

# **UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

## **U.S. Immigration and Customs Enforcement Advisory Committee on Family Residential Centers Bylaws**

### **ARTICLE I      AUTHORITY**

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC) is established under the authority of Title 6, United States Code, section 451. The ACFRC is subject to the Federal Advisory Committee Act (FACA), Title 5, United States Code, Appendix, as outlined in its Charter, filed with Congress on July 24, 2015.

### **ARTICLE II      PURPOSE**

The ACFRC provides advice and recommendations to the Secretary of the Department of Homeland Security (DHS) through the Assistant Secretary for ICE on matters concerning ICE's family residential centers as it relates to primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform.

### **ARTICLE III      MEMBERSHIP AND MEMBER RESPONSIBILITIES**

- Section 1.      **Composition.** The ACFRC shall consist of up to 15 members. The Committee shall consist of up to 10 members from the following fields, with at least one representative from each: primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform. To the extent possible, each of the interests listed will be represented on the Committee. There will also be other such individuals as the Secretary of DHS deems appropriate.
- Section 2.      **Appointment.** Members are appointed by and serve at the pleasure of the Secretary of DHS. Members are appointed to represent their respective academic institution or organization and are not Special Government Employees (SGEs) as defined in Title 18, United States Code, section 202(a).
- Section 3.      **Terms of Office.** Members will serve terms of office of up to three years, with approximately one-third of the membership terms expiring each year. A member appointed to fill an unexpired term will serve the remainder of

that term. In the event the Committee terminates, all appointments to the Committee terminate.

**Section 4. Members Responsibilities.** Membership of the ACFRC is constructed to balance as many viewpoints as possible, and member attendance and participation at meetings is vital. Members are expected to personally attend and participate at committee meetings. The Assistant Secretary of ICE shall recommend to the Secretary of DHS that any member who is unable to fulfill the responsibility be replaced on the Committee.

**Section 5. Restriction on Member Activities.** Members are expected to abide by the basic principles of ethical conduct.

- a. Members may not use their access to the Federal Government as a member of this Committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies or institutions. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- b. The Committee as a whole may advise the agency on legislation or recommend legislative action. In their capacities as members of the ACFRC, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.
- c. Members of the ACFRC are advisors to the agency and have no authority to speak for the Committee, ICE, or for DHS outside the Committee structure.
- d. Members may not testify before Congress in their capacity as a member of the ACFRC. If requested to testify before Congress, members
  1. Cannot represent or speak for the Committee, ICE, DHS, any agency, or the Administration in their testimony;
  2. Cannot provide information or comment on Committee recommendations that are not yet publicly available;
  3. May state they are a member of the Committee; and,
  4. May speak to their personal observations as to their service on the Committee.
- e. If speaking outside the Committee structure at other forums or meetings, the restrictions in section d. also apply.

## **ARTICLE IV      OFFICIALS**

**Section 1.** The Assistant Secretary of ICE shall appoint one of the members of the Committee as the Chair and one of the members as Vice Chair. The Chair

and Vice Chair should preside over and officiate the meeting in accordance with these bylaws.

**Section 2. Designated Federal Officer.** The DFO or Alternate DFO is appointed by the Assistant Secretary of ICE and shall serve as the Department's agent for all matters related to the ACFRC. In accordance with the provisions of the FACA, the DFO must:

- a. Approve or call meetings of the Committee and its subcommittees;
- b. Call meetings to order;
- c. Prepare and approve agendas for Committee and subcommittee meetings;
- d. Attend all meetings;
- e. Adjourn meetings when he or she determines it to be in the public interest; and,
- f. Chair any meeting of the Committee when directed to do so by the Assistant Secretary of ICE.

In addition, the DFO is responsible for assuring administrative support functions are performed, including the following:

- a. Notifying members of the time and place of each meeting;
- b. Tracking all recommendations of the Committee;
- c. Maintaining the record of member attendance;
- d. Preparing the minutes of meetings of the Committee's deliberations, including subcommittee and working group activities;
- e. Attending to official correspondence;
- f. Maintaining official records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups;
- g. Reviewing and updating information on Committee activities in the FACA Database on a monthly basis;
- h. Acting as the Committee's agent to collect, validate, and pay all vouchers for pre-approved expenditures; and
- i. Preparing and handling all reports, including the annual report as required by FACA.

## **ARTICLE V        MEETING PROCEDURES**

**Section 1. Meeting Schedule and Call of Meetings.** The ACFRC is expected to meet approximately twice per fiscal year. Members may be reimbursed for travel and per diem. All travel for Committee business must be approved in advance by the DFO. The DFO calls or approves the call of Committee, subcommittee, and working group meetings.

- Section 2. Agenda. The DFO sets the agenda with consultation of both the Chair and the Vice Chair. The DFO approves the agenda for all Committee and subcommittee meetings, distributes agenda to members prior to the meeting, and publishes the agenda in the Federal Register at least 15 days prior to the ACFRC meeting.
- Section 3. Quorum. A quorum of the ACFRC is 9 members. A quorum is required to vote on issues being addressed during public ACFRC meetings. The DFO or Alternate DFO will determine if a quorum exists prior to each meeting. If a quorum does not exist, the meeting may continue, but no action may be taken by the members present.
- Section 4. Voting Procedures. Draft reports and recommendations will be available to the members one week before the public meeting in which they will be reviewed and discussed. This information will also be made available to the public at the same time and posted to [www.ice.gov/acfrc](http://www.ice.gov/acfrc). The Chair will put forth the issues for a vote on the floor. Votes will be taken by voice vote or, if necessary, by roll call vote. Those in favor of the motion should say "aye," and those opposed should say "no." A majority of affirmative votes is required to approve a motion, and the results of the vote will be recorded in the minutes. Recommendations are formally submitted to ICE and the Department for review and response.
- Section 5. Minutes. The DFO or Alternate DFO will prepare the summary minutes of each meeting and distribute copies to each member for review and edits. The DFO will ensure that the Chair and Vice Chair certify the minutes within 90 calendar days of the meeting to which they relate. Minutes of open meetings will be posted on [www.ice.gov/acfrc](http://www.ice.gov/acfrc) once certified. If applicable, minutes of closed meetings will also be available upon request subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act.

The minutes will include a record of:

- a. The time, date, and place of the meeting;
- b. A list of all attendees, including members, staff, and the public;
- c. An accurate description of each matter discussed and the resolution, if any, made by the Committee;
- d. Copies of reports or other documents received, issued, or approved by the Committee; and,
- e. An accurate description of public participation, including oral and written statements provided.

**Section 6. Open Meetings.** Unless otherwise determined in advance, all meetings of the ACFRC shall be open and announced to the public in a notice published in the Federal Register at least 15 calendar days before the meeting. Members of the public may attend any meeting or any portion of a meeting that is not closed to the public. Members of the public may, at the determination of the Chair, offer oral comments at such meetings. Meetings will include a period for oral comments unless it is clearly inappropriate to do so. Written statements may be submitted to the ACFRC at any time. All materials provided to the Committee shall be made available to the public when they are provided to the members. Such materials, including any submissions by members of the public, will be part of the meeting record.

**Section 7. Closed Meetings.** An ACFRC meeting, or part of an ACFRC meeting, may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the component head issues a written determination that there is justification for closure under the provisions of subsection (c) of 5 United States Code, 552b, the Government in the Sunshine Act. Where the DFO has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the Government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act, will be published in the Federal Register. The notice may announce the closing of all or part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the DFO or Chair will order such discussion to cease and will schedule it for a future meeting of the Committee that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and a notice published in the Federal Register at least 15 calendar days in advance. Closed meetings can only be attended by the DFO, Committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

## **ARTICLE VI EXPENSES AND REIMBURSEMENTS**

ICE Enforcement and Removal Operations (ERO) is responsible for providing financial support to the ACFRC. All expenses for each meeting are approved in advance of the meeting by the DFO. ACFRC members may be reimbursed for travel and per diem.

## **ARTICLE VII ADMINISTRATION**

ICE ERO is responsible for providing administrative support to the ACFRC. The DFO or Alternate DFO is responsible for assuring administrative support functions are performed.

## **ARTICLE VIII SUBCOMMITTEES**

The Chair and Vice Chair may establish subcommittees for any purpose consistent with the charter in consultation with the DFO. The DFO approves the establishment of all subcommittees and will establish a statement of work (SOW) for the subcommittee. Such subcommittee may not work independently of the chartered Committee and must present their work to the ACFRC for full deliberation and discussion. The Chair of the subcommittee must be a member of the parent advisory committee and, to the extent practical, some of the members of the subcommittee should be members of the parent advisory committee. Industry subject matter experts are recommended by both ACFRC members and Government participants of the subcommittee. The DFO makes the final selection and sends the invitation to the selected subject matter experts. A proper balance of industry representation that is relevant to a subcommittee's work is considered. Subcommittee members may not be registered lobbyists and must comply with the requirements in Article III, Section 4 of these bylaws.

## **ARTICLE IX RECORDKEEPING**

ICE and the DFO maintain all records of the ACFRC in accordance with General Records Schedule 6.2. Information provided to the Committee will be made available to the public for inspection and copying in accordance with the Freedom of Information Act (Title 5, United States Code, section 552). The DFO or Alternate DFO is responsible for all public records associated with the ACFRC being placed on the ACFRC website. All ACFRC records are permanent records, as provided for in General Records Schedule 6.2.

## **ARTICLE X RECOMMENDATIONS AND REPORTING**

Section 1. The ACFRC shall review and discuss all reports, information, and work from ICE, DHS, or from ACFRC subcommittees in meetings open to the public unless the meeting is closed in accordance with Article V. Section 7 of these bylaws. Votes on recommendations shall be conducted as provided in Article V. Section 4. Reports or recommendations approved by the ACFRC are forwarded to the Assistant Secretary of ICE and the Secretary of DHS.

The DFO and Alternate DFO will track the recommendations and have the field experts periodically report to the ACFRC on the disposition of their findings and implementation.

- Section 2. The ACFRC shall submit an annual report through ICE, to the Senate Finance Committee and the Committee on Ways and Means of the House of Representatives that shall
- a. Describe the operations of the Advisory Committee during the preceding year, and
  - b. Set forth any recommendations of the Advisory Committee regarding operations of ICE.

ICE will provide eight copies of the annual reports to the Committee Management Office for purposes of filing with the Library of Congress.

## **ARTICLE XI BYLAWS APPROVAL AND AMENDMENTS**

The DFO may amend these bylaws at any time, and the amendments shall become effectively immediately upon approval.



---

John Amaya  
Designated Federal Officer

Date Approved: 12/7/2015