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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To prohibit the operation and funding of an immigration detention facility
in the Everglades, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. WASSERMAN SCHULTZ introduced the following bill; which was referred
to the Committee on _____

A BILL

To prohibit the operation and funding of an immigration
detention facility in the Everglades, 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 “No Cages in the Ever-

5 glades Act”.

1 **SEC. 2. PROHIBITION ON OPERATION AND FUNDING OF IM-**
2 **MIGRATION DETENTION FACILITY IN THE EV-**
3 **ERGLADES.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, no funds made available to the Department
6 of Homeland Security, including U.S. Immigration and
7 Customs Enforcement, may be obligated or expended for
8 the following:

9 (1) Planning, construction, leasing, operation,
10 staffing, or maintenance of any immigration deten-
11 tion facility located within or adjacent to the Ever-
12 glades ecosystem.

13 (2) Contracting with any public entity for the
14 purposes described in paragraph (1).

15 (b) RIGHT OF ACCESS.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, any facility, including any facility
18 described in subsection (a)(1), used to detain or
19 house individuals in the custody of the Department
20 of Homeland Security, including U.S. Immigration
21 and Customs Enforcement, or that is used to detain
22 or house individuals by the Department, whether op-
23 erated by the Federal Government or a State or
24 local government, shall allow Members of Congress
25 and designated congressional staff to conduct an-
26 nounced or unannounced inspections of such facility

1 at any time, consistent with applicable security and
2 safety protocols.

3 (2) PROHIBITION ON LIMITATION.—The right
4 of access described in paragraph (1) may not be
5 waived, limited, or conditioned by any contract,
6 lease, memorandum of understanding, or other
7 agreement between the Department of Homeland
8 Security and any State or local government operator
9 of a facility described in paragraph (1).

10 (3) RULE OF CONSTRUCTION.—Nothing in this
11 subsection may be construed to require a Member of
12 Congress or designated congressional staff to provide
13 prior notice of the intent to enter a facility described
14 in paragraph (1) for the purpose of conducting over-
15 sight.

16 (c) INDEPENDENT REPORT.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, the Inspector
19 General of the Department of Homeland Security
20 shall conduct an independent inquiry and submit to
21 the appropriate congressional committees a report
22 regarding the facility described in subsection (a)(1).
23 Such report shall contain the following:

1 (A) An accounting of the use of funds allo-
2 cated to or made available to the Department
3 for such facility.

4 (B) A description of the process that led to
5 the construction of such facility.

6 (C) An evaluation of whether such facility
7 satisfies minimum Federal standards, including
8 the following:

9 (i) National Detention Standards
10 (NDS) 2000.

11 (ii) Performance-Based National De-
12 tention Standards (PBNDS) 2008.

13 (iii) PBNDS 2011.

14 (iv) NDS 2019.

15 (v) Family Residential Standards
16 2020.

17 (vi) Temporary Housing Standards.

18 (D) A description of any formal or infor-
19 mal complaints registered by individuals de-
20 tained at such facility regarding detention con-
21 ditions, access to counsel, or treatment.

22 (E) An assessment of ecological risks re-
23 sulting from the construction and operation of
24 such facility, as well as the risks for detained
25 individuals, officers, and staff at such facility as

1 a result of flooding, hurricanes, or other natural
2 disasters.

3 (2) BRIEFINGS.—The Inspector General of the
4 Department of Homeland Security shall provide to
5 the appropriate congressional committees briefings
6 on the contents of the report required under para-
7 graph (1).

8 (d) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means the following:

12 (A) In the House of Representatives, the
13 following:

14 (i) The Committee on Homeland Se-
15 curity.

16 (ii) The Committee on the Judiciary.

17 (iii) The Committee on Appropria-
18 tions.

19 (B) In the Senate, the following:

20 (i) The Committee on Homeland Se-
21 curity and Governmental Affairs.

22 (ii) The Committee on the Judiciary.

23 (iii) The Committee on Appropria-
24 tions.

1 (2) DESIGNATED CONGRESSIONAL STAFF.—The
2 term “designated congressional staff” means any
3 employee employed by the official office of a Member
4 of Congress, or employed by an official Committee
5 of the House of Representatives or the Senate.

6 (3) EVERGLADES ECOSYSTEM.—The term “Ev-
7 erglades ecosystem” means the hydrologically con-
8 nected wetland areas of southern Florida, including
9 Big Cypress National Preserve, Everglades National
10 Park, Water Conservation Areas, and adjacent wet-
11 lands.

12 (4) FACILITY.—The term “facility” means any
13 building, site, or structure at which individuals in
14 Department of Homeland Security custody are
15 housed or detained.