

119TH CONGRESS
2D SESSION

S. 4786

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.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2026

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Governors’ Right to Inspect Act of 2026”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purpose.
 Sec. 3. Definitions.
 Sec. 4. Right of access for health and safety oversight.
 Sec. 5. Notice.
 Sec. 6. Facility obligations and security protocols.
 Sec. 7. Reports to Congress.
 Sec. 8. Supplemental authority.
 Sec. 9. Authorization of appropriations.
 Sec. 10. Effective date.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) In 2026, the United States detention rate
 4 peaked at the highest in decades, with more than
 5 70,000 people in custody in facilities operated either
 6 directly by U.S. Immigration and Customs Enforce-
 7 ment or by private contractors under a Federal con-
 8 tract.

9 (2) Nearly 50 individuals died in ICE custody
 10 between January 2025 and May 2026, which is the
 11 highest death toll in at least 20 years. This raises
 12 urgent concerns about the adequacy of medical care
 13 and conditions of confinement across the Federal de-
 14 tention system.

15 (3) Credible reports from detainees, attorneys,
 16 and elected officials at Delaney Hall immigration de-
 17 tention center in Newark, New Jersey (a privately
 18 operated, 1,000-bed facility run by the GEO Group
 19 under Federal contract) have documented over-
 20 crowding, spoiled food, lack of medical access, and
 21 inadequate sanitation, conditions that led to a hun-

ger and labor strike by approximately 300 detainees during May 2026.

(4) New Jersey Governor Mikie Sherrill, exercising her responsibility as the chief executive of the State of New Jersey to protect the health and welfare of individuals within State borders, sought to conduct an in-person oversight visit of Delaney Hall on May 25, 2026, and was denied entry. The Governor stated that the denial of access itself was evidence of serious concern about conditions inside the facility.

(5) Governors, as the chief executives of the states in which detention facilities are located, bear direct public health responsibilities for their residents and have a constitutional and civic interest in ensuring that facilities within their states meet basic health and safety standards.

(6) Governors and designated public health officials are uniquely well-positioned—

(A) to conduct independent, on-the-ground health and safety oversight; and

(B) to communicate findings directly to Congress, supplementing and, where necessary, compensating for gaps in, existing Federal inspection programs.

1 (b) PURPOSE.—The sole purpose of this Act is to au-
2 thorize health and safety oversight by designated State of-
3 ficials. Governors and other State officials will not be au-
4 thorized to interfere with Federal immigration enforce-
5 ment operations, detainee custody determinations, or re-
6 moval proceedings.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) AUTHORIZED OVERSIGHT OFFICIAL.—The
10 term “authorized oversight official” means—

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

13 (B) any State public health or safety offi-
14 cial designated—

15 (i) by the Governor of such State sole-
16 ly for purposes of conducting inspections
17 under this Act; or

18 (ii) under applicable State law.

19 (2) COVERED FACILITY.—The term “covered
20 facility” means any facility located within the United
21 States that is used for the detention of individuals
22 in the custody of the Secretary, including—

23 (A) facilities directly owned and operated
24 by ICE;

(B) facilities owned or operated by a private entity pursuant to a contract with the Department of Homeland Security; and

(C) any detention facility of a State or unit of local government pursuant to an intergovernmental service agreement with the Secretary.

(3) HEALTH AND SAFETY INSPECTION.—The term “health and safety inspection” means a visit to a covered facility for the purpose of observing and documenting physical conditions at the covered facility as such conditions relate to the health, safety, and humane treatment of detained individuals, including sanitation, medical care access, food quality, access to clean water, sleeping conditions, temperature, ventilation, and emergency safety systems.

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

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

SEC. 4. RIGHT OF ACCESS FOR HEALTH AND SAFETY OVERSIGHT.

(a) GENERAL AUTHORIZATION.—Notwithstanding any other provision of law or policy, no funds appropriated or otherwise made available to the Secretary may be used to prevent an authorized oversight official from entering

1 a covered facility for the purpose of conducting a health
2 and safety inspection.

3 (b) SCOPE OF ACCESS.—An authorized oversight offi-
4 cial conducting a health and safety inspection shall have
5 the right to—

6 (1) access all areas of the covered facility;

7 (2) interview detainees who agree to, or request
8 to, speak with the official in a private room or area
9 regarding health and safety conditions;

10 (3) review health and safety records of detain-
11 ees, including food preparation logs, medical treat-
12 ment records (in aggregate and consistent with ap-
13 plicable privacy laws), and facility maintenance
14 records; and

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

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

22 (1) direct, halt, delay, or otherwise interfere
23 with any ICE enforcement action, custody deter-
24 mination, removal proceeding, or transfer of detain-
25 ees;

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

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

5 (4) access classified law enforcement informa-
6 tion or sensitive law enforcement information unre-
7 lated to health and safety conditions; or

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

10 **SEC. 5. NOTICE.**

11 An authorized oversight official may conduct a health
12 and safety inspection of a covered facility without prior
13 notice.

14 **SEC. 6. FACILITY OBLIGATIONS AND SECURITY PROTO-**
15 **COLS.**

16 (a) DUTY TO COOPERATE.—The operator of a cov-
17 ered facility shall cooperate with each health and safety
18 inspection.

19 (b) REASONABLE SECURITY PROTOCOLS.—Not later
20 than 90 days after the date of the enactment of this Act,
21 the Secretary shall promulgate a rule establishing reason-
22 able security protocols governing health and safety inspec-
23 tions, which—

24 (1) may include—

25 (A) prohibiting weapons within the facility;

1 (B) facility staff escorting authorized over-
2 sight officials during each health and safety in-
3 spection;

4 (C) restricting photography in areas posing
5 genuine security risks in a manner that is nar-
6 rowly tailored and does not prevent documenta-
7 tion of health and safety conditions; and

8 (D) prohibiting disclosure of information
9 that could compromise the identity or safety of
10 undercover personnel; and

11 (2) may not be designed or applied in a manner
12 that effectively prevents or significantly impairs the
13 conduct of a health and safety inspection.

14 **SEC. 7. REPORTS TO CONGRESS.**

15 (a) OPTIONAL REPORTS BY GOVERNORS.—Following
16 any health and safety inspection of a covered facility in
17 a State, the Governor of that State may submit a written
18 report to—

19 (1) the Committee on the Judiciary of the Sen-
20 ate;

21 (2) the Committee on Homeland Security and
22 Governmental Affairs of the Senate;

23 (3) the Committee on Appropriations of the
24 Senate;

1 (4) the Committee on the Judiciary of the
2 House of Representatives;

3 (5) the Committee on Homeland Security of the
4 House of Representatives;

5 (6) the Committee on Appropriations of the
6 House of Representatives;

7 (7) any Member of Congress representing the
8 district or State in which such facility is located; and

9 (8) the Secretary.

10 (b) CONTENTS OF REPORT.—Any report submitted
11 under this section may include—

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

14 (2) the date and duration of the health and
15 safety inspection;

16 (3) observations regarding health and safety
17 conditions, including any deficiencies observed;

18 (4) recommendations for corrective action; and

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

21 (c) DHS RESPONSE.—Not later than 60 days after
22 receiving a report described in this section, the Secretary
23 shall submit a response to the Governor who submitted
24 the report and all the other recipients of such report
25 that—

1 (1) verifies or corrects the findings of the re-
2 port; and

3 (2) includes a plan for implementing the correc-
4 tive actions recommended in the report.

5 (d) **PUBLIC AVAILABILITY.**—Reports submitted
6 under this section, and any response of the Secretary to
7 such reports, shall be made publicly available on the
8 website of the Secretary, subject to redaction of any infor-
9 mation that would compromise facility security or indi-
10 vidual privacy.

11 **SEC. 8. SUPPLEMENTAL AUTHORITY.**

12 The access granted to authorized oversight officials
13 under this Act is supplemental to, and does not limit, any
14 rights existing under—

15 (1) any State law providing health and safety
16 inspection authority over private detention facilities;
17 or

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

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Sec-
22 retary such sums as may be necessary to implement the
23 requirements of this Act, including—

24 (1) the establishment of security protocols
25 under section 6; and

1 (2) the maintenance of a public reporting portal
2 under section 7(d).

3 **SEC. 10. EFFECTIVE DATE.**

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

○