

.....
(Original Signature of Member)

119TH CONGRESS
2^D SESSION

H. R. _____

To require the Secretary of Homeland Security to notify Congress of any serious injury or death of any individual in the custody of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WALKINSHAW introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Secretary of Homeland Security to notify Congress of any serious injury or death of any individual in the custody of the Department of Homeland Security, 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 “Department of Home-
5 land Security Accountability Act of 2026”.

1 **SEC. 2. NOTIFICATION AND INVESTIGATION OF SERIOUS**
2 **INJURIES AND DEATHS OF INDIVIDUALS IN**
3 **DHS CUSTODY.**

4 (a) NOTIFICATION.—The Secretary of Homeland Se-
5 curity shall submit to the appropriate congressional com-
6 mittees and appropriate Members of Congress a notifica-
7 tion with respect to any serious bodily injury or death of
8 an individual that occurs either while such individual is
9 in the custody of the Department of Homeland Security,
10 or as a result of any action, use of force, or other conduct
11 by a Department employee, contractor, or agent. Such no-
12 tifications shall be submitted within 72 hours of the seri-
13 ous bodily injury or death at issue, and shall include the
14 following information:

15 (1) The date, time, and location of such serious
16 bodily injury or death.

17 (2) The circumstances of such serious bodily in-
18 jury or death, and the nationality of the individual
19 so injured or deceased.

20 (3) The components of the Department involved
21 in such serious bodily injury or death.

22 (4) Whether medical assistance was sought and,
23 if applicable, the time at which such assistance was
24 sought and the time at which such assistance was
25 provided.

1 (5) A description of the use of force and de-es-
2 calation tactics, if any, utilized during the incident
3 at issue.

4 (6) If a firearm was discharged, a description
5 of such firearm and the number and type of ammu-
6 nition rounds discharged.

7 (7) If a less lethal device was utilized, a de-
8 scription of such device and its use during such inci-
9 dent.

10 (8) A description of any injury sustained by an
11 employee of the Department.

12 (9) A description of all agencies, including
13 State and local agencies, participating in an inves-
14 tigation into such serious bodily injury or death.

15 (b) INVESTIGATION.—

16 (1) IN GENERAL.—The Secretary of Homeland
17 Security shall investigate all serious bodily injuries
18 and deaths described in subsection (a). Each such
19 investigation shall—

20 (A) ensure such investigation is conducted
21 by employees of the Department of Homeland
22 Security outside the chain of command of the
23 individual or individuals being investigated;

24 (B) preserve for at least five years after
25 the completion of such investigation all video

1 recordings of individuals who suffered such seri-
2 ous bodily injury or death;

3 (C) place on administrative leave until
4 such investigation is completed any employee of
5 the Department who inflicted such serious bod-
6 ily injury or utilized lethal force leading to such
7 death;

8 (D) obtain any autopsies performed for
9 any such death;

10 (E) conduct a mortality review for any
11 such death, including a review of any medical
12 assistance provided, and whether the deceased
13 individual's treatment complied with relevant
14 Department standards; and

15 (F) conduct a review of any medical assist-
16 ance provided to an individual who suffered se-
17 rious bodily injury, including a review of wheth-
18 er such individual's treatment complied with
19 relevant Department standards.

20 (2) REPORT.—Not later than seven days after
21 the completion of an investigation under paragraph
22 (1), the Secretary of Homeland Security shall sub-
23 mit to the appropriate congressional committees a
24 report regarding such investigation.

1 (c) EFFECTIVE DATE.—This section shall take effect
2 and apply beginning on the date that is seven days after
3 the date of the enactment of this Act.

4 (d) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Homeland Security,
9 Committee on Appropriations, and Committee
10 on Judiciary of the House of Representatives;
11 and

12 (B) the Committee on Homeland Security
13 and Governmental Affairs, Committee on Ap-
14 propriations, and the Committee on the Judici-
15 ary of the Senate.

16 (2) APPROPRIATE MEMBERS OF CONGRESS.—
17 The term “appropriate Members of Congress”
18 means the Member of the House of Representatives
19 and the Senator who represent the district and
20 State, respectively, in which the serious bodily injury
21 or death at issue occurred.

22 (3) SERIOUS BODILY INJURY.—The term “seri-
23 ous bodily injury” means any physical injury that in-
24 volves any of the following:

25 (A) Protracted and obvious disfigurement.

- 1 (B) Protracted loss or impairment of the
- 2 function of any of the following:
- 3 (i) A bodily member.
- 4 (ii) An organ.
- 5 (iii) Mental faculty.
- 6 (C) Substantial risk of death.