

115TH CONGRESS
2D SESSION

S. 3084

To require the Secretary of Homeland Security and the Secretary of Health and Human Services to allow Members of Congress to tour detention facilities that house unaccompanied alien children.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2018

Mr. MERKLEY (for himself, Mr. WYDEN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Secretary of Homeland Security and the Secretary of Health and Human Services to allow Members of Congress to tour detention facilities that house unaccompanied alien children.

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 “Congressional Access
5 to Children’s Detention Facilities Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means, as applicable—

3 (A) the Attorney General;

4 (B) the Secretary of Homeland Security;

5 or

6 (C) the Secretary of Health and Human
7 Services.

8 (2) UNACCOMPANIED ALIEN CHILD.—The term
9 “unaccompanied alien child” has the meaning given
10 the term in section 462(g) of the Homeland Security
11 Act of 2002 (6 U.S.C. 279(g)).

12 **SEC. 3. MANDATORY ACCESS TO DETENTION FACILITIES**

13 **HOUSING UNACCOMPANIED ALIEN CHIL-**
14 **DREN.**

15 (a) IN GENERAL.—Subject to subsection (c), the Sec-
16 retary concerned shall allow a Member of Congress to tour
17 any facility in which 1 or more unaccompanied alien chil-
18 dren are housed at a time between 8:00 a.m. and 7:00
19 p.m. on a date requested by the Member of Congress if,
20 not later than 24 hours before midnight on the date re-
21 quested, the Secretary receives written notice from the
22 Member of Congress that includes—

23 (1) the name of the facility; and

24 (2) the date on which the Member of Congress
25 intends to tour the facility.

1 (b) ACCOMPANYING MEMBERS OF THE PRESS.—

2 (1) IN GENERAL.—The Secretary concerned
3 shall allow 1 or more members of the press to ac-
4 company any Member of Congress on a tour of a fa-
5 cility under this section.

6 (2) LIMITATION.—The Secretary concerned
7 shall not be required to allow a member of the press
8 accompanying a Member of Congress under para-
9 graph (1) to enter such facility with a still or video
10 camera.

11 (c) LIMITATION.—The Secretary concerned may limit
12 a tour under subsection (a) to—

13 (1) in the case of a facility that houses fewer
14 than 50 unaccompanied alien children—

15 (A) not more than 5 Members of Congress;

16 and

17 (B) accompanying members of the press
18 under subsection (b); and

19 (2) in the case of a facility that houses not
20 fewer than 50 unaccompanied alien children—

21 (A) not more than 10 Members of Con-
22 gress; and

23 (B) accompanying members of the press
24 under subsection (b).

1 **SEC. 4. RULE OF CONSTRUCTION.**

2 Nothing in this Act shall be construed to supersede
3 or modify applicable—

4 (1) Federal child welfare laws, including the
5 Adoption and Safe Families Act of 1997 (Public
6 Law 105–89); or

7 (2) child welfare laws of any State.

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