

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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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 \_\_\_\_\_

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**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).”.