

AMENDMENT TO H.R. 2
OFFERED BY MR. ARRINGTON OF TEXAS

Add at the end of division B the following:

1 **TITLE IX—PROTECT COMMU-**
2 **NITIES FROM A POROUS BOR-**
3 **DER**

4 **SEC. 901. NOTIFICATION OF IN-STATE DETENTION, HOUS-**
5 **ING, OR TRANSFER OF NON-ASYLUM APPLI-**
6 **CANT ALIENS.**

7 (a) IN GENERAL.—The Secretary of Homeland Secu-
8 rity shall notify the Governor of a State of the Secretary
9 of Homeland Security’s intent to detain or house an alien
10 in any public or private facility in that State, or transfer
11 financial or other responsibility for an alien to any public
12 or private entity in that State, and provide the certifi-
13 cation required by subsection (b) no fewer than 10 busi-
14 ness days prior to the proposed date of detention, housing,
15 or transfer.

16 (b) REQUIRED CERTIFICATION AND INFORMATION
17 FOR ALIEN FITNESS.—The Secretary of Homeland Secu-
18 rity shall provide the following certification and informa-
19 tion simultaneous to the alien detention, housing, or trans-
20 fer notification required in subsection (a):

1 (1) That appropriate biographic and biometric
2 information, including fingerprints and DNA, has
3 been collected from each alien, and that such bio-
4 graphic and biometric information has been shared
5 with the State government.

6 (2) That each alien's biographic and biometric
7 information has been cross-checked with the Federal
8 Bureau of Investigation's Uniform Crime Database
9 (UCR) and Combined DNA Index System (CODIS),
10 the National Crime Information Center (NCIC), and
11 other appropriate Federal and non-Federal domestic
12 law enforcement and counterterrorism databases,
13 and that such alien was not detected in any of those
14 databases.

15 (3) That each alien's biographic and biometric
16 information has been cross-checked with the Inter-
17 national Criminal Police Organization's INTERPOL
18 database and other appropriate international law en-
19 forcement and counterterrorism databases, and that
20 such alien was not detected in any of those data-
21 bases.

22 (4) Any information pertaining to the alien that
23 was detected during a database check described in
24 this subsection.

1 (c) GENERAL APPLICABILITY TO ALIENS.—The re-
2 quirements of subsections (a) and (b) shall be required
3 for the attempted detention, housing, or transfer of—

4 (1) any alien who is admitted pursuant to the
5 U.S. Refugee Admissions Program or any other
6 Federal refugee relief or resettlement program;

7 (2) any alien who is paroled by any Federal of-
8 ficial into the United States or humanitarian or
9 other reason; and

10 (3) any alien who is deemed by any Federal of-
11 ficial to be an unaccompanied alien child (as such
12 term is defined in section 462 of the Homeland Se-
13 curity Act of 2002 (6 U.S.C. 279)).

14 (d) NO FEDERAL COURT JURISDICTION.—No Fed-
15 eral court shall have jurisdiction to review any of the re-
16 quirements or procedures established either pursuant to
17 this section or pursuant to any regulation promulgated
18 under the authority of this section.

19 **SEC. 2. PROHIBITION ON IN-STATE DETENTION, HOUSING,**
20 **OR TRANSFER OF NON-ASYLUM APPLICANT**
21 **ALIENS.**

22 (a) IN GENERAL.—The Governor of a State shall
23 have plenary and final authority to determine whether to
24 permit the Secretary of Homeland Security to detain or
25 house an alien in any public or private facility in that

1 State, or transfer financial or other responsibility for an
2 alien to any public or private entity in that State.

3 (b) PROHIBITION ON DETENTION, HOUSING, OR
4 TRANSFER.—Upon the notification required by section 3,
5 the Governor of a State may, at the Governor’s discretion
6 and subsequent to consultation with local officials (includ-
7 ing city or county chief executives, city or county law en-
8 forcement agency heads, and city or county council mem-
9 bers), decline the Secretary’s proposal to detain or house
10 an alien in any public or private facility in that State, or
11 transfer financial or other responsibility for an alien to
12 any public or private entity in that State.

13 (c) PARAMETERS OF REGULATIONS GOVERNING IN-
14 STATE DETENTION, HOUSING, AND TRANSFER OF NON-
15 ASYLUM APPLICANT ALIENS.—Regulations pursuant to
16 this section shall not in any way limit or restrict the provi-
17 sions of this section, but shall be limited to the following
18 areas:

19 (1) The format and method of the Secretary’s
20 notification to a Governor regarding the Secretary’s
21 intent to place an alien in any public or private facil-
22 ity in that State.

23 (2) The use of additional Federal, non-Federal,
24 and international law enforcement and counterter-
25 rorism databases for pre-placement alien screening.

1 (d) NO FEDERAL COURT JURISDICTION.—No Fed-
2 eral court shall have jurisdiction to review any decision
3 made by the Governor of a State pursuant to this section.

4 **SEC. 3. NO WAIVER AUTHORITY.**

5 Neither the Secretary of Homeland Security nor any
6 other Federal official shall have the authority to waive any
7 of the requirements established in this title.

