

**AMENDMENT TO THE AMENDMENT IN THE NA-  
TURE OF A SUBSTITUTE OFFERED BY MR.  
McCLINTOCK  
OFFERED BY MR. ROY OF TEXAS**

Beginning on page 47, strike line 23 through page 48, line 5 (and redesignate provisions accordingly).

Page 48, line 9, strike “removal, or suspension” and insert “or removal”.

Page 48, line 10, strike “(2), (3), or (4)” and insert “(2), or (3)”.

Page 61, after line 10, insert the following:

**1 SEC. 405. RULE OF CONSTRUCTION.**

2 Nothing in this title shall be construed to limit the  
3 following procedures or practices relating to an unaccom-  
4 panied alien child (as defined in section 462(g)(2) of the  
5 Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))):

6 (1) Screening of such a child for a credible fear  
7 of return to his or her country of origin.

8 (2) Screening of such a child to determine  
9 whether he or she was a victim of trafficking.

10 (3) Department of Health and Human Services  
11 policy in effect on the date of the enactment of this

1 Act requiring a home study for such a child if he or  
2 she is under 12 years of age.

Page 49, after line 3, insert the following:

3 **SEC. 203. OPERATIONAL DETENTION FACILITIES.**

4 (a) IN GENERAL.—Not later than September 30,  
5 2023, the Secretary of Homeland Security shall take all  
6 necessary actions to reopen or restore all U.S. Immigra-  
7 tion and Customs Enforcement detention facilities that  
8 were in operation on January 20, 2021, that subsequently  
9 closed or with respect to which the use was altered, re-  
10 duced, or discontinued after January 20, 2021. In car-  
11 rying out the requirement under this subsection, the Sec-  
12 retary may use the authority under section 103(a)(11) of  
13 the Immigration and Nationality Act (8 U.S.C.  
14 1103(a)(11)).

15 (b) SPECIFIC FACILITIES.—The requirement under  
16 subsection (a) shall include at a minimum, reopening, or  
17 restoring, the following facilities:

- 18 (1) Irwin County Detention Center in Georgia.
- 19 (2) C. Carlos Carreiro Immigration Detention  
20 Center in Bristol County, Massachusetts.
- 21 (3) Etowah County Detention Center in Gads-  
22 den, Alabama.
- 23 (4) Glades County Detention Center in Moore  
24 Haven, Florida.

1 (5) South Texas Family Residential Center.

2 (c) EXCEPTION.—

3 (1) IN GENERAL.—Except as provided in para-  
4 graphs (2) and (3), the Secretary of Homeland Se-  
5 curity is authorized to obtain equivalent capacity for  
6 detention facilities at locations other than those list-  
7 ed in subsection (b).

8 (2) LIMITATION.—The Secretary may not take  
9 action under paragraph (1) unless the capacity ob-  
10 tained would result in a reduction of time and cost  
11 relative to the cost and time otherwise required to  
12 obtain such capacity.

13 (3) SOUTH TEXAS FAMILY RESIDENTIAL CEN-  
14 TER.—The exception under paragraph (1) shall not  
15 apply to the South Texas Family Residential Center.  
16 The Secretary shall take all necessary steps to mod-  
17 ify and operate the South Texas Family Residential  
18 Center in the same manner and capability it was op-  
19 erating on January 20, 2021.

20 (d) PERIODIC REPORT.—Not later than 90 days after  
21 the date of enactment of this Act, and every 90 days there-  
22 after until September 30, 2027, the Secretary of Home-  
23 land Security shall submit to the appropriate congres-  
24 sional committees a detailed plan for and a status report  
25 on—

1 (1) compliance with the deadline under sub-  
2 section (a);

3 (2) the increase in detention capabilities re-  
4 quired by this section—

5 (A) for the 90 day period immediately pre-  
6 ceding the date such report is submitted; and

7 (B) for the period beginning on the first  
8 day of the fiscal year during which the report  
9 is submitted, and ending on the date such re-  
10 port is submitted;

11 (3) the number of detention beds that were  
12 used and the number of available detention beds  
13 that were not used during—

14 (A) the 90 day period immediately pre-  
15 ceding the date such report is submitted; and

16 (B) the period beginning on the first day  
17 of the fiscal year during which the report is  
18 submitted, and ending on the date such report  
19 is submitted;

20 (4) the number of aliens released due to a lack  
21 of available detention beds; and

22 (5) the resources the Department of Homeland  
23 Security needs in order to comply with the require-  
24 ments under this section.

1 (e) NOTIFICATION.—The Secretary of Homeland Se-  
2 curity shall notify Congress, and include with such notifi-  
3 cation a detailed description of the resources the Depart-  
4 ment of Homeland Security needs in order to detain all  
5 aliens whose detention is mandatory or nondiscretionary  
6 under the Immigration and Nationality Act (8 U.S.C.  
7 1101 et seq.)—

8 (1) not later than 5 days after all U.S. Immi-  
9 gration and Customs Enforcement detention facili-  
10 ties reach 90 percent of capacity;

11 (2) not later than 5 days after all U.S. Immi-  
12 gration and Customs Enforcement detention facili-  
13 ties reach 95 percent of capacity; and

14 (3) not later than 5 days after all U.S. Immi-  
15 gration and Customs Enforcement detention facili-  
16 ties reach full capacity.

17 (f) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
18 The term “appropriate congressional committees”  
19 means—

20 (1) the Committee on the Judiciary of the  
21 House of Representatives;

22 (2) the Committee on Appropriations of the  
23 House of Representatives;

24 (3) the Committee on the Judiciary of the Sen-  
25 ate; and

1           (4) the Committee on Appropriations of the  
2       Senate.

