

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To strengthen hiring and screening standards for immigration enforcement officers and to strengthen uniform, identification, and professional conduct standards for such officers.

---

IN THE SENATE OF THE UNITED STATES

---

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

## A BILL

To strengthen hiring and screening standards for immigration enforcement officers and to strengthen uniform, identification, and professional conduct standards for such officers.

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 TITLES.**

4 This Act may be cited as the “Training, Responsi-  
5 bility, Uniforms, and Standards for Transparency Act” or  
6 the “TRUST Act”.

1 **SEC. 2. STRENGTHENED HIRING AND SCREENING STAND-**  
2 **ARDS FOR IMMIGRATION ENFORCEMENT OF-**  
3 **FICERS.**

4 (a) **MINIMUM ELIGIBILITY REQUIREMENTS.**—The  
5 Secretary of Homeland Security shall enhance the per-  
6 formance, professionalism, and integrity of immigration  
7 enforcement officers and agents by establishing strength-  
8 ened hiring and screening standards for all newly hired  
9 officers and agents.

10 (b) **STANDARDS.**—The standards required under sub-  
11 section (a) shall require each applicant—

12 (1) to be at least 20 years of age at the time  
13 of application and at least 21 years of age at the  
14 start of the next scheduled basic training academy;

15 (2) to possess a high school diploma or equiva-  
16 lent credential at the time of application;

17 (3) to possess authorization to live and work in  
18 the United States, as demonstrated by documenta-  
19 tion sufficient to satisfy employment eligibility  
20 verification requirements under Federal law; and

21 (4) to undergo comprehensive background in-  
22 vestigations that include—

23 (A) criminal history checks;

24 (B) reviews of prior law enforcement or  
25 military service, including disciplinary records  
26 and sustained complaints;

1 (C) screening for any history of domestic  
2 violence, sexual assault, or other violent con-  
3 duct;

4 (D) drug use screening consistent with  
5 Federal law;

6 (E) reviews for affiliations with terrorist  
7 organizations, violent extremist groups, or hate-  
8 based organizations;

9 (F) reviews of publicly available social  
10 media and online activity for evidence of bias,  
11 extremism, discriminatory conduct, or advocacy  
12 of violence; and

13 (G) psychological suitability assessments to  
14 ensure fitness for duty, sound judgment, and  
15 the ability to safely interact with the public.

16 **SEC. 3. DEPARTMENT OF HOMELAND SECURITY UNIFORM**  
17 **AND IDENTIFICATION REGULATIONS.**

18 (a) FINDINGS.—Congress finds that Department of  
19 Homeland Security law enforcement personnel, including  
20 U.S. Immigration and Customs Enforcement officers and  
21 agents (including Enforcement and Removal Operations  
22 and Homeland Security Investigations) and U.S. Customs  
23 and Border Protection officers, agents, and specialists,  
24 wear a uniform that identifies such personnel—

1 (1) as Federal immigration law enforcement au-  
2 thorities; and

3 (2) as authorized personnel of a specific direc-  
4 torate within the Department of Homeland Security  
5 and not as “Police”.

6 (b) UNIFORM REQUIREMENTS.—

7 (1) IN GENERAL.—All uniformed Department  
8 of Homeland Security law enforcement personnel, in-  
9 cluding sworn U.S. Immigration and Customs En-  
10 forcement officers and agents and U.S. Customs and  
11 Border Protection officers, agents, and specialists—

12 (A) shall possess and maintain at all times  
13 a serviceable uniform and the necessary equip-  
14 ment to perform uniformed field duty;

15 (B) shall maintain their uniforms and  
16 equipment in a serviceable condition in order to  
17 be ready at any time for immediate use;

18 (C) shall keep their uniforms neat, clean,  
19 and having the appearance of being profes-  
20 sionally pressed;

21 (D) may only wear the uniform specified  
22 for their rank, assignment, and component  
23 within the Department of Homeland Security;

24 (E) may not loan any portion of the uni-  
25 form to others; and

1 (F) may not permit the uniform, badge, in-  
2 signia, or markings to be reproduced or dupli-  
3 cated.

4 (2) INSPECTIONS.—All supervisors shall per-  
5 form periodic inspections of Department of Home-  
6 land Security law enforcement personnel to ensure  
7 conformance with Department of Homeland Security  
8 uniform specifications and procedures.

9 (3) CIVILIAN ATTIRE.—Civilian attire may not  
10 be worn in combination with any distinguishable  
11 part of the official Department of Homeland Secu-  
12 rity uniform.

13 (4) TIME AND PLACE RESTRICTIONS.—Depart-  
14 ment of Homeland Security law enforcement per-  
15 sonnel may only wear a uniform while on duty, while  
16 in transit to or from duty, for court appearances, or  
17 at other official Department of Homeland Security  
18 functions or events.

19 (5) LIMITATION ON PURCHASE OR CONSUMP-  
20 TION OF ALCOHOLIC BEVERAGES.—Department of  
21 Homeland Security law enforcement personnel may  
22 not purchase or consume alcoholic beverages while  
23 wearing any part of their uniform.

1 **SEC. 4. DEPARTMENT-ISSUED IDENTIFICATION.**

2 (a) IN GENERAL.—The Department of Homeland Se-  
3 curity shall issue to each U.S. Immigration and Customs  
4 Enforcement officer or agent and each U.S. Customs and  
5 Border Patrol officer, agent, or specialist an official identi-  
6 fication card bearing the employee’s name, identifying in-  
7 formation, photograph, and a unique serial number. All  
8 such personnel shall be in possession of such identification  
9 card while on duty or when carrying a concealed firearm  
10 under Federal authority.

11 (b) DISPLAY.—Except as provided in subsection  
12 (c)(2), Department of Homeland Security officers and  
13 agents shall clearly display their Department-issued iden-  
14 tification and badge in a courteous manner to any person  
15 upon request and as soon as practical while on duty or  
16 acting in an official capacity.

17 (c) VISIBILITY REQUIREMENT.—

18 (1) IN GENERAL.—Except as provided in para-  
19 graph (2) and section 5(b), every Department of  
20 Homeland Security immigration enforcement officer  
21 or agent conducting an immigration enforcement  
22 function shall visibly display—

23 (A) the individual’s last name and a  
24 unique identifier;

25 (B) the name of the employing agency; and

26 (C) the face of such officer or agent.

1 (2) EXCEPTIONS.—

2 (A) IN GENERAL.—The requirement under  
3 paragraph (1) shall not apply to any individual  
4 who is engaged in an undercover assignment in-  
5 volving the use of an assumed name or a cover  
6 identity.

7 (B) FACE COVERING.—The requirement  
8 under paragraph (1)(C) shall not apply if the  
9 officer or agent—

10 (i) is engaged in a specialized tactical  
11 assignment;

12 (ii) is working in a hazardous or high-  
13 risk environment;

14 (iii) is wearing a face covering as a  
15 protection from weather-related conditions;

16 or

17 (iv) has received prior approval to  
18 wear a face covering due to a medical con-  
19 dition.

20 (d) SPECIALIZED AND UNDERCOVER EXCEPTIONS.—

21 (1) DEFINED TERM.—In this section and in  
22 section 6, the term “undercover assignment” only  
23 means an authorized investigative operation in  
24 which—

1 (A) an agent is assuming a covert identity  
2 or persona to infiltrate a specific criminal enter-  
3 prise;

4 (B) the mission is conducted for the pri-  
5 mary purpose of gathering evidence regarding  
6 felony violations of Federal law, such as human  
7 trafficking or narcotics smuggling; and

8 (C) the revelation of the agent's identity  
9 would pose an immediate and demonstrable  
10 threat to the safety of the agent or the integrity  
11 of the investigation.

12 (2) ARREST TEAM REQUIREMENTS.—Notwith-  
13 standing any undercover assignment, all agents in-  
14 volved in the physical arrest, transport, or proc-  
15 essing of a detained individual must be clearly iden-  
16 tifiable in accordance with the standards described  
17 in subsections (a) and (b).

18 **SEC. 5. BADGE AND DISTINCTIVE IDENTIFICATION.**

19 (a) ISSUANCE.—The Secretary of Homeland Security  
20 shall issue to each U.S. Immigration and Customs En-  
21 forcement officer or agent, each U.S. Customs and Border  
22 Protection officer, agent, or specialist, and each other De-  
23 partment of Homeland Security sworn enforcement officer  
24 a badge of authority bearing the seal of the Department  
25 of Homeland Security and the title of the directorate for

1 which they are employed encircling such seal, along with  
2 the designation of the position held by the officer. Each  
3 such badge shall be serially numbered and each officer  
4 shall display a distinctive identifying number.

5 (b) DISPLAY.—All Department of Homeland Security  
6 officers and agents and other uniformed Department of  
7 Homeland Security immigration enforcement personnel,  
8 while on duty, shall be dressed in full distinctive uniform  
9 and shall display the official badge and visible identifica-  
10 tion of their office, except when authorized by the Sec-  
11 retary or designee to operate in plain clothes.

12 (c) RESTRICTION.—Neither the Secretary of Home-  
13 land Security nor any other person may issue a badge,  
14 uniform, insignia, or identification to any individual who  
15 is not a duly authorized, classified, and regularly ap-  
16 pointed officer or employee of the Department of Home-  
17 land Security.

18 (d) CRIMINAL PENALTIES FOR MISREPRESENTA-  
19 TION.—Any person who, without authority, wears or du-  
20 plicates a Department of Homeland Security badge, uni-  
21 form, or equipment with intent to represent himself or  
22 herself as a Federal immigration officer shall be subject  
23 to Federal criminal penalties.

1 **SEC. 6. BODY-WORN CAMERAS.**

2 (a) **PROVISION OF BODY-WORN CAMERAS.**—The Sec-  
3 retary of Homeland Security shall ensure that each immi-  
4 gration enforcement officer or agent who interacts with  
5 members of the public is equipped with a body-worn cam-  
6 era. All such cameras shall be worn in a location and man-  
7 ner that maximizes the camera’s ability to capture video  
8 footage of the officer’s activities.

9 (b) **REQUIRED ACTIVATION.**—Except as provided  
10 under subsections (c) and (d), an immigration enforce-  
11 ment officer or agent shall wear and activate a body-worn  
12 camera, and a dash camera if the officer’s vehicle is  
13 equipped with such a camera, while—

14 (1) responding to a call for an enforcement ac-  
15 tion;

16 (2) entering any premises for the purpose of en-  
17 forcing the law or investigating possible violations of  
18 law; or

19 (3) engaging in any interaction with a member  
20 of the public initiated by an officer or agent, wheth-  
21 er consensual or nonconsensual, for the purpose of  
22 enforcing the law or investigating possible violations  
23 of law.

24 (c) **EXCEPTIONS; PRIVACY NOTIFICATIONS.**—

25 (1) **EN ROUTE.**—A body-worn camera need not  
26 be activated while an officer or agent is traveling to

1 a call for an enforcement action, but shall be acti-  
2 vated shortly before the officer or agent arrives at  
3 the scene.

4 (2) UNDERCOVER.—An officer or agent work-  
5 ing in an undercover assignment is not required to  
6 wear a body-worn camera.

7 (3) NOTIFICATION.—An officer or agent wear-  
8 ing a body-worn camera shall notify all subjects of  
9 the recording that they are being recorded as close  
10 to the commencement of the encounter as is reason-  
11 ably possible.

12 (d) PERMISSIBLE DEACTIVATION; CIVILIAN RE-  
13 QUEST.—

14 (1) DEACTIVATION.—An immigration enforce-  
15 ment officer or agent may deactivate a body-worn  
16 camera—

17 (A) while working on an unrelated assign-  
18 ment or during a prolonged break in an inci-  
19 dent; or

20 (B) during administrative, tactical, or  
21 management discussions when members of the  
22 public are not present.

23 (2) CIVILIAN REQUEST.—Before entering a pri-  
24 vate residence without a warrant, or when inter-  
25 acting with an apparent crime victim or anonymous

1 source, an officer shall ask if the individual wants  
2 the camera to be deactivated. If the individual re-  
3 sponds affirmatively, the officer shall deactivate the  
4 camera. The offer to deactivate and the response  
5 from the victim or source shall be recorded by the  
6 camera before such deactivation.

7 (e) FAILURE TO ACTIVATE OR TAMPERING.—

8 (1) IN GENERAL.—If an officer or agent fails to  
9 activate a body-worn camera in accordance with the  
10 requirements under this section or tampers with  
11 camera footage when activation is required—

12 (A) there shall be a permissive inference,  
13 in any investigation or legal proceeding (exclud-  
14 ing criminal proceedings against the officer or  
15 agent), that the missing footage would have re-  
16 flected misconduct;

17 (B) any statements or conduct that was  
18 not recorded by other means shall be subject to  
19 a rebuttable presumption of inadmissibility; and

20 (C) a rebuttable evidentiary presumption  
21 shall be adopted in favor of criminal defendants  
22 or civil plaintiffs who reasonably assert that ex-  
23 culpatory evidence was destroyed or not cap-  
24 tured.

1           (2) PROOF COMPLIANCE WAS IMPOSSIBLE.—

2           The disciplinary action requirement and rebuttable  
3           presumptions described in subparagraphs (B) and  
4           (C) of paragraph (1) may be overcome by contrary  
5           evidence or proof of exigent circumstances that made  
6           compliance impossible.

7           (f) DISCIPLINE; CERTIFICATION CONSEQUENCES.—

8           In addition to any criminal liability—

9           (1) if an adjudicative body or final agency de-  
10           termination finds that an officer or agent inten-  
11           tionally failed to activate or tampered with a camera  
12           (except as permitted under this section), the employ-  
13           ing agency shall impose discipline upon the officer or  
14           agent, up to and including termination, consistent  
15           with applicable law;

16           (2) unless otherwise permitted under this sec-  
17           tion, if the conduct of the officer or agent was un-  
18           dertaken with the intent to conceal unlawful or inap-  
19           propriate actions or obstruct justice, the officer's or  
20           agent's certification or authority to perform enforce-  
21           ment duties shall be suspended for not less than 1  
22           year, subject to reinstatement only upon exonera-  
23           tion; and

24           (3) if such conduct occurred in an incident re-  
25           sulting in the death or serious bodily injury of a ci-

1 vilian, the officer's or agent's certification or author-  
2 ity to perform enforcement duties shall be perma-  
3 nently revoked, subject to reinstatement only upon  
4 exoneration.

5 (g) INTEGRITY OF REPORTS.—No officer or agent  
6 may review or receive an accounting of any body-worn  
7 camera footage related to a use of force or misconduct  
8 complaint before completing all required initial reports,  
9 statements, and interviews regarding the recorded event.

10 (h) RETENTION OF RECORDINGS.—The Secretary of  
11 Homeland Security shall establish a retention schedule for  
12 body-worn camera recordings that requires—

13 (1) standard footage to be retained for a period  
14 of not less than 6 months; and

15 (2) footage involving the use of force or a com-  
16 plaint to be retained for a period of not less than  
17 3 years.

18 (i) PUBLIC RELEASE; PRIVACY PROTECTIONS.—

19 (1) MISCONDUCT.—Not later than 21 days  
20 after receiving a complaint alleging misconduct by  
21 an immigration enforcement officer or agent, the  
22 Department of Homeland Security shall release all  
23 unedited audio and video recordings of the incident  
24 to the public, subject to privacy protections and de-  
25 layed release provisions under subsection (j).

1           (2) DEATH OR SERIOUS INJURY.—Not later  
2 than 5 days after an immigration enforcement inci-  
3 dent resulting in death or serious injury, the Depart-  
4 ment of Homeland Security shall release all unedited  
5 audio and video recordings of the incident to the  
6 public, subject to privacy protections and delayed re-  
7 lease provisions under subsection (j).

8           (3) PROHIBITION ON SECONDARY USE DURING  
9 RETENTION PERIOD.—During any retention period  
10 established under this subsection, body-worn camera  
11 footage shall be stored in an isolated system that is  
12 not accessible to, and may not be queried by, any  
13 immigration enforcement targeting system, fusion  
14 center, or interagency intelligence platform. Access  
15 to retained footage shall be limited to personnel di-  
16 rectly involved in accountability review or legal pro-  
17 ceedings arising from the recorded interaction.

18           (j) PRIVACY PROTECTIONS AND DELAYED RE-  
19 LEASE.—

20           (1) DEATH.—Recordings depicting death shall  
21 be made available to a victim’s immediate family or  
22 lawful representative before being publicly released.

23           (2) PRIVACY INTERESTS.—

24           (A) IN GENERAL.—Recordings implicating  
25 substantial privacy interests may be blurred to

1 protect such interests without removing any  
2 portion of the recording.

3 (B) LIMITED RELEASE.—If blurring a re-  
4 cording is insufficient—

5 (i) the recording shall be released to  
6 affected individuals or their lawful rep-  
7 resentatives; and

8 (ii) the Department of Homeland Se-  
9 curity shall notify affected persons of their  
10 right to waive the restrictions under this  
11 subsection.

12 (3) INVESTIGATIONS.—A recording of alleged  
13 misconduct may be temporarily withheld if the re-  
14 lease of such recording would substantially interfere  
15 with an ongoing investigation. Such recording shall  
16 be publicly released not later than 45 days after the  
17 allegation of misconduct, accompanied by a written  
18 justification for the delay.

19 **SEC. 7. SPECIALIZED TRAINING REQUIREMENTS.**

20 The Secretary of Homeland Security shall require all  
21 immigration enforcement officers and agents to complete  
22 specialized training, in addition to basic training required  
23 by the Department, before conducting enforcement oper-  
24 ations, including training on—

1           (1) identity verification procedures and docu-  
2           mentation review designed to prevent the wrongful  
3           detention of United States citizens, lawful perma-  
4           nent residents, Native Americans, and other individ-  
5           uals who are lawfully present in the United States;

6           (2) deescalation techniques and safe civilian en-  
7           gagement practices to ensure immigration enforce-  
8           ment operations are conducted in a manner that  
9           protects public safety and reduces the risk of unnec-  
10          essary force;

11          (3) language access and interpretation proce-  
12          dures to ensure effective communication during en-  
13          forcement encounters with individuals who have lim-  
14          ited English proficiency;

15          (4) recognizing medical distress, disabilities,  
16          and mental health conditions, and responding appro-  
17          priately during enforcement encounters to individ-  
18          uals experiencing medical emergencies or requiring  
19          disability-related accommodations;

20          (5) constitutional protections and civil rights  
21          laws governing immigration enforcement activities,  
22          including protections against unlawful searches, sei-  
23          zures, and discriminatory enforcement; and

- 1           (6) preventing discriminatory enforcement prac-
- 2           tices, including profiling based on race, ethnicity, na-
- 3           tional origin, religion, or language proficiency.