

119TH CONGRESS
2D SESSION

H. R. 10259

To require the Secretary of Homeland Security to take certain actions before constructing a facility for purposes of detaining any person under the immigration laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2026

Ms. ESCOBAR introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Homeland Security to take certain actions before constructing a facility for purposes of detaining any person under the immigration laws, 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 “DHS Community Con-
5 sultation Act of 2026”.

1 **SEC. 2. REQUIREMENTS FOR CONSTRUCTING IMMIGRA-**
2 **TION DETENTION FACILITIES.**

3 (a) IN GENERAL.—Before beginning construction or
4 entering into any contract, including for purchase or lease
5 of an existing facility, for such construction on any facility
6 for purposes of detaining any person under the immigra-
7 tion laws (as such term is defined in section 101(a) of
8 the Immigration and Nationality Act (8 U.S.C. 1101)),
9 the Secretary of Homeland Security shall—

10 (1) consult with—

11 (A) local government and elected officials;

12 (B) stakeholders, including—

13 (i) representatives from any local util-
14 ity companies;

15 (ii) community leaders;

16 (iii) business leaders; and

17 (iv) advocates;

18 (C) community members;

19 (D) local public health authorities; and

20 (E) emergency response services;

21 (2) determine any impacts such facility may
22 have on—

23 (A) healthcare services;

24 (B) emergency services;

25 (C) community health;

1 (D) local water and wastewater infrastruc-
2 ture, including impacts on water pressure and
3 supply;

4 (E) local electric power grids; and

5 (F) roads;

6 (3) hold a public meeting about such construc-
7 tion to provide community members with an oppor-
8 tunity to meet with representatives from the Depart-
9 ment of Homeland Security, U.S. Customs and Bor-
10 der Protection, and U.S. Immigration and Customs
11 Enforcement;

12 (4) establish a 60-day period for public com-
13 ment and review; and

14 (5) respond to any such comments received dur-
15 ing such period.

16 (b) LOCAL GOVERNMENT.—If a local government of
17 a municipality issues an ordinance, proclamation, morato-
18 rium, or any other official declaration prohibiting the con-
19 struction of any facility for purposes of detaining any per-
20 son under the immigration laws, the Secretary of Home-
21 land Security may not construct such a facility in such
22 municipality.

23 (c) CONTAGIOUS DISEASE PROTOCOLS.—The Sec-
24 retary of Homeland Security shall coordinate with local
25 public health authorities to establish, in the event of a con-

1 tagious disease outbreak within a facility detaining any
2 person under the immigration laws, protocols for—

3 (1) treatment;

4 (2) care;

5 (3) containment;

6 (4) prevention of further contagion; and

7 (5) notifying the local community.

8 **SEC. 3. PROHIBITIONS ON CONSTRUCTING IMMIGRATION**
9 **DETENTION FACILITIES.**

10 (a) **EXISTING STRUCTURES.**—The Secretary of
11 Homeland Security may not retrofit, renovate, or recon-
12 struct an existing structure for purposes of detaining any
13 person under the immigration laws (as such term is de-
14 fined in section 101(a) of the Immigration and Nationality
15 Act (8 U.S.C. 1101)) if such existing structure was not
16 intended to house people, including a storage facility,
17 warehouse, or commercial space.

18 (b) **MILITARY INSTALLATIONS.**—The Secretary of
19 Homeland Security may not construct or operate any facil-
20 ity for purposes of detaining any person under the immi-
21 gration laws on a United States military installation (as
22 defined in section 2801 of title 10, United States Code).

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