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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To prohibit long-term custody in U.S. Immigration and Customs Enforcement holding facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To prohibit long-term custody in U.S. Immigration and Customs Enforcement holding facilities, 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 “Short-Term Holding
5 Facility Standards Restoration Act.”

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) U.S. Immigration and Customs Enforce-
2 ment holding facilities are designed for short-term
3 custody and processing.

4 (2) Prior U.S. Immigration and Customs En-
5 forcement policy defined “short-term” as not exceed-
6 ing 12 hours, absent exceptional circumstances.

7 (3) Prolonged detention in holding facilities un-
8 dermines detainee welfare, facility design limits, and
9 operational intent.

10 (4) Restoring the 12-hour standard ensures
11 consistency with prior agency guidance.

12 **SEC. 3. LIMITATION ON DURATION OF DETENTION.**

13 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
14 rity shall ensure that, absent exceptional circumstances
15 described in subsection (b), a U.S. Immigration and Cus-
16 toms Enforcement holding facility may only be used for
17 short-term custody of a detainee.

18 (b) **EXCEPTIONAL CIRCUMSTANCES.**—Exceptional
19 circumstances are temporary and unforeseen cir-
20 cumstances requiring immediate action, including—

21 (1) medical emergencies;

22 (2) natural disasters or facility disruptions;

23 (3) transportation or transfer delays beyond the
24 control of the Department of Homeland Security; or

1 (4) other exigent operational conditions as de-
2 termined by the Secretary of Homeland Security.

3 **SEC. 4. HUMANE CONDITIONS.**

4 The Secretary of Homeland Security shall ensure
5 that—

6 (1) each U.S. Immigration and Customs En-
7 forcement holding facility is safe, clean, equipped
8 with restroom facilities, and clear of any object that
9 could be used as a weapon; and

10 (2) each detainee in such facility—

11 (A) is provided a meal not less than every
12 6 hours;

13 (B) in the case of a minor, pregnant
14 woman, or breastfeeding woman, is provided
15 immediate access to meals, snacks, milk, and
16 juice, without regard to the amount of time in
17 custody; and

18 (C) is provided with access to drinking
19 water in each room in which a detainee is held
20 at all times.

21 **SEC. 5. DOCUMENTATION AND COMPLIANCE.**

22 (a) DOCUMENTATION.—The Secretary of Homeland
23 Security shall require contemporaneous documentation of
24 any instance in which a detainee is held in a U.S. Immi-

1 gration and Customs Enforcement holding facility for cus-
2 tody other than short-term custody.

3 (b) RETENTION.—Records under this section shall be
4 maintained for oversight, audit, and reporting purposes
5 for a period of 5 years.

6 **SEC. 6. OVERSIGHT AND REPORTING.**

7 (a) ANNUAL REPORT.—The Secretary of Homeland
8 Security shall submit to Congress an annual report detail-
9 ing—

10 (1) the number of detainees held in custody
11 other than short-term custody in a U.S. Immigration
12 and Customs Enforcement holding facility;

13 (2) the duration of such custody;

14 (3) the justification for each instance in which
15 a detainee is held in a U.S. Immigration and Cus-
16 toms Enforcement holding facility for custody other
17 than short-term custody; and

18 (4) corrective actions taken to ensure compli-
19 ance.

20 (b) INSPECTOR GENERAL REVIEW.—The Inspector
21 General of the Department of Homeland Security shall
22 perform periodic audits of U.S. Immigration and Customs
23 Enforcement holding facilities and Department of Home-
24 land Security records to ensure compliance with this Act.

1 **SEC. 7. DEFINITIONS.**

2 For the purposes of this Act—

3 (1) the term “holding facility” means any facil-
4 ity or holding room for temporary custody, proc-
5 essing, or transfer, and not designed for long-term
6 detention; and

7 (2) the term “short-term custody” means de-
8 tention in a holding facility for a period not to ex-
9 ceed 12 hours, absent exceptional circumstances.