

BILL NUMBER:

SPONSOR:

TITLE OF BILL:

The Humane Immigration Enforcement and Agency Restructuring Act.

PURPOSE:

To abolish the U.S. Immigration and Customs Enforcement (ICE) while ensuring that legitimate law-enforcement functions continue under other agencies and establishing a commission to design a humane immigration enforcement system.

BILL LANGUAGE:

SECTION 1. SHORT TITLE.

This Act may be cited as the "**Humane Immigration Enforcement and Agency Restructuring Act.**"

SECTION. 2. ABOLITION OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) The agency known as U.S. Immigration and Customs Enforcement (ICE), within the U.S. Department of Homeland Security, is hereby abolished not later than 180 days after enactment of this Act.

(b) All authorities, programs, personnel, assets, and liabilities of ICE shall be transferred or terminated consistent with this Act.

(c) No successor agency may replicate the enforcement structure, detention model, or interior enforcement practices previously carried out by ICE unless explicitly authorized by Congress.

SECTION. 3. TRANSFER OF PUBLIC SAFETY FUNCTIONS

(a) To ensure continuity of legitimate criminal investigations unrelated to civil immigration enforcement, certain functions of ICE shall be transferred to appropriate federal agencies.

(b) **Transfer of Criminal Investigation Authorities.** The following responsibilities currently carried out by ICE Homeland Security Investigations shall be transferred as follows:

- 1) **Human trafficking and child exploitation.** Transferred to the Federal Bureau of Investigation and the Department of Justice, which shall expand specialized anti-trafficking task forces.

- 2) **Child exploitation and transnational exploitation crimes.**
Transferred to the Federal Bureau of Investigation and coordinated with the National Center for Missing & Exploited Children.
- 3) **Drug smuggling and transnational narcotics trafficking.**
Transferred to the Drug Enforcement Administration, with cross-border investigations coordinated with U.S. Customs and Border Protection.
- 4) **Financial crimes and transnational financial fraud.** Transferred to the Internal Revenue Service Criminal Investigation Division and the Financial Crimes Enforcement Network.
- 5) **Illegal arms exports and trafficking.** Transferred to the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Department of State Directorate of Defense Trade Controls.

(c) Personnel Transfers

- 1) Employees whose duties align with transferred authorities may be offered positions within the receiving agencies.
- 2) Personnel engaged primarily in civil immigration enforcement, detention operations, or deportation activities shall not be automatically transferred into investigative roles without new hiring processes.

SECTION 4. TERMINATION OF CIVIL IMMIGRATION ENFORCEMENT FUNCTIONS.

(a) End of Interior Immigration Enforcement Operations.

- 1) Interior civil immigration enforcement operations previously carried out by ICE shall cease.
- 2) Immigration compliance and case management responsibilities shall be transferred to the U.S. Citizenship and Immigration Services within the Department of Homeland Security.
- 3) Enforcement priorities shall emphasize administrative compliance, legal processing, and community-based case management, not detention or raids.

(b) Termination of Contracts and Immigration Detention Phase-Out.

- 1) Not later than two years after the date of enactment of this Act, the Secretary of Homeland Security shall terminate any contract entered into by the Secretary of Homeland Security on or before the date of enactment of this Act with respect to immigration detention and monitoring programs, including any contract with any entity that owns or operates a program or

facility that provides services related to detention or monitoring.

- 2) Federal immigration detention facilities operated or contracted by ICE shall be phased out over two years.
- 3) Beginning on the date that is two years after the date of the enactment of this Act, no Federal funds may be used with respect to immigration detention and monitoring programs, including any contract with any entity that owns or operates a program or facility that provides services related to detention or monitoring.
- 4) Federal funding shall instead support:
 - a) community-based case management;
 - b) legal representation programs;
 - c) alternatives to detention; and
 - d) refugee and asylum processing capacity.

SECTION 5. Commission on Humane Immigration Enforcement.

(a) Establishment of Commission.

- 1) Congress shall establish the Commission on Humane Immigration Enforcement and Accountability.
- 2) The Commission shall be independent and bipartisan.

(b) Membership.

- 1) The Commission shall consist of 15 members, including:
 - a) immigration law scholars;
 - b) civil rights experts;
 - c) labor and worker protection advocates;
 - d) state and local law enforcement leaders;
 - e) representatives of immigrant communities; and
 - f) survivors of trafficking and exploitation.
- 2) Members shall be appointed by:
 - a) the Speaker of the House;
 - b) the Senate Majority Leader;
 - c) the House Minority Leader;
 - d) the Senate Minority Leader; and
 - e) the President.

(c) Duties.

- 1) The Commission shall develop recommendations for a humane immigration enforcement system that upholds the dignity of individuals.
- 2) The Commission shall examine:

- a) Alternatives to immigration detention;
- b) Community-based compliance programs;
- c) Protection for trafficking survivors and vulnerable migrants;
- d) Due process protections in immigration proceedings;
- e) Labor rights enforcement for migrant workers; and
- f) Oversight and accountability mechanisms.

(d) Report to Congress

- 1) Within 18 months, the Commission shall submit a report to Congress that includes:
 - a) legislative proposals;
 - b) administrative reforms;
 - c) budget restructuring recommendations;
 - d) civil rights protections; and
 - e) standards for humane immigration enforcement.

SECTION 6. Non-criminalization of Migration.

(a) Migration itself shall be treated as an administrative or civil matter, not as a criminal offense, except where otherwise specified by law.

(b) **Repeal of Criminal Penalties for Improper Entry.**

- 1) **Repeal.** Section 275 of the Immigration and Nationality Act (8 U.S.C. Section 1325), relating to improper entry by an alien, is hereby repealed.
- 2) **Conforming Amendment.** The table of sections for chapter 12 of title 8, United States Code, is amended by striking the item relating to section 1325.

(c) **Repeal of Criminal Penalties for Reentry.**

- 1) **Repeal.** Section 276 of the Immigration and Nationality Act (8 U.S.C. Section 1326), relating to reentry of removed aliens, is hereby repealed.
- 2) **Conforming Amendment.** The table of sections for chapter 12 of title 8, United States Code, is amended by striking the item relating to section 1326.

(d) Federal policy shall prioritize:

- 1) due process;
- 2) humanitarian protection;
- 3) worker rights; and
- 4) family unity.

SECTION 7. Oversight and Civil Rights Protections.

(a) The Department of Justice Civil Rights Division shall oversee implementation to ensure:

- 1) Protection from racial profiling;
- 2) Compliance with constitutional due process; and
- 3) Safeguards for vulnerable populations.

SECTION 8. EFFECTIVE DATE.

(a) **Immediate Effect.** Except as otherwise provided in this Act, this Act shall take effect on the date of enactment.

(b) **Abolition of ICE.** The agency known as the U.S. Immigration and Customs Enforcement, within the U.S. Department of Homeland Security, shall be formally abolished 180 days after the date of enactment of this Act.

(c) **Transfer of Authorities.** The transfer of authorities, programs, assets, and personnel described in this Act to receiving agencies—including the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, Internal Revenue Service Criminal Investigation Division, and other designated entities—shall occur within one year following enactment.

(d) **Interim Operations.** During the transition period, ICE may continue limited operations solely for the purpose of:

- 1) maintaining ongoing criminal investigations until transfer;
- 2) transferring personnel, records, and resources to receiving agencies; and
- 3) facilitating the orderly wind-down of immigration detention and enforcement operations.

(e) **Termination of Interior Civil Immigration Enforcement.** Interior civil immigration enforcement operations conducted by ICE shall cease no later than 90 days after enactment.

(f) **Termination of Existing Contracts and Detention Phase-Out.** Immigration detention facilities operated or contracted by ICE shall be phased out over a period not to exceed two years after enactment, unless otherwise authorized by Congress.

SUMMARY OF SPECIFICATION PROVISIONS:

SECTION 1. SHORT TITLE. "Humane Immigration Enforcement and Agency Restructuring Act"

SECTION. 2. ABOLITION OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.
This section abolishes the agency, ICE, within 180 days of enactment.

SECTION. 3. TRANSFER OF PUBLIC SAFETY FUNCTIONS. Provides for the transfer of legitimate criminal investigations duties to existing federal agencies, including human trafficking and child exploitation to the FBI and DOJ; child exploitation and transnational exploitation crimes to the FBI; drug smuggling and transnational narcotics trafficking to the DEA in coordination with U.S. Customs and Border Patrol; financial crimes and transnational financial fraud to the IRS; and illegal arms exports and trafficking to ATF.

Notes that personnel engaged primarily in immigration enforcement, detention operation or deportation activity cannot be automatically transferred into roles without going through new hiring processes.

SECTION 4. TERMINATION OF CIVIL IMMIGRATION ENFORCEMENT FUNCTIONS.

Provides for the immediate cessation of all interior civil immigration enforcement by ICE and transfers immigration compliance and case management responsibilities to U.S.C.I.S.

Provides for the termination of contracts and immigration detention phase out within 2 years of enactment.

Ends federal funding to any immigration detention and monitoring programs and directs funding to community-based case management; legal representation programs; alternatives to detention; and refugee and asylum process capacity.

SECTION 5. Commission on Humane Immigration Enforcement. Establishes the Commission on Humane Immigration Enforcement and Accountability.

SECTION 6. Non-criminalization of Migration. Provides for the repeal of criminal penalties for improper entry and reentry and states that federal policy should instead prioritize due process, humanitarian protections, worker rights, and family unity.

SECTION 7. Oversight and Civil Rights Protections. Provides that DOJ's Civil Rights Division will oversee implementation to ensure protection from racial profiling, compliance with constitutional due process, and safeguards for vulnerable populations.

SECTION 8. EFFECTIVE DATE. Provides the Act's effective date.

Provides for a staggered, three tier timeline, including: (1) immediate enactment of legal authority; (2) a short transition (90-180 days) for agency restructuring; and (3) a longer transition and phase-out (1-2 years) for infrastructure changes.

JUSTIFICATION:

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

TBD

EFFECTIVE DATE:

Staggered, three tier timeline, providing for immediate enactment of legal authority; short transition (90-180 days) for agency restructuring; and longer transition and phase-out (1-2 years) for infrastructure changes.