

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**36**

**OFFERED BY MR. DONALDS OF FLORIDA**

At the end of title XVII, add the following:

1     **Subtitle D—Reshape Alternatives**  
2                                     **to Detention**

3     **SEC. 17\_\_\_ . TERMINATION OF CERTAIN ALTERNATIVES TO**  
4                                     **DETENTION.**

5             (a) IN GENERAL.—Beginning on the date of enact-  
6     ment of this section, the Secretary of Homeland Security  
7     shall terminate each of the following programs carried out  
8     as part of the Alternatives to Detention program of the  
9     Secretary:

10                 (1) The Case Management Pilot program.

11                 (2) The Young Adult Case Management pro-  
12     gram.

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

17     **SEC. 17\_\_\_ . REPROGRAMMING OF FUNDS.**

18             Any amounts made available in advance in appropria-  
19     tions Acts for the Case Management Pilot program or the

1 Young Adult Case Management program shall be made  
2 available to the Secretary of Homeland Security to in-  
3 crease the amount of detention beds at immigration deten-  
4 tion facilities.

5 **SEC. 17\_\_\_\_. PLACEMENT IN DETENTION.**

6 The Secretary of Homeland Security shall take such  
7 steps as may be necessary to promptly detain each indi-  
8 vidual who has been released into the United States as  
9 part of the Case Management Pilot program or the Young  
10 Adult Case Management program.

11 **SEC. 17\_\_\_\_. LIMITATION ON PARTICIPATION IN ALTER-**  
12 **NATIVES TO DETENTION.**

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

16 **SEC. 17\_\_\_\_. CLARIFICATION OF IMMIGRATION AND CUS-**  
17 **TOMS ENFORCEMENT AUTHORITY OVER CER-**  
18 **TAIN ALIENS.**

19 Nothing in this section or any other Act may be con-  
20 strued to impose any limitation on the authority of U.S.  
21 Immigration and Customs Enforcement over any alien  
22 who is a participant in any program under the Alter-  
23 natives to Detention program, including with regard to  
24 any action of the Office for Civil Rights and Civil Liberties  
25 of the Department of Homeland Security.

1 **SEC. 17\_\_\_\_. GPS TRACKING OF CERTAIN ALIENS.**

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

7 **SEC. 17\_\_\_\_. MANDATORY INCLUSION IN THE FAMILY EXPE-**  
8 **DITED REMOVAL MANAGEMENT PROGRAM**  
9 **OF CERTAIN ALIENS.**

10 In the case of any alien who, as part of a family unit,  
11 entered or attempted to enter the United States at any  
12 time or place other than as designated by immigration of-  
13 ficers, eluded examination or inspection by immigration  
14 officers, or attempted to enter or obtained entry to the  
15 United States by a false or misleading representation or  
16 the concealment of a material fact, that alien and each  
17 other alien who is part of that family unit shall participate  
18 in the Family Expedited Removal Management program.

19 **SEC. 17\_\_\_\_. NOTICE OF VIOLATION.**

20 On each occasion that an alien participating in the  
21 Alternatives to Detention program violates a condition of  
22 such participation and thereby becomes eligible for deten-  
23 tion, the Secretary of Homeland Security shall imme-  
24 diately publish notice thereof, and shall immediately trans-  
25 mit such notice to all relevant law enforcement agencies  
26 in the vicinity of the alien's last known whereabouts.

1 **SEC. 17\_\_\_\_. MOVEMENT TO SANCTUARY JURISDICTION.**

2 In the case of any alien who participates in or is eligi-  
3 ble to participate in the Alternatives to Detention pro-  
4 gram, if that alien resides or seeks to reside in any State  
5 or political subdivision of a State that has in effect a stat-  
6 ute, ordinance, policy, or practice that prohibits or re-  
7 stricts any government entity or official from—

8 (1) sending, receiving, maintaining, or exchang-  
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 Department of Homeland Security under section  
15 236 or 287 of the Immigration and Nationality Act  
16 (8 U.S.C. 1226 and 1357) to comply with a detainer  
17 for, or notify about the release of, an individual,

18 that alien shall be ineligible to participate in the Alter-  
19 natives to Detention program. If any alien participating  
20 in the Alternatives to Detention program changes resi-  
21 dence to such a State or political subdivision without prior  
22 notification to the Secretary of Homeland Security, the  
23 Secretary shall immediately detain the alien.

1 **SEC. 17\_\_\_\_. CHECK-IN REQUIRED FOR PARTICIPANTS IN**  
2 **THE ISAP.**

3 (a) IN GENERAL.—Not later than 45 days after the  
4 date of enactment of this section, the Secretary of Home-  
5 land Security shall issue a notice in a manner determined  
6 appropriate by the Secretary to each covered alien to re-  
7 quire that each such alien check in with the Secretary not  
8 later than 14 days after the issuance of such notice.

9 (b) PENALTY.—

10 (1) IN GENERAL.—Notwithstanding any other  
11 provision of law, if a covered alien fails to check in  
12 with the Secretary of Homeland Security as required  
13 under subsection (a), the Secretary shall revoke the  
14 bond or parole under section 236(a) of the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1226(a)), pursu-  
16 ant to which the alien was participating in the In-  
17 tensive Supervision Appearance Program, rearrest  
18 the alien under the original warrant, and detain the  
19 alien.

20 (2) REMOVAL PROCEEDINGS.—

21 (A) IN GENERAL.—The immigration court  
22 shall advance on the docket and expedite to the  
23 greatest possible extent the disposition of the  
24 removal proceedings of an alien who is re-  
25 arrested and detained under paragraph (1). If  
26 the immigration court finds that the alien

1           should be removed, it shall enter an administra-  
2           tive order of removal.

3           (B) APPEAL.—Not later than 7 days after  
4           the entry of an administrative order of removal  
5           under subparagraph (A), an alien may appeal  
6           such order to the board of immigration appeals.  
7           Not later than 7 days after such an appeal is  
8           filed, the board of immigration appeals shall  
9           hear the appeal. Not later than 7 days after  
10          hearing such an appeal, the board shall issue a  
11          decision. If the board issues a final administra-  
12          tive order of removal, the alien shall be removed  
13          from the United States not later than 7 days  
14          after such issuance.

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

20   **SEC. 17\_\_\_\_. REQUIREMENT TO SUBMIT BIOMETRIC INFOR-**  
21                                   **MATION.**

22          (a) IN GENERAL.—The Secretary of Homeland Secu-  
23          rity shall require an alien arriving in the United States  
24          to submit biometric information to the Secretary in order

1 to be eligible to participate in the Alternatives to Deten-  
2 tion program.

3 (b) INTEROPERABILITY AND INFORMATION MATCH-  
4 ING.—The Secretary of Homeland Security shall ensure,  
5 to the extent practicable, that any biometric information  
6 collected pursuant to subsection (a) is stored in a manner  
7 that is interoperable with, and allows matching against,  
8 other Federal, State, and local law enforcement databases  
9 that store biometric information of known or suspected  
10 terrorists or identify visa holders who violate the terms  
11 of their visas.

12 **SEC. 17 \_\_\_\_ . DEFINITIONS.**

13 In this section:

14 (1) Except as otherwise provided, the terms  
15 used in this section have the meanings given such  
16 terms in section 101(a) of the Immigration and Na-  
17 tionality Act (8 U.S.C. 1101(a)).

18 (2) The term “covered alien” means an alien  
19 who is present in the United States and enrolled in  
20 the Intensive Supervision Appearance Program on  
21 the date of enactment of this Act.

22 (3) The terms “Intensive Supervision Appear-  
23 ance Program” and “ISAP” include GPS moni-

- 1 toring (both ankle worn GPS and wrist worn GPS),
- 2 telephonic reporting, and home visits.

