

117TH CONGRESS
1ST SESSION

H. R. 2925

To prohibit the use of funds for the operation or construction of family detention centers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2021

Ms. JAYAPAL (for herself, Ms. BASS, Mr. BLUMENAUER, Mr. CONNOLLY, Mr. ESPAILLAT, Mr. EVANS, Mr. JONES, Ms. LEE of California, Mr. MCGOVERN, Mrs. NAPOLITANO, Ms. NORTON, Mr. PANETTA, Mr. POCAN, Ms. PRESSLEY, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Ms. TLAIB, Mr. TORRES of New York, Mrs. WATSON COLEMAN, and Mr. WELCH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the use of funds for the operation or construction of family detention centers, 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 “Freedom for Families
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The Federal Government has intentionally
2 separated and detained families seeking asylum in
3 the United States purportedly to deter other foreign
4 nationals from coming to the United States in the
5 future. Such method of deterrence is ineffective, con-
6 trary to human rights norms, and likely violates
7 United States and international law.

8 (2) On September 7, 2018, the Secretary of
9 Homeland Security issued a proposed rule entitled
10 “Apprehension, Processing, Care, and Custody of
11 Alien Minors and Unaccompanied Alien Children”
12 (83 Fed. Reg. 45486 (September 7, 2018)) that at-
13 tempted to circumvent a 1997 court agreement com-
14 monly known as the “Flores Settlement Agreement”
15 to undermine current legal protections for children
16 and families and increase family detention.

17 (3) Detaining families can have long-term con-
18 sequences on children, such as—

19 (A) difficulty regulating emotions, achiev-
20 ing developmental milestones, and forming
21 healthy relationships;

22 (B) increased rates of anxiety, depression,
23 and post-traumatic stress disorder; and

24 (C) heightened risks of suicide and self-
25 harm.

1 (4) When family units are placed in family de-
2 tention facilities—

3 (A) family members experience feelings of
4 isolation and increased stress;

5 (B) the ability of the parents to care for
6 their children is compromised by the constraints
7 of detention; and

8 (C) the detention setting creates barriers
9 to—

10 (i) accessing counsel and legal serv-
11 ices; and

12 (ii) successfully obtaining relief from
13 removal.

14 (5) Nondetention-based practices, such as fam-
15 ily case management and community-based pro-
16 grams, are effective and humane alternatives to fam-
17 ily detention.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) APPROPRIATE COMMITTEES OF CON-
21 GRESS.—The term “appropriate committees of Con-
22 gress” means—

23 (A) the Committee on the Judiciary and
24 the Committee on Appropriations of the Senate;
25 and

1 (B) the Committee on the Judiciary and
2 the Committee on Appropriations of the House
3 of Representatives.

4 (2) DETAIN.—With respect to an individual, the
5 term “detain” means to compel an individual to stay
6 in a location from which the individual cannot leave
7 on his or her own free will.

8 (3) FAMILY RESIDENTIAL CENTER.—The term
9 “family residential center” means a facility that de-
10 tains 1 or more noncitizen families.

11 (4) NONCITIZEN.—The term “noncitizen”
12 means an individual who is not a citizen or national
13 of the United States.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Homeland Security.

16 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR FAMILY DE-**
17 **TENTION CENTERS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, none of the amounts made available after the
20 date of the enactment of this Act for any fiscal year may
21 be obligated or expended to operate or construct a family
22 residential center, whether directly operated by U.S. Im-
23 migration and Customs Enforcement or by another gov-
24 ernmental or nongovernmental contractor.

25 (b) PREVIOUSLY AUTHORIZED EXPENDITURES.—

1 (1) IN GENERAL.—Beginning on the date that
2 is 30 days after the date of the enactment of this
3 Act, none of the amounts made available before such
4 date of enactment for the purpose of operating or
5 constructing a family residential center may be used
6 for such purpose.

7 (2) PROHIBITION ON TRANSFER.—None of the
8 amounts made available before the date of the enact-
9 ment of this Act may be reprogrammed or trans-
10 ferred for the purpose of operating or constructing
11 a family residential center.

12 (c) ALTERNATIVES TO DETENTION.—

13 (1) TRANSFER OF FUNDS.—Amounts obligated
14 to operate a family residential center as of the date
15 of the enactment of this Act shall be transferred for
16 the implementation and development of appropriate
17 community-based nondetention programs consistent
18 with international best practices for noncitizen fami-
19 lies.

20 (2) NONPROFIT ENTITY CONTRACTING PART-
21 NER.—

22 (A) IN GENERAL.—The Secretary shall
23 contract with 1 or more community-based quali-
24 fied nonprofit service providers that have the
25 trust of their communities for the operation of

1 appropriate community-based nondetention pro-
2 grams.

3 (B) LIMITATION ON INDIVIDUALS WHO
4 MAY SERVE AS DESIGNEES.—The Secretary
5 may only designate the responsibility under
6 subparagraph (A) to an individual employed by
7 the Office of the Secretary.

8 (3) PARTICIPATION.—A noncitizen family enter-
9 ing the United States that is apprehended by the
10 Secretary may be placed in a nondetention program
11 under this subsection if the Secretary makes an indi-
12 vidualized determination that participation in the
13 program will facilitate the family’s compliance with
14 the immigration laws (as defined in section 101(a)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1101(a))).

17 (4) LEGAL ORIENTATION.—To facilitate partici-
18 pant compliance with legal requirements, a non-
19 detention program under this subsection shall in-
20 clude—

21 (A) a legal orientation for each participant
22 in the program; and

23 (B) meaningful access to counsel.

24 (5) CASE MANAGEMENT TRAINING.—

1 (A) IN GENERAL.—The Secretary shall
2 provide case management training for all per-
3 sonnel of a nondetention program under this
4 subsection, including personnel of—

5 (i) the Department of Homeland Se-
6 curity; and

7 (ii) the nonprofit entity contracted
8 under paragraph (2).

9 (B) BEST PRACTICES.—The training under
10 subparagraph (A) shall—

11 (i) be based on international and so-
12 cial welfare best practices relating to immi-
13 gration and refugee case management; and

14 (ii) include consultation with civil soci-
15 ety experts with expertise in case manage-
16 ment.

17 (d) RULE OF CONSTRUCTION.—Nothing in this Act
18 may be construed to endorse the separation of noncitizen
19 families who enter the United States at or between ports
20 of entry.

21 **SEC. 5. FEASIBILITY REVIEW OF TRANSFERRING ALTER-**
22 **NATIVES TO DETENTION PROGRAM.**

23 The Secretary shall review the feasibility of transfer-
24 ring case management programs out of the purview of

- 1 U.S. Immigration and Customs Enforcement and the De-
- 2 partment of Homeland Security.

