

AMENDMENT TO SENATE AMENDMENTS TO S. 2 – SECURE AMERICA ACT  
OFFERED BY MS. ANSARI OF ARIZONA

Add at the end the following:

**SEC. \_\_\_\_ . PROHIBITION ON THE USE OF PRIVATE IMMIGRATION DETENTION FACILITIES.**

**(a) Prohibition.—**

None of the funds made available by this Act, or any other Act making appropriations for the Department of Homeland Security, may be used by U.S. Immigration and Customs Enforcement (ICE) to enter into, renew, extend, or continue any contract, intergovernmental service agreement, or other arrangement for the detention of individuals in facilities that are owned, operated, or managed by a private, for-profit entity.

**(b) Phase-Out of Existing Contracts.—**

Any contract or agreement described in subsection (a) that is in effect on the date of enactment of this Act shall terminate not later than **180 days** after the date of enactment, and may not be renewed or extended.

**(c) Transfer of Detainees.—**

ICE shall ensure that any individual detained in a facility described in subsection (a) is transferred to a publicly owned and operated facility, released, or placed in a non-custodial alternative to detention, consistent with applicable law, prior to the termination of such contract or agreement.

**(d) Definitions.—**

For purposes of this section, the term “*private, for-profit entity*” means any corporation, partnership, or other nongovernmental entity that operates detention facilities for financial gain, including subcontractors.

**(e) Rule of Construction.—**

Nothing in this section shall be construed to require the construction of new detention facilities or to limit the authority of the Secretary of Homeland Security to use alternatives to detention.