

AMENDMENT TO H.R. 3009
OFFERED BY MR. BRAT OF VIRGINIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Enforce the Law for
3 Sanctuary Cities Act”.

4 SEC. 2. STATE AND LOCAL LAW ENFORCEMENT PROVISION
5 OF INFORMATION ABOUT APPREHENDED
6 ALIENS.

7 (a) PROVISION OF INFORMATION.—In order to be eli-
8 gible to receive funds described in section 5, and in compli-
9 ance with section 642(a) of the Illegal Immigration Re-
10 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
11 1373) and section 434 of the Personal Responsibility and
12 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
13 1644), a State, and a political subdivision of a State, shall
14 provide, in a timely manner, the Secretary of Homeland
15 Security (referred to in this Act as the “Secretary”) with
16 the information specified in subsection (b) with respect to
17 each alien apprehended in the State, or in the political
18 subdivision of the State, who is believed to be inadmissible
19 or deportable.

1 (b) INFORMATION REQUIRED.—The information re-
2 ferred to in subsection (a) is as follows:

3 (1) The alien's name.

4 (2) The alien's address or place of residence.

5 (3) A physical description of the alien.

6 (4) The date, time, and location of the encoun-
7 ter with the alien and reason for stopping, detaining,
8 apprehending, or arresting the alien.

9 (5) If applicable, the alien's driver's license
10 number and the State of issuance of such license.

11 (6) If applicable, the type of any other identi-
12 fication document issued to the alien, any designa-
13 tion number contained on the identification docu-
14 ment, and the issuing entity for the identification
15 document.

16 (7) If applicable, the license plate number,
17 make, and model of any automobile registered to, or
18 driven by, the alien.

19 (8) A photo of the alien, if available or readily
20 obtainable.

21 (9) The alien's fingerprints, if available or read-
22 ily obtainable.

23 (c) CONSTRUCTION.—Nothing in this section shall re-
24 quire law enforcement officials of a State, or of a political
25 subdivision of a State, to provide the Secretary with infor-

1 mation related to a victim of a crime or witness to a crimi-
2 nal offense.

3 **SEC. 3. ISSUANCE OF DETAINERS MANDATORY.**

4 (a) ISSUANCE.—Upon receipt of information de-
5 scribed in section 2 from a State or a political subdivision
6 of a State, the Secretary shall issue a detainer ordering
7 the State or political subdivision of the State to—

8 (1) temporarily hold an alien in its custody
9 until the alien may be taken into Federal custody;

10 (2) transport the alien for transfer to Federal
11 custody; or

12 (3) notify the Secretary when the alien will be
13 released.

14 (b) CUSTODY.—In order to determine whether an
15 alien should be detained, placed in removal proceedings,
16 released, or removed, the Secretary shall take into custody
17 an alien for whom the Secretary has issued a detainer—

18 (1) in the case of a detainer described in para-
19 graph (1) or (2), not later than 48 hours (excluding
20 Saturdays, Sundays, and holidays) after the conclu-
21 sion of the State or local charging or dismissal proc-
22 ess, or if no State or local charging or dismissal
23 process is required, not later than 48 hours (exclud-
24 ing Saturdays, Sundays, and holidays) after the
25 alien is apprehended; or

1 (2) in the case of a detainer described in para-
2 graph (3) of subsection (a), upon the alien's release.

3 **SEC. 4. COMPLIANCE WITH DETAINERS MANDATORY.**

4 (a) IN GENERAL.—In order to be eligible to receive
5 funds described in section 5, a State or political subdivi-
6 sion of a State shall comply with a detainer described in
7 section 3.

8 (b) IMMUNITY.— A State or a political subdivision
9 of a State acting in compliance with a Department of
10 Homeland Security detainer that temporarily holds aliens
11 in its custody so that they may be taken into Federal cus-
12 tody, or transports the aliens for transfer to Federal cus-
13 tody, shall be considered to be acting under color of Fed-
14 eral authority for purposes of determining its liability, and
15 immunity from suit, in civil actions brought by the aliens
16 under Federal or State law.

17 **SEC. 5. FEDERAL FUNDS DESCRIBED.**

18 (a) IN GENERAL.—The Federal funds described in
19 this section are the following:

20 (1) Funds under section 241(i) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1231(i)).

22 (2) Funds under the “Cops on the Beat” pro-
23 gram under part Q of title I of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C.
25 3796dd et seq.).

1 (b) REALLOCATION.—Any funds that are not allo-
2 cated to a State or to a political subdivision of a State,
3 due to the failure of the State, or of the political subdivi-
4 sion of the State, to comply with the requirements under
5 this Act shall be reallocated to States, or to political sub-
6 divisions of States, that comply with such requirements.

7 **SEC. 6. REIMBURSEMENT.**

8 The Secretary shall reimburse States, and political
9 subdivisions of a State, for all reasonable costs, as deter-
10 mined by the Secretary, incurred by the State, or the polit-
11 ical subdivision of a State, as a result of complying with
12 the requirements of this Act.

13 **SEC. 7. ANNUAL REPORT ON REPORTING.**

14 (a) ANNUAL DETERMINATION.—The Secretary shall
15 determine annually which States, and political subdivision
16 of States, are not in compliance with this Act and with
17 section 642(a) of the Illegal Immigration Reform and Im-
18 migrant Responsibility Act of 1996 (8 U.S.C. 1373), and
19 shall report such determinations to Congress on March 1
20 of each year.

21 (b) REPORTS.—The Secretary, in consultation with
22 the Attorney General, shall issue a report concerning the
23 compliance of any particular State or political subdivision
24 with the requirements of this Act and with section 642(a)
25 of the Illegal Immigration Reform and Immigrant Respon-

1 sibility Act of 1996 (8 U.S.C. 1373) at the request of the
2 House or Senate Judiciary Committee. Any jurisdiction
3 that is found to be out of compliance shall be ineligible
4 to receive funds described in section 5 for a minimum pe-
5 riod of one year, and shall only become eligible again after
6 the Secretary, in consultation with the Attorney General,
7 certifies that the jurisdiction is in compliance with the re-
8 quirements of this Act.

9 **SEC. 8. RULE OF CONSTRUCTION.**

10 Nothing in this Act may be construed as preventing
11 or limiting a State or political subdivision of a State from
12 convicting and imprisoning an individual duly convicted
13 under the criminal laws of that State or political subdivi-
14 sion.

15 **SEC. 9. ENHANCED COMMUNICATION BETWEEN GOVERN-**
16 **MENT AGENCIES AND THE DEPARTMENT OF**
17 **HOMELAND SECURITY.**

18 Section 642 of the Illegal Immigration Reform and
19 Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is
20 amended—

21 (1) by striking “Immigration and Naturaliza-
22 tion Service” each place it appears and inserting
23 “Department of Homeland Security”;

24 (2) in subsection (a), by striking “may” and in-
25 serting “shall”; and

1 (3) in subsection (b)—

2 (A) by striking “no person or agency may”
3 and inserting “a person or agency shall not”;

4 (B) by striking “doing any of the following
5 with respect to information” and inserting “un-
6 dertaking any of the following law enforcement
7 activities”; and

8 (C) by striking paragraphs (1) through (3)
9 and inserting the following:

10 “(1) Notifying the Department of Homeland
11 Security regarding the presence of inadmissible and
12 deportable aliens who are encountered by law en-
13 forcement personnel of a State or political subdivi-
14 sion of a State.

15 “(2) Complying with requests for information
16 from Federal law enforcement officers, including im-
17 migration officers.

18 “(3) Issuing policies in order to comply with
19 Federal law or coordinate with Federal law enforce-
20 ment.”.

21 **SEC. 10. EFFECTIVE DATE.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), this Act shall take effect on the date that is 120 days
24 after the date of the enactment of this Act and shall apply
25 with respect to aliens apprehended on or after such date.

1 (b) EXCEPTION.—The amendments made to section
2 642 of the Illegal Immigration Reform and Immigrant Re-
3 sponsibility Act of 1996 (8 U.S.C. 1373) by section 9 of
4 this Act shall take effect on the date of the enactment
5 of this Act.

