

119TH CONGRESS
1ST SESSION

S. 3197

To amend title 18, United States Code, to establish a rebuttable presumption that a defendant who is not a United States citizen or lawful permanent resident poses a danger to the community and a serious risk of flight, for purposes of determining whether to release or detain the defendant pending trial.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2025

Mr. LEE (for himself, Mr. GRAHAM, Mr. CORNYN, Mr. CRUZ, Mr. HAWLEY, Mr. TILLIS, Mrs. BLACKBURN, Mrs. MOODY, Mr. RICKETTS, Mr. BANKS, Mr. MCCORMICK, and Mrs. BRITT) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to establish a rebuttable presumption that a defendant who is not a United States citizen or lawful permanent resident poses a danger to the community and a serious risk of flight, for purposes of determining whether to release or detain the defendant pending trial.

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 “Flight Risk Reduction
5 Act”.

1 **SEC. 2. RELEASE OR DETENTION OF A DEFENDANT PEND-**
 2 **ING TRIAL.**

3 (a) BASIS FOR DETENTION HEARING.—Section
 4 3142(f)(1) of title 18, United States Code, is amended—

5 (1) by redesignating subparagraphs (A) through
 6 (E) as clauses (i) through (v), respectively; and ad-
 7 justing the margins accordingly;

8 (2) in clause (iv), as so redesignated, by strik-
 9 ing “subparagraphs (A) through (C) of this para-
 10 graph” each place it appears and inserting “clauses
 11 (i) through (iii) of this subparagraph”;

12 (3) by striking “, in a case that involves—” and
 13 inserting the following: “—

14 “(A) in a case that involves”; and

15 (4) by adding at the end the following:

16 “(B) if such person is not a citizen or law-
 17 ful permanent resident of the United States;
 18 or”.

19 (b) DETENTION.—Section 3142(e) of title 18, United
 20 States Code, is amended—

21 (1) in paragraph (2), by striking “subsection
 22 (f)(1)” each place it appears and inserting “sub-
 23 section (f)(1)(A)”; and

24 (2) by adding at the end the following:

25 “(4)(A) Notwithstanding subsection (d), if the person
 26 is not a citizen or lawful permanent resident of the United

1 States, it shall be presumed that no condition or combina-
2 tion of conditions will reasonably assure the appearance
3 of the person as required and the safety of any other per-
4 son and the community, subject to rebuttal by the person
5 by clear and convincing evidence.

6 “(B) Ties to family or employment in the United
7 States shall not be grounds for rebuttal of the presump-
8 tion under subparagraph (A).”.

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