

118TH CONGRESS
2D SESSION

H. R. 8430

To make certain adjustments pertaining to the Alternatives to Detention program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2024

Mr. DONALDS (for himself, Mr. BIGGS, Mr. PFLUGER, Mr. CLYDE, Mr. OBERNOLTE, Mr. HUNT, Mr. HIGGINS of Louisiana, Mr. MOORE of Alabama, Mr. NEHLS, Mr. GOSAR, Mr. TIMMONS, Mrs. MILLER of Illinois, Ms. BOEBERT, and Ms. MACE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To make certain adjustments pertaining to the Alternatives to Detention program, and for other purposes.

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 “Reshape Alternatives
5 to Detention Act of 2024”.

6 **SEC. 2. TERMINATION OF CERTAIN ALTERNATIVES TO DE-**
7 **TENTION.**

8 (a) IN GENERAL.—Beginning on the date of enact-
9 ment of this Act, the Secretary of Homeland Security shall

1 terminate each of the following programs carried out as
2 part of the Alternatives to Detention program of the Sec-
3 retary:

4 (1) The Case Management Pilot program.

5 (2) The Young Adult Case Management pro-
6 gram.

7 (b) NO SIMILAR PROGRAMS.—In the case of any pro-
8 gram referred to in subsection (a), no substantially similar
9 program may be established or carried out, and no funds
10 may be made available for such a program.

11 **SEC. 3. REPROGRAMMING OF FUNDS.**

12 Any amounts made available in advance in appropria-
13 tions Acts for either program referred to in section 2 shall
14 be made available to the Secretary of Homeland Security
15 to increase the amount of detention beds at immigration
16 detention facilities.

17 **SEC. 4. PLACEMENT IN DETENTION.**

18 The Secretary of Homeland Security shall take such
19 steps as may be necessary to promptly detain each indi-
20 vidual who has been released into the United States as
21 part of a program referred to in section 2(a).

1 **SEC. 5. LIMITATION ON PARTICIPATION IN ALTERNATIVES**
2 **TO DETENTION.**

3 No alien may be released as part of any Alternatives
4 to Detention program unless all detention beds available
5 to the Secretary have been filled.

6 **SEC. 6. CLARIFICATION OF IMMIGRATION AND CUSTOMS**
7 **ENFORCEMENT AUTHORITY OVER CERTAIN**
8 **ALIENS.**

9 Nothing in this or any other Act may be construed
10 to impose any limitation on the authority of U.S. Immi-
11 gration and Customs Enforcement over any alien who is
12 a participant in any program under the Alternatives to
13 Detention program, including with regard to any action
14 of the Office for Civil Rights and Civil Liberties of the
15 Department of Homeland Security.

16 **SEC. 7. GPS TRACKING OF CERTAIN ALIENS.**

17 Every alien on the non-detained docket shall be en-
18 rolled into the Alternatives to Detention program with
19 mandatory GPS monitoring throughout the duration of all
20 applicable immigration proceedings (including any ap-
21 peals) and until removal, if order removed.

22 **SEC. 8. MANDATORY INCLUSION IN THE FAMILY EXPE-**
23 **DITED REMOVAL MANAGEMENT PROGRAM**
24 **OF CERTAIN ALIENS.**

25 In the case of any alien who, as part of a family unit,
26 entered or attempted to enter the United States at any

1 time or place other than as designated by immigration of-
2 ficers, eluded examination or inspection by immigration
3 officers, or attempted to enter or obtained entry to the
4 United States by a false or misleading representation or
5 the concealment of a material fact, that alien and each
6 other alien who is part of that family unit shall participate
7 in the Family Expedited Removal Management program.

8 **SEC. 9. NOTICE OF VIOLATION.**

9 On each occasion that an alien participating in the
10 Alternatives to Detention program violates a condition of
11 such participation and thereby becomes eligible for deten-
12 tion, the Secretary of Homeland Security shall imme-
13 diately publish notice thereof, and shall immediately trans-
14 mit such notice to all relevant law enforcement agencies
15 in the vicinity of the alien's last known whereabouts.

16 **SEC. 10. MOVEMENT TO SANCTUARY JURISDICTION.**

17 In the case of any alien who participates in or is eligi-
18 ble to participate in the Alternatives to Detention pro-
19 gram, if that alien resides or seeks to reside in any State
20 or political subdivision of a State that has in effect a stat-
21 ute, ordinance, policy, or practice that prohibits or re-
22 stricts any government entity or official from—

23 (1) sending, receiving, maintaining, or exchang-
24 ing with any Federal, State, or local government en-
25 tity information regarding the citizenship or immi-

1 gration status (lawful or unlawful) of any individual,
2 or

3 (2) complying with a request lawfully made by
4 the Department of Homeland Security under section
5 236 or 287 of the Immigration and Nationality Act
6 (8 U.S.C. 1226 and 1357) to comply with a detainer
7 for, or notify about the release of, an individual,
8 that alien shall be ineligible to participate in the Alter-
9 natives to Detention program. If any alien participating
10 in the Alternatives to Detention program changes resi-
11 dence to such a State or political subdivision without prior
12 notification to the Secretary of Homeland Security, the
13 Secretary shall immediately detain the alien.

14 **SEC. 11. CHECK-IN REQUIRED FOR PARTICIPANTS IN THE**
15 **ISAP.**

16 (a) IN GENERAL.—Not later than 45 days after the
17 date of enactment of this Act, the Secretary of Homeland
18 Security shall issue a notice in a manner determined ap-
19 propriate by the Secretary to each covered alien to require
20 that each such alien check in with the Secretary not later
21 than 14 days after the issuance of such notice.

22 (b) PENALTY.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, if a covered alien fails to check in
25 with the Secretary of Homeland Security as required

1 under subsection (a), the Secretary shall revoke the
2 bond or parole under section 236(a) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1226(a)), pursu-
4 ant to which the alien was participating in the In-
5 tensive Supervision Appearance Program, rearrest
6 the alien under the original warrant, and detain the
7 alien.

8 (2) REMOVAL PROCEEDINGS.—

9 (A) IN GENERAL.—The immigration court
10 shall advance on the docket and expedite to the
11 greatest possible extent the disposition of the
12 removal proceedings of an alien who is re-
13 arrested and detained under paragraph (1). If
14 the immigration court finds that the alien
15 should be removed, it shall enter an administra-
16 tive order of removal.

17 (B) APPEAL.—Not later than 7 days after
18 the entry of an administrative order of removal
19 under subparagraph (A), an alien may appeal
20 such order to the board of immigration appeals.
21 Not later than 7 days after such an appeal is
22 filed, the board of immigration appeals shall
23 hear the appeal. Not later than 7 days after
24 hearing such an appeal, the board shall issue a
25 decision. If the board issues a final administra-

1 tive order of removal, the alien shall be removed
2 from the United States not later than 7 days
3 after such issuance.

4 (c) REPORT.—Not later than 120 days after the date
5 of enactment of this Act, the Secretary of Homeland Secu-
6 rity shall submit to Congress a report on the numbers and
7 percentages of covered aliens who have checked in with
8 the Secretary as required under subsection (a).

9 **SEC. 12. REQUIREMENT TO SUBMIT BIOMETRIC INFORMA-**
10 **TION.**

11 (a) IN GENERAL.—The Secretary of Homeland Secu-
12 rity shall require an alien arriving in the United States
13 to submit biometric information to the Secretary in order
14 to be eligible to participate in the Alternative to Detention
15 program.

16 (b) INTEROPERABILITY AND INFORMATION MATCH-
17 ING.—The Secretary of Homeland Security shall ensure,
18 to the extent practicable, that any biometric information
19 collected pursuant to subsection (a) is stored in a manner
20 that is interoperable with, and allows matching against,
21 other Federal, State, and local law enforcement databases
22 that store biometric information of known or suspected
23 terrorists or identify visa holders who violate the terms
24 of their visas.

1 **SEC. 13. DEFINITIONS.**

2 In this Act:

3 (1) Except as otherwise provided, the terms
4 used in this Act have the meanings given such terms
5 in section 101(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1101(a)).

7 (2) The term “covered alien” means an alien
8 who is present in the United States and enrolled in
9 the Intensive Supervision Appearance Program on
10 the date of enactment of this Act.

11 (3) The terms “Intensive Supervision Appear-
12 ance Program” and “ISAP” include GPS moni-
13 toring (both ankle worn GPS and wrist worn GPS),
14 telephonic reporting, and home visits.

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