

119TH CONGRESS
1ST SESSION

S. _____

To restore limited, free telephone service for detainees to facilitate consultations with legal counsel and to maintain ties with their families, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MURPHY (for himself, Mr. DURBIN, Mrs. MURRAY, Ms. ALSOBROOKS, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. HIRONO, Mr. KIM, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Ms. ROSEN, Mr. SANDERS, Mr. SCHIFF, Mr. VAN HOLLEN, Ms. WARREN, Mr. WELCH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restore limited, free telephone service for detainees to facilitate consultations with legal counsel and to maintain ties with their families, 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 “Restoring Access for
5 Detainees Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) individuals in civil immigration detention re-
2 quire access to counsel to address their legal needs
3 and their ability to maintain ties with family and
4 loved ones;

5 (2) while existing communication options in de-
6 tention are helpful, they do not adequately address
7 the needs of detainees, including detainees who are
8 indigent or seeking legal representation;

9 (3) in April 2020, the Trump administration in-
10 stituted a program in which detained individuals
11 were provided up to 520 free minutes of telephone
12 service per month to maintain contact with families
13 and legal representatives during the COVID–19 pub-
14 lic health emergency, but that program was halted
15 during 2024 due to a lack of funding;

16 (4) since U.S. Immigration and Customs En-
17 forcement received additional funding under section
18 100052 of Public Law 119–21 (commonly referred
19 to as the “One Big Beautiful Bill Act”), a portion
20 of such funding should be reserved for restoring the
21 free telephone service program for detainees to more
22 conveniently maintain contact with families and legal
23 representatives.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) COMMUNICATION.—The term “communica-
2 tion” means the exchange of information through a
3 phone call, email, video, or any other form of elec-
4 tronic communication.

5 (2) CUSTODY.—The term “custody” means,
6 with respect to an alien, that the alien is not free
7 to leave, regardless of whether the detaining agency
8 is a Federal, State, or local official or any contrac-
9 tors or subcontractors of any Federal agency, includ-
10 ing the United States military, and includes legal or
11 physical custody.

12 **SEC. 4. RESTORATION OF FREE TELEPHONE SERVICE PRO-**
13 **GRAM FOR DETAINEES AND OTHER COMMU-**
14 **NICATION REQUIREMENTS.**

15 (a) IN GENERAL.—Subject to the protocols estab-
16 lished pursuant to subsection (b) and the restrictions es-
17 tablished pursuant to subsection (c), any alien who is in
18 the custody of the Department of Homeland Security shall
19 be provided, at the expense of the Federal Government—

20 (1) during the first 5 hours of such custody and
21 during the 5-hour period beginning at the time such
22 alien arrives at a new location, at least 1 commu-
23 nication of not less than 10 minutes with an imme-
24 diate family member to notify such family member
25 where the alien is being detained;

1 (2) if the alien is unable to initiate a commu-
2 nication with any immediate family during any 5-
3 hour period referred to in paragraph (1), continued
4 attempts to establish communication with such fam-
5 ily member until the alien is successful;

6 (3) at least 200 free minutes each month for
7 outgoing communication to any person referred to in
8 paragraphs (1) and (2);

9 (4) during the first 5 hours of such custody and
10 during the 5-hour period beginning at the time such
11 alien arrives at a new location, an opportunity to es-
12 tablish private communication with the alien's legal
13 counsel or potential legal counsel or an official at the
14 appropriate consulate;

15 (5) an opportunity to establish private commu-
16 nication with any official investigating detention con-
17 ditions, including an official from the Office of the
18 Immigration Detention Ombudsman, the Office of
19 the Inspector General of the Department of Home-
20 land Security, or the Office for Civil Rights and
21 Civil Liberties; and

22 (6) unlimited free minutes for communication
23 with—

24 (A) any person referred to in paragraphs
25 (4) and (5);

1 (B) the Executive Office for Immigration
2 Review;

3 (C) the Board of Immigration Appeals;

4 (D) the local immigration court;

5 (E) any Federal or State court where the
6 detained individual is or may become involved
7 in a legal proceeding;

8 (F) the United Nations High Commis-
9 sioner for Refugees;

10 (G) any Federal, State or local government
11 office for the purpose of obtaining documents
12 relevant to the alien's immigration case; and

13 (H) the U.S. Immigration and Customs
14 Enforcement Office of Professional Responsi-
15 bility Joint Intake Center.

16 (b) PROTOCOLS.—The Secretary of Homeland Secu-
17 rity shall establish protocols to ensure detained individuals
18 are not prevented (either through dissuasion or retalia-
19 tion) from—

20 (1) accessing to the means of communication
21 described in subsection (a); or

22 (2) making additional calls to other individuals
23 at their own expense.

24 (c) TIME, PLACE, AND MANNER RESTRICTIONS.—

1 (1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), each detention facility is authorized to es-
3 tablish consistent policies regulating the time, place,
4 and manner of outgoing communication authorized
5 under subsection (a).

6 (2) LIMITATIONS.—Detention facilities may
7 not—

8 (A) restrict the number of minutes detain-
9 ees communicate with their legal representa-
10 tives;

11 (B) limit the duration of such communica-
12 tions by rule or automatic cut-off; or

13 (C) include incoming calls towards the
14 total free minutes of communication required
15 under subsection (a)(3).

16 (3) APPLICATION.—The policies established
17 pursuant to paragraph (1) shall be—

18 (A) consistently applied;

19 (B) given to each alien at the time of his
20 or her arrival at a detention facility; and

21 (C) available at each detention facility for
22 examination by the public.

23 (d) CONFIDENTIALITY.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 any communication made pursuant to paragraph
3 (4), (5), or (6) of subsection (a)—

4 (A) may not be monitored or recorded; and
5 (B) shall take place in a space with audi-
6 tory privacy.

7 (2) EXCEPTION.—The limitation under para-
8 graph (1) shall not apply to a circumstance in which
9 a government official has a lawful warrant issued by
10 a court of competent jurisdiction to authorize the
11 monitoring or recording of communication described
12 in such paragraph.

13 **SEC. 5. SAVINGS PROVISION.**

14 Nothing in this Act may be construed to limit or
15 interfere with any settlement agreement in effect on the
16 date of the enactment of this Act.