

118TH CONGRESS
2D SESSION

S. 4364

To modify the Alternatives to Detention program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2024

Mr. HAGERTY (for himself, Mr. MARSHALL, Mr. SCOTT of Florida, Mr. DAINES, Mr. CRUZ, Mrs. BLACKBURN, and Mr. VANCE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To modify 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. DEFINITIONS.**

7 In this Act:

8 (1) IN GENERAL.—Any term used in this Act
9 that is used in the Immigration and Nationality Act
10 (8 U.S.C. 1101 et seq.) shall have the meaning given

1 such term in section 101(a) of that Act (8 U.S.C.
2 1101(a)).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Homeland Security.

5 **SEC. 3. TERMINATION OF CERTAIN ALTERNATIVES TO DE-**
6 **TENTION.**

7 (a) IN GENERAL.—Beginning on the date of the en-
8 actment of this Act, the Secretary shall terminate each
9 of the following programs carried out as part of the Alter-
10 natives to Detention program of the Department of Home-
11 land Security:

12 (1) The Case Management Pilot program.

13 (2) The Young Adult Case Management pro-
14 gram.

15 (b) NO SIMILAR PROGRAMS.—In the case of a pro-
16 gram referred to in paragraph (1) or (2) of subsection
17 (a)—

18 (1) no substantially similar program may be es-
19 tablished or carried out; and

20 (2) no funds may be made available for such a
21 program.

22 (c) REPROGRAMMING OF FUNDS.—Any amount made
23 available in advance in an appropriations Act for a pro-
24 gram referred to in paragraph (1) or (2) of subsection (a)
25 shall be made available to the Secretary to increase the

1 number of detention beds at immigration detention faci-
2 ties.

3 (d) PLACEMENT IN DETENTION.—The Secretary
4 shall take such steps as may be necessary to promptly de-
5 tain each individual who has been released into the United
6 States as part of a program referred to in paragraph (1)
7 or (2) of subsection (a).

8 **SEC. 4. LIMITATION ON PARTICIPATION IN ALTERNATIVES**
9 **TO DETENTION.**

10 No alien may be released as part of any program
11 under the Alternatives to Detention program unless all de-
12 tention beds available to the Secretary have been filled.

13 **SEC. 5. CLARIFICATION OF U.S. IMMIGRATION AND CUS-**
14 **TOMS ENFORCEMENT AUTHORITY OVER CER-**
15 **TAIN ALIENS.**

16 Nothing in this Act or any other Act may be con-
17 strued to impose a limitation on the authority of U.S. Im-
18 migration and Customs Enforcement over an alien who
19 is a participant in a program under the Alternatives to
20 Detention program, including with respect to an action of
21 the Office for Civil Rights and Civil Liberties of the De-
22 partment of Homeland Security.

1 **SEC. 6. GPS TRACKING OF CERTAIN ALIENS.**

2 Each alien on the nondetained docket of an immigra-
3 tion court shall be enrolled in the Alternatives to Deten-
4 tion program, with mandatory GPS monitoring—

5 (1) for the duration of all applicable immigra-
6 tion proceedings, including any appeal; and

7 (2) in the case of an alien who is ordered re-
8 moved from the United States, until removal.

9 **SEC. 7. MANDATORY INCLUSION OF CERTAIN ALIENS IN**
10 **THE FAMILY EXPEDITED REMOVAL MANAGE-**
11 **MENT PROGRAM.**

12 (a) IN GENERAL.—An alien described in subsection
13 (b) shall be required to participate in the Family Expe-
14 dited Removal Management program.

15 (b) ALIEN DESCRIBED.—An alien described in this
16 subsection is—

17 (1) an alien who, as a member of a family
18 unit—

19 (A) entered or attempted to enter the
20 United States at any time or place other than
21 as designated by an immigration officer;

22 (B) eluded examination or inspection by an
23 immigration officer; or

24 (C) attempted to enter, or obtained entry
25 to the United States, by a false or misleading

1 representation or the concealment of a material
2 fact; and

3 (2) an alien who is a member of such family
4 unit.

5 **SEC. 8. NOTICE OF VIOLATION.**

6 On each occasion on which an alien participating in
7 the Alternatives to Detention program violates a condition
8 of such participation and, as a result of such violation,
9 becomes eligible for detention, the Secretary shall imme-
10 diately—

11 (1) publish notice of such alien’s eligibility for
12 detention on the website of the Department of
13 Homeland Security; and

14 (2) transmit such notice to all relevant law en-
15 forcement agencies in the vicinity of the alien’s last
16 known whereabouts.

17 **SEC. 9. EFFECT OF RESIDENCE IN, RELOCATION TO, SANC-**
18 **TUARY JURISDICTION.**

19 (a) IN GENERAL.—An alien shall be ineligible to par-
20 ticipate in the Alternatives to Detention program if the
21 alien resides or seeks to reside in a location described in
22 subsection (c).

23 (b) CHANGE OF RESIDENCE.—The Secretary shall
24 immediately detain an alien who, without notifying the

1 Secretary, changes residence to a location described in
2 subsection (c).

3 (c) LOCATION DESCRIBED.—A location described in
4 this subsection is a State or political subdivision of a State
5 that has in effect a law, ordinance, policy, or practice that
6 prohibits or restricts any government entity or official
7 from—

8 (1) sending, receiving, maintaining, or exchanging
9 ing with any Federal, State, or local government en-
10 tity information regarding the citizenship or immi-
11 gration status (lawful or unlawful) of any individual;
12 or

13 (2) complying with a request lawfully made by
14 the Secretary under section 236 or 287 of the Immi-
15 gration and Nationality Act (8 U.S.C. 1226 or
16 1357) to comply with a detainer for, or notify of the
17 release of, an alien.

18 **SEC. 10. CHECK-IN REQUIRED FOR PARTICIPANTS IN IN-**
19 **TENSIVE SUPERVISION APPEARANCE PRO-**
20 **GRAM.**

21 (a) IN GENERAL.—Not later than 45 days after the
22 date of the enactment of this Act, the Secretary shall—

23 (1) require each covered alien—

1 (A) to participate in the Intensive Super-
2 vision Appearance Program, which shall in-
3 clude—

4 (i) GPS monitoring, including through
5 use of ankle-worn GPS and wrist-worn
6 GPS;

7 (ii) telephonic reporting, including re-
8 porting by voice recognition; and

9 (iii) home visits; and

10 (B) to check in with the Secretary not
11 later than 14 days after the issuance of the no-
12 tice required by paragraph (2); and

13 (2) in a manner the Secretary considers appro-
14 priate, issue to each covered alien a notice of such
15 requirements.

16 (b) PENALTY.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, if a covered alien fails to check in
19 with the Secretary as required by subsection (a), the
20 Secretary shall—

21 (A) revoke the bond or parole under sec-
22 tion 236(a) of the Immigration and Nationality
23 Act (8 U.S.C. 1226(a)), pursuant to which the
24 alien was originally released and eligible for

1 participation in the Intensive Supervision Ap-
2 pearance Program;

3 (B) re-arrest the alien under the original
4 warrant; and

5 (C) detain the alien.

6 (2) REMOVAL PROCEEDINGS.—

7 (A) IN GENERAL.—The applicable immi-
8 gration judge shall advance on the docket of the
9 immigration court, and expedite to the greatest
10 extent possible, the disposition of the removal
11 proceedings of an alien who is re-arrested and
12 detained under paragraph (1).

13 (B) REMOVAL ORDER.—If the immigration
14 judge determines that such alien is subject to
15 removal from the United States, the immigra-
16 tion judge shall enter an administrative order of
17 removal.

18 (C) APPEALS.—

19 (i) IN GENERAL.—Not later than 7
20 days after the date on which an immigra-
21 tion judge enters an administrative order
22 of removal under subparagraph (B), an
23 alien may appeal such order to the Board
24 of Immigration Appeals.

1 (ii) HEARING.—Not later than 7 days
2 after an appeal under clause (i) is filed,
3 the Board of Immigration Appeals shall
4 conduct a hearing on the appeal.

5 (iii) DECISION.—Not later than 7
6 days after the date on which a hearing is
7 conducted under clause (ii), the Board of
8 Immigration Appeals shall issue a decision.

9 (iv) REMOVAL.—If the Board of Im-
10 migration Appeals issues a final adminis-
11 trative order of removal, the alien con-
12 cerned shall be removed from the United
13 States not later than 7 days after the date
14 on which such order of removal is issued.

15 (c) REPORT.—Not later than 120 days after the date
16 of the enactment of this Act, the Secretary shall submit
17 to Congress a report on the number and percentage of
18 covered aliens who have checked in with the Secretary as
19 required under subsection (a).

20 (d) COVERED ALIEN DEFINED.—In this section, the
21 term “covered alien” means an alien who is present in the
22 United States and enrolled in the Intensive Supervision
23 Appearance Program on the date of the enactment of this
24 Act.

1 **SEC. 11. REQUIREMENT TO SUBMIT BIOMETRIC INFORMA-**
2 **TION.**

3 (a) IN GENERAL.—The Secretary shall require an
4 alien arriving in the United States to submit biometric in-
5 formation to the Secretary as a condition of eligibility for
6 participation in the Alternatives to Detention program.

7 (b) INTEROPERABILITY AND INFORMATION MATCH-
8 ING.—The Secretary shall ensure, to the extent prac-
9 ticable, that any biometric information collected pursuant
10 to subsection (a) is stored in a manner that is interoper-
11 able with, and allows matching against, other Federal,
12 State, and local law enforcement databases that store bio-
13 metric information of known or suspected terrorists or
14 identify visa holders who violate the terms of their visas.

15 **SEC. 12. RULE OF CONSTRUCTION.**

16 Nothing in this Act may be construed to absolve the
17 Secretary of the duty to detain and remove aliens con-
18 sistent with the Immigration and Nationality Act (8
19 U.S.C. 1101 et seq.).

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