

118TH CONGRESS
2D SESSION

H. R. 9896

To transfer Homeland Security Investigations from U.S. Immigration and Customs Enforcement, redesignate U.S. Immigration and Customs Enforcement as U.S. Immigration Compliance Enforcement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2024

Mr. ROBERT GARCIA of California introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To transfer Homeland Security Investigations from U.S. Immigration and Customs Enforcement, redesignate U.S. Immigration and Customs Enforcement as U.S. Immigration Compliance Enforcement, 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 “ICE Security Reform
5 Act of 2024”.

1 **SEC. 2. TRANSFER OF HOMELAND SECURITY INVESTIGA-**
2 **TIONS FROM U.S. IMMIGRATION AND CUS-**
3 **TOMS ENFORCEMENT.**

4 (a) **TRANSFER.**—Not later than 2 years after the
5 date of enactment of this Act, the Secretary of Homeland
6 Security shall transfer Homeland Security Investigations
7 from U.S. Immigration and Customs Enforcement to exist
8 as a separate entity within the Department of Homeland
9 Security.

10 (b) **DIRECTOR.**—There shall be at the head of Home-
11 land Security Investigations a Director of Homeland Secu-
12 rity Investigations. The Director shall be appointed by the
13 President, by and with the advice and consent of the Sen-
14 ate.

15 (c) **LEGAL ADVISOR.**—

16 (1) **IN GENERAL.**—There shall be a Chief Coun-
17 sel to the Director of Homeland Security Investiga-
18 tions who shall provide specialized legal advice and
19 any other assistance to the Director with respect to
20 legal matters affecting Homeland Security Investiga-
21 tions.

22 (2) **CLARIFICATION.**—The legal advisor under
23 section 442(c) of the Homeland Security Act of
24 2002 (6 U.S.C. 252(c)) shall retain responsibility for
25 any legal matters that are not under the authority

1 of Homeland Security Investigations pursuant to the
2 transfer under subsection (a).

3 (d) FUNCTIONS.—The functions of Homeland Secu-
4 rity Investigations shall be the same as the functions of
5 such office on the day before the date of enactment of
6 this Act.

7 (e) GUIDELINES.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary of Homeland
9 Security, in consultation with the Attorney General, shall
10 develop, issue, and make publicly available, updated inves-
11 tigative guidelines for the law enforcement activities of
12 Homeland Security Investigations, which shall—

13 (1) be consistent with national policy priorities,
14 departmental priorities, and the domestic and inter-
15 national threat landscape;

16 (2) include policies and reporting requirements
17 related to the use of surveillance technologies; and

18 (3) include policies related to protecting sen-
19 sitive information and ongoing investigations.

20 (f) REVIEW.—Not later than 2 years after the date
21 of enactment of this Act, the Secretary of Homeland Secu-
22 rity and the Attorney General shall conduct a joint review
23 of the investigative guidelines developed pursuant to sub-
24 section (e) and the role of Homeland Security Investiga-
25 tions relative to other Federal law enforcement agencies,

1 and enter into a memorandum of agreement on the role
2 of Homeland Security Investigations to evaluate overlap
3 particularly in the areas of transnational criminal inves-
4 tigation, intellectual property, human trafficking, online
5 child sexual exploitation, narcotics, and financial crime.

6 (g) REPORT.—Not later than 180 days after the date
7 of enactment of this Act, and every 180 days thereafter
8 until the transfer under subsection (a) is complete, the
9 Secretary of Homeland Security shall submit to the Com-
10 mittee on Homeland Security of the House of Representa-
11 tives and the Committee on Homeland Security and Gov-
12 ernmental Affairs of the Senate a report on the progress
13 made with respect to such transfer.

14 **SEC. 3. REDESIGNATION RELATING TO U.S. IMMIGRATION**
15 **COMPLIANCE AND ENFORCEMENT.**

16 (a) IN GENERAL.—The entity referred to on the day
17 before the date of enactment of this Act as U.S. Immigra-
18 tion and Customs Enforcement shall, on and after the
19 date of the transfer under section 2(a), be referred to as
20 U.S. Immigration Compliance Enforcement.

21 (b) DIRECTOR.—There shall be at the head of U.S.
22 Immigration Compliance Enforcement a Director of U.S.
23 Immigration Compliance Enforcement who shall be ap-
24 pointed by the President, by and with the advice and con-
25 sent of the Senate.

1 (c) REFERENCES.—

2 (1) U.S. IMMIGRATION COMPLIANCE ENFORCE-
3 MENT.—Any reference in any other Federal law, Ex-
4 ecutive order, rule, regulation, or delegation of au-
5 thority, or any document of or pertaining to U.S.
6 Immigration and Customs Enforcement is deemed to
7 refer to U.S. Immigration Compliance Enforcement.

8 (2) FUNCTIONS.—Any reference in any Federal
9 law, Executive order, rule, regulation, or delegation
10 of authority, or any document of or pertaining to a
11 department or office from which a function is trans-
12 ferred by this Act—

13 (A) to the head of such department or of-
14 fice is deemed to refer to the head of the de-
15 partment or office to which such function is
16 transferred; or

17 (B) to such department or office is deemed
18 to refer to the department or office to which
19 such function is transferred.

20 **SEC. 4. EXERCISE OF AUTHORITIES.**

21 Except as otherwise provided by law, a Federal offi-
22 cial to whom a function is transferred by this Act may,
23 for purposes of performing the function, exercise all au-
24 thorities under any other provision of law that were avail-
25 able with respect to the performance of that function to

1 the official responsible for the performance of the function
2 immediately before the effective date of the transfer of the
3 function under this Act, including authority granted by
4 another law enforcement agency to Homeland Security In-
5 vestigations in accordance with a formal designation, such
6 as a memorandum of understanding.

7 **SEC. 5. SAVINGS PROVISIONS.**

8 (a) LEGAL DOCUMENTS.—All orders, determinations,
9 rules, regulations, permits, grants, loans, contracts, agree-
10 ments, memoranda of understanding, certificates, licenses,
11 and privileges—

12 (1) that have been issued, made, granted, or al-
13 lowed to become effective by the President, the Sec-
14 retary of Homeland Security, any officer or em-
15 ployee of any office transferred by this Act, or any
16 other Government official, or by a court of com-
17 petent jurisdiction, in the performance of any func-
18 tion that is transferred by this Act, and

19 (2) that are in effect on the effective date of
20 such transfer (or become effective after such date
21 pursuant to their terms as in effect on such effective
22 date),

23 shall continue in effect according to their terms until
24 modified, terminated, superseded, set aside, or revoked in
25 accordance with law by the President, any other author-

1 ized official, a court of competent jurisdiction, operation
2 of law, or cessation of agreement.

3 (b) PROCEEDINGS.—This Act shall not affect any
4 proceedings or any application for any benefits, service,
5 license, permit, certificate, or financial assistance pending
6 on the date of the enactment of this Act before an office
7 transferred by this Act, but such proceedings and applica-
8 tions shall be continued. Orders shall be issued in such
9 proceedings, appeals shall be taken therefrom, and pay-
10 ments shall be made pursuant to such orders, as if this
11 Act had not been enacted, and orders issued in any such
12 proceeding shall continue in effect until modified, termi-
13 nated, superseded, or revoked by a duly authorized official,
14 by a court of competent jurisdiction, or by operation of
15 law. Nothing in this subsection shall be considered to pro-
16 hibit the discontinuance or modification of any such pro-
17 ceeding under the same terms and conditions and to the
18 same extent that such proceeding could have been discon-
19 tinued or modified if this Act had not been enacted.

20 (c) SUITS.—This Act shall not affect suits com-
21 menced before the date of the enactment of this Act, and
22 in all such suits, proceeding shall be had, appeals taken,
23 and judgments rendered in the same manner and with the
24 same effect as if this Act had not been enacted.

1 (d) NONABATEMENT OF ACTIONS.—No suit, action,
2 or other proceeding commenced by or against the Depart-
3 ment of Homeland Security or the Secretary of Homeland
4 Security, or by or against any individual in the official
5 capacity of such individual as an officer or employee of
6 an office transferred by this Act, shall abate by reason
7 of the enactment of this Act.

8 (e) CONTINUANCE OF SUITS.—If any Government of-
9 ficer in the official capacity of such officer is party to a
10 suit with respect to a function of the officer, and under
11 this Act such function is transferred to any other officer
12 or office, then such suit shall be continued with the other
13 officer or the head of such other office, as applicable, sub-
14 stituted or added as a party.

15 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
16 VIEW.—Except as otherwise provided by this Act, any
17 statutory requirements relating to notice, hearings, action
18 upon the record, or administrative or judicial review that
19 apply to any function transferred by this Act shall apply
20 to the exercise of such function by the head of the Federal
21 agency, and other officers of the agency, to which such
22 function is transferred by this Act.

23 **SEC. 6. TRANSFER OF ASSETS.**

24 Except as otherwise provided in this Act, so much
25 of the personnel, property, records, and unexpended bal-

1 ances of appropriations, allocations, and other funds em-
2 ployed, used, held, available, or to be made available in
3 connection with a function transferred to an official or
4 agency by this Act shall be available to the official or the
5 head of that agency, respectively, at such time or times
6 as the Director of the Office of Management and Budget
7 directs for use in connection with the functions trans-
8 ferred.

9 **SEC. 7. DELEGATION AND ASSIGNMENT.**

10 Except as otherwise expressly prohibited by law or
11 otherwise provided in this Act, an official to whom func-
12 tions are transferred under this Act (including the head
13 of any office to which functions are transferred under this
14 Act) may delegate any of the functions so transferred to
15 such officers and employees of the office of the official as
16 the official may designate, and may authorize successive
17 redelegations of such functions as may be necessary or ap-
18 propriate. No delegation of functions under this section
19 or under any other provision of this Act shall relieve the
20 official to whom a function is transferred under this Act
21 of responsibility for the administration of the function.

1 **SEC. 8. AUTHORITY OF DIRECTOR OF THE OFFICE OF MAN-**
2 **AGEMENT AND BUDGET WITH RESPECT TO**
3 **FUNCTIONS TRANSFERRED.**

4 (a) DETERMINATIONS.—If necessary, the Director
5 shall make any determination of the functions that are
6 transferred under this Act.

7 (b) INCIDENTAL TRANSFERS.—The Director, at such
8 time or times as the Director shall provide, may make
9 such determinations as may be necessary with regard to
10 the functions transferred by this Act, and to make such
11 additional incidental dispositions of personnel, assets, li-
12 abilities, grants, contracts, property, records, and unex-
13 pended balances of appropriations, authorizations, alloca-
14 tions, and other funds held, used, arising from, available
15 to, or to be made available in connection with such func-
16 tions, as may be necessary to carry out the provisions of
17 this Act. The Director shall provide for the termination
18 of the affairs of all entities terminated by this Act and
19 for such further measures and dispositions as may be nec-
20 essary to effectuate the purposes of this Act.

21 **SEC. 9. CERTAIN VESTING OF FUNCTIONS CONSIDERED**
22 **TRANSFERS.**

23 For purposes of this Act, the vesting of a function
24 in a department or office pursuant to reestablishment of
25 an office shall be considered to be the transfer of the func-
26 tion.

1 **SEC. 10. AVAILABILITY OF EXISTING FUNDS.**

2 Existing appropriations and funds available for the
3 performance of functions, programs, and activities termi-
4 nated pursuant to this Act shall remain available, for the
5 duration of their period of availability, for necessary ex-
6 penses in connection with the termination and resolution
7 of such functions, programs, and activities.

8 **SEC. 11. DEFINITIONS.**

9 For purposes of this Act—

10 (1) the term “function” includes any duty, obli-
11 gation, power, authority, responsibility, right, privi-
12 lege, activity, or program; and

13 (2) the term “office” includes any office, ad-
14 ministration, agency, bureau, institute, council, unit,
15 organizational entity, or component thereof.

○