRATION RELATED CON-**

9 **CERNS.**

10 “(a) IN GENERAL.—There shall be within the De-

11 partment an Ombudsman for Immigration Related Con-

12 cerns (in this section referred to as the ‘Ombudsman’).

1 The individual appointed as Ombudsman shall have a  
2 background in immigration law as well as civil and human  
3 rights law. The Ombudsman shall report directly to the  
4 Deputy Secretary.

5 “(b) FUNCTIONS.—The functions of the Ombudsman  
6 shall be as follows:

7 “(1) To receive and resolve complaints from in-  
8 dividuals and employers and assist in resolving prob-  
9 lems with the immigration components of the De-  
10 partment.

11 “(2) To conduct inspections of the facilities or  
12 contract facilities of the immigration components of  
13 the Department.

14 “(3) To identify areas in which individuals and  
15 employers have problems in dealing with the immi-  
16 gration components of the Department.

17 “(4) To determine whether an individual or em-  
18 ployer is suffering or is about to suffer an immediate  
19 threat of adverse action as a result of the manner  
20 in which the immigration laws are being adminis-  
21 tered, and intervene as necessary.

22 “(5) To the extent practicable, to propose  
23 changes in the administrative practices of the immi-  
24 gration components of the Department to mitigate  
25 problems identified under paragraph (3).

1           “(6) To review, examine, and make rec-  
2           ommendations regarding the immigration and en-  
3           forcement policies, strategies, and programs of U.S.  
4           Customs and Border Protection, U.S. Immigration  
5           and Customs Enforcement, and U.S. Citizenship and  
6           Immigration Services.

7           “(7) To monitor the compliance of U.S. Cus-  
8           toms and Border Protection, U.S. Immigration and  
9           Customs Enforcement, and U.S. Citizenship and Im-  
10          migration Services with law, regulations, and policy.

11          “(c) OTHER RESPONSIBILITIES.—In addition to the  
12          functions specified in subsection (b), the Ombudsman also  
13          do the following

14               “(1) Monitor the coverage and geographic allo-  
15               cation of local offices of the Ombudsman, including  
16               appoint local ombudsman for immigration related  
17               concerns.

18               “(2) Evaluate and take personnel actions (in-  
19               cluding dismissal) with respect to any employee of  
20               the Ombudsman.

21          “(d) REQUEST FOR INVESTIGATIONS.—The Ombuds-  
22          man shall have the authority to request the Inspector Gen-  
23          eral of the Department of Homeland Security to conduct  
24          inspections, investigations, and audits.

1           “(e) COORDINATION WITH DEPARTMENT COMPO-  
2 NENTS.—The Director of U.S. Citizenship and Immigra-  
3 tion Services, the Assistant Secretary of Immigration and  
4 Customs Enforcement, and the Commissioner of Customs  
5 and Border Protection shall each establish procedures to  
6 provide formal responses to recommendations submitted  
7 to such official by the Ombudsman.

8           “(f) ANNUAL REPORTS.—Not later than June 30  
9 each year, the Ombudsman shall submit to the Commit-  
10 tees on the Judiciary of the Senate and the House of Rep-  
11 resentatives a report on the objectives of the Ombudsman  
12 for the fiscal year beginning in such calendar year. Each  
13 report shall contain full and substantive analysis, in addi-  
14 tion to statistical information, and shall set forth any rec-  
15 ommendations the Ombudsman has made on improving  
16 the services and responsiveness of U.S. Citizenship and  
17 Immigration Services, U.S. Immigration and Customs En-  
18 forcement, and U.S, Customs and Border Protection and  
19 any responses received from the Department regarding  
20 such recommendations.”.

21           (b) REPEAL OF SUPERSEDED AUTHORITY.—Section  
22 452 of the Homeland Security Act of 2002 (6 U.S.C. 272)  
23 is repealed.

24           (c) CLERICAL AMENDMENTS.—The table of contents  
25 for the Homeland Security Act of 2002 is amended—

1           (1) by inserting after the item relating to sec-  
2           tion 103 the following new item:

          “Sec. 104. Ombudsman for Immigration Related Concerns.”; and

3           (2) by striking the item relating to section 452.