

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9271

To authorize sitting Governors to conduct health and safety oversight inspections of immigration detention facilities located within their states, and to establish a reporting mechanism to Congress on conditions found therein.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2026

Mr. ESPAILLAT (for himself and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

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## A BILL

To authorize sitting Governors to conduct health and safety oversight inspections of immigration detention facilities located within their states, and to establish a reporting mechanism to Congress on conditions found therein.

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 “Governors’ Right to  
5 Inspect Act of 2026”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds as follows:

3 (1) The United States detains over 70,000 indi-  
4 viduals in immigration detention facilities at any  
5 given time—the highest number in at least two dec-  
6 ades—in facilities operated both directly by U.S. Im-  
7 migration and Customs Enforcement (ICE) and by  
8 private contractors under Federal contract.

9 (2) Nearly 50 individuals have died in ICE cus-  
10 tody since the start of 2025, the highest death toll  
11 in at least twenty years, raising urgent concerns  
12 about the adequacy of medical care and conditions  
13 of confinement across the Federal detention system.

14 (3) Credible reports from detainees, attorneys,  
15 and elected officials at Delaney Hall detention center  
16 in Newark, New Jersey—a privately operated,  
17 1,000-bed facility run by GEO Group under Federal  
18 contract—have documented overcrowding, spoiled  
19 food, lack of medical access, and inadequate sanita-  
20 tion, resulting in a hunger and labor strike by ap-  
21 proximately 300 detainees in May 2026.

22 (4) New Jersey Governor Mikie Sherrill, exer-  
23 cising her responsibility as the chief executive of the  
24 State of New Jersey to protect the health and wel-  
25 fare of individuals within her state’s borders, sought  
26 to conduct an in-person oversight visit of Delaney

1 Hall on May 25, 2026, and was denied entry. The  
2 Governor stated that the denial of access itself was  
3 evidence of serious concern about conditions inside  
4 the facility.

5 (5) Governors, as the chief executives of the  
6 states in which detention facilities are sited, bear di-  
7 rect public health responsibilities for their residents  
8 and have a constitutional and civic interest in ensur-  
9 ing that facilities within their states meet basic  
10 health and safety standards.

11 (6) Governors are uniquely well-positioned to  
12 conduct independent, on-the-ground health and safe-  
13 ty oversight and to communicate findings directly to  
14 Congress, supplementing—and where necessary,  
15 compensating for gaps in—existing Federal inspec-  
16 tion programs.

17 (b) PURPOSE.—The purpose of this Act is solely to  
18 authorize health and safety oversight—not to grant Gov-  
19 ernors any authority to interfere with Federal immigration  
20 enforcement operations, detainee custody determinations,  
21 or removal proceedings.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) The term “authorized oversight official”  
25 means—

1 (A) the Governor of any State in which a  
2 covered facility is located; or

3 (B) any State public health or safety offi-  
4 cial designated in writing by a Governor solely  
5 for purposes of conducting inspections under  
6 this Act.

7 (2) The term “covered facility” means any fa-  
8 cility located within the United States that is used  
9 for the detention of individuals in the custody of the  
10 Secretary, including—

11 (A) facilities owned or operated directly by  
12 ICE;

13 (B) facilities owned or operated by a pri-  
14 vate entity pursuant to a contract with the Sec-  
15 retary; and

16 (C) any detention facility of a State or unit  
17 of local government pursuant to an intergovern-  
18 mental service agreement with the Secretary.

19 (3) The term “health and safety inspection”  
20 means a visit to a covered facility for the purpose of  
21 observing and documenting physical conditions at  
22 the covered facility as such conditions relate to the  
23 health, safety, and humane treatment of detained in-  
24 dividuals, including sanitation, medical care access,

1 food quality, water access, sleeping conditions, tem-  
2 perature, ventilation, and emergency safety systems.

3 (4) The term “ICE” means U.S. Immigration  
4 and Customs Enforcement.

5 (5) The term “Secretary” means the Secretary  
6 of Homeland Security.

7 **SEC. 4. RIGHT OF ACCESS FOR HEALTH AND SAFETY OVER-**  
8 **SIGHT.**

9 (a) **GENERAL AUTHORIZATION.**—Notwithstanding  
10 any other provision of law or policy, no funds appropriated  
11 or otherwise made available to the Secretary may be used  
12 to prevent an authorized oversight official from entering  
13 a covered facility for the purpose of conducting a health  
14 and safety inspection.

15 (b) **SCOPE OF ACCESS.**—An authorized oversight offi-  
16 cial conducting a health and safety inspection shall have  
17 the right to—

18 (1) access all areas of the covered facility where  
19 detainees are housed, fed, provided medical care, or  
20 otherwise held;

21 (2) speak privately with detainees, on a vol-  
22 untary basis, regarding health and safety conditions;

23 (3) review health and safety records of detain-  
24 ees, including food preparation logs, medical treat-  
25 ment records (in aggregate and consistent with ap-

1 plicable privacy laws), and facility maintenance  
2 records; and

3 (4) document physical conditions at the covered  
4 facility through written notes and photography, sub-  
5 ject to reasonable security protocols established by  
6 the Secretary pursuant to section 6.

7 (c) NO INTERFERENCE WITH ENFORCEMENT OPER-  
8 ATIONS.—Nothing in this Act may be construed to author-  
9 ize any authorized oversight official to—

10 (1) direct, halt, delay, or otherwise interfere  
11 with any ICE enforcement action, custody deter-  
12 mination, removal proceeding, or transfer of detain-  
13 ees;

14 (2) release or order the release of any detained  
15 individual;

16 (3) direct Federal employees or contractors in  
17 the performance of their duties;

18 (4) access classified law enforcement informa-  
19 tion or sensitive law enforcement information unre-  
20 lated to health and safety conditions; or

21 (5) engage in access for any purpose other than  
22 civilian health and safety oversight.

1 **SEC. 5. NOTICE REQUIREMENTS.**

2 (a) GOVERNOR ACCESS.—The Governor of a State  
3 may conduct a health and safety inspection without prior  
4 notice.

5 (b) DESIGNATED STATE OFFICIALS.—An authorized  
6 oversight official shall provide advance notice to the Sec-  
7 retary not less than 24 hours before conducting a health  
8 and safety inspection. Notice shall be provided in writing  
9 to both the facility operator and to the ICE Field Office  
10 Director with jurisdiction over the facility.

11 **SEC. 6. FACILITY OBLIGATIONS AND SECURITY PROTO-**  
12 **COLS.**

13 (a) DUTY TO COOPERATE.—The operator of a cov-  
14 ered facility shall cooperate with a health and safety in-  
15 spection.

16 (b) REASONABLE SECURITY PROTOCOLS.—Not later  
17 than 90 days after enactment of this Act, the Secretary  
18 shall by rule establish reasonable security protocols gov-  
19 erning health and safety inspections, which may include—

20 (1) prohibition on weapons within the facility;

21 (2) escort of authorized oversight officials by  
22 facility staff;

23 (3) restrictions on photography in areas posing  
24 genuine security risks, provided such restrictions are  
25 narrowly tailored and do not prevent documentation  
26 of health and safety conditions; and

1           (4) prohibition on disclosure of information that  
2           could compromise the identity or safety of under-  
3           cover personnel.

4 Security protocols shall not be designed or applied in a  
5 manner that effectively prevents or significantly impairs  
6 the conduct of a health and safety inspection.

7 **SEC. 7. REPORTING TO CONGRESS.**

8           (a) **OPTIONAL REPORTS BY GOVERNORS.**—Following  
9 any health and safety inspection of a covered facility in  
10 a State, the Governor of that State may submit a written  
11 report to—

12           (1) the Committee on the Judiciary of the Sen-  
13           ate;

14           (2) the Committee on Homeland Security and  
15           Governmental Affairs of the Senate;

16           (3) Committee on Appropriations of the Senate;

17           (4) Committee on the Judiciary of the House of  
18           Representatives;

19           (5) Committee on Homeland Security of the  
20           House of Representatives;

21           (6) Committee on Appropriations of the House  
22           of Representatives; or

23           (7) any Member of Congress representing the  
24           district or State in which the facility is located.

1 (b) CONTENTS OF REPORT.—A report submitted  
2 under this section may include—

3 (1) the name, location, and operator of the cov-  
4 ered facility inspected;

5 (2) the date and duration of the health and  
6 safety inspection;

7 (3) observations regarding health and safety  
8 conditions, including any deficiencies observed;

9 (4) recommendations for corrective action; and

10 (5) any response or explanation provided by fa-  
11 cility operators during or after the inspection.

12 (c) DHS RESPONSE.—Upon receipt of any report  
13 submitted under this section, the relevant congressional  
14 committees may transmit the report to the Secretary of  
15 Homeland Security. The Secretary shall have 60 days to  
16 provide a written response addressing any deficiencies  
17 identified in the report and any corrective actions taken  
18 or planned.

19 (d) PUBLIC AVAILABILITY.—Reports submitted  
20 under this section, and any response of the Secretary  
21 thereto, shall be made publicly available on the website  
22 of the Secretary, subject to redaction of any information  
23 that would compromise facility security or individual pri-  
24 vacy.

1 **SEC. 8. ENFORCEMENT AND REMEDIES.**

2 (a) CIVIL ACTION.—An authorized oversight official  
3 who is denied access to a covered facility in violation of  
4 this Act may bring a civil action in the U.S. district court  
5 for the district in which the facility is located for—

6 (1) declaratory relief affirming the right of ac-  
7 cess;

8 (2) injunctive relief ordering access to the facil-  
9 ity; or

10 (3) such other relief as the court deems appro-  
11 priate.

12 (b) NO PRIVATE RIGHT OF ACTION FOR DETAIN-  
13 EES.—Nothing in this Act creates a private right of action  
14 for any detained individual.

15 **SEC. 9. RELATIONSHIP TO EXISTING LAW.**

16 (a) SUPPLEMENTAL AUTHORITY.—The access grant-  
17 ed to authorized oversight officials under this Act is sup-  
18 plemental to, and does not limit, any rights existing  
19 under—

20 (1) any State law providing health and safety  
21 inspection authority over private detention facilities;  
22 or

23 (2) any existing intergovernmental agreement  
24 between a State or locality and the Secretary.

25 (b) FEDERAL SUPREMACY.—Nothing in this Act may  
26 be construed to permit a Governor or their designee to

1 enforce State law within a covered facility in a manner  
2 that conflicts with Federal law or that interferes with Fed-  
3 eral immigration enforcement operations.

4 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

5       There are authorized to be appropriated to the Sec-  
6 retary such sums as may be necessary to implement the  
7 requirements of this Act, including the establishment of  
8 security protocols under section 6 and the maintenance of  
9 a public reporting portal under section 7(d).

10 **SEC. 11. EFFECTIVE DATE.**

11       This Act shall take effect on the date this is 180 days  
12 after the date of enactment.

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