

AMENDMENT TO H.R. 3009
OFFERED BY MR. KING OF IOWA

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. NO FEDERAL FUNDS FOR SANCTUARY CITIES.

5 No Federal financial assistance (as such term is de-
6 fined in section 7501(a)(5) of title 31, United States
7 Code) may be made available to a State or local govern-
8 ment entity that has in place a law, practice, or policy
9 in contravention of—

10 (1) section 642(a) of the Illegal Immigration
11 Reform and Immigrant Responsibility Act of 1996
12 (8 U.S.C. 1373(a)); or

13 (2) section 3.

14 SEC. 3. CRIMINAL ALIEN IDENTIFICATION PROGRAM.

15 (a) CONTINUATION AND EXPANSION.—

16 (1) IN GENERAL.—The Secretary shall continue
17 to operate and implement a program that—

18 (A) identifies removable criminal aliens in
19 Federal and State correctional facilities;

1 (B) ensures such aliens are not released
2 into the community; and

3 (C) removes such aliens from the United
4 States after the completion of their sentences.

5 (2) EXPANSION.—The program shall be ex-
6 tended to all States. Any State that receives Federal
7 funds for the incarceration of criminal aliens (pursu-
8 ant to the State Criminal Alien Assistance Program
9 authorized under section 241(i) of the Immigration
10 and Nationality Act (8 U.S.C. 1231(i)) or other
11 similar program) shall—

12 (A) cooperate with officials of the program;

13 (B) expeditiously and systematically iden-
14 tify criminal aliens in its prison and jail popu-
15 lations; and

16 (C) promptly convey such information to
17 officials of such program as a condition of re-
18 ceiving such funds.

19 (b) AUTHORIZATION FOR DETENTION AFTER COM-
20 PLETION OF STATE OR LOCAL PRISON SENTENCE.—Law
21 enforcement officers of a State, or of a political subdivision
22 of a State, are authorized to—

23 (1) hold a criminal alien for a period of up to
24 48 hours (excluding Saturdays, Sundays, and holi-
25 days) after the alien has completed the alien's sen-

1 **SEC. 5. STATE AND LOCAL LAW ENFORCEMENT PROVISION**
2 **OF INFORMATION ABOUT APPREHENDED**
3 **ALIENS.**

4 (a) **PROVISION OF INFORMATION.**—In compliance
5 with section 642(a) of the Illegal Immigration Reform and
6 Immigrant Responsibility Act of 1996 (8 U.S.C. 1373)
7 and section 434 of the Personal Responsibility and Work
8 Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644),
9 each State, and each political subdivision of a State, shall
10 provide the Secretary of Homeland Security in a timely
11 manner with the information specified in subsection (b)
12 with respect to each alien apprehended in the jurisdiction
13 of the State, or in the political subdivision of the State,
14 who is believed to be inadmissible or deportable.

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

17 (1) The alien's name.

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

19 (3) A physical description of the alien.

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

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

25 (6) If applicable, the type of any other identi-
26 fication document issued to the alien, any designa-

1 tion number contained on the identification docu-
2 ment, and the issuing entity for the identification
3 document.

4 (7) If applicable, the license plate number,
5 make, and model of any automobile registered to, or
6 driven by, the alien.

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

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

11 (c) ANNUAL REPORT ON REPORTING.—The Sec-
12 retary shall maintain and annually submit to the Congress
13 a detailed report listing the States, or the political subdivi-
14 sions of States, that have provided information under sub-
15 section (a) in the preceding year.

16 (d) REIMBURSEMENT.—The Secretary shall reim-
17 burse States, and political subdivisions of a State, for all
18 reasonable costs, as determined by the Secretary, incurred
19 by the State, or the political subdivision of a State, as
20 a result of providing information under subsection (a).

21 (e) CONSTRUCTION.—Nothing in this section shall re-
22 quire law enforcement officials of a State, or of a political
23 subdivision of a State, to provide the Secretary with infor-
24 mation related to a victim of a crime or witness to a crimi-
25 nal offense.

1 (f) EFFECTIVE DATE.—This section shall take effect
2 on the date that is 120 days after the date of the enact-
3 ment of this Act and shall apply with respect to aliens
4 apprehended on or after such date.

5 **SEC. 6. FEDERAL CUSTODY OF INADMISSIBLE AND DE-**
6 **PORTABLE ALIENS IN THE UNITED STATES**
7 **APPREHENDED BY STATE OR LOCAL LAW EN-**
8 **FORCEMENT.**

9 (a) STATE APPREHENSION.—

10 (1) IN GENERAL.—Title II of the Immigration
11 and Nationality Act (8 U.S.C. 1151 et seq.) is
12 amended by inserting after section 240C the fol-
13 lowing:

14 **“SEC. 240D. CUSTODY OF INADMISSIBLE AND DEPORTABLE**
15 **ALIENS PRESENT IN THE UNITED STATES.**

16 **“(a) TRANSFER OF CUSTODY BY STATE AND LOCAL**
17 **OFFICIALS.—**If a State, or a political subdivision of the
18 State, exercising authority with respect to the apprehen-
19 sion or arrest of an inadmissible or deportable alien sub-
20 mits to the Secretary of Homeland Security a request that
21 the alien be taken into Federal custody, notwithstanding
22 any other provision of law, regulation, or policy the Sec-
23 retary—

24 **“(1) shall take the alien into custody not later**
25 **than 48 hours (excluding Saturdays, Sundays, and**

1 holidays) after the detainer has been issued following
2 the conclusion of the State or local charging process
3 or dismissal process, or if no State or local charging
4 or dismissal process is required, the Secretary
5 should issue a detainer and take the alien into cus-
6 tody not later than 48 hours (excluding Saturdays,
7 Sundays, and holidays) after the alien is appre-
8 hended, in order to determine whether the alien
9 should be detained, placed in removal proceedings,
10 released, or removed; and

11 “(2) shall request that the relevant State or
12 local law enforcement agency temporarily hold the
13 alien in their custody or transport the alien for
14 transfer to Federal custody.

15 “(b) POLICY ON DETENTION IN FEDERAL, CON-
16 TRACT, STATE, OR LOCAL DETENTION FACILITIES.—In
17 carrying out section 241(g)(1), the Attorney General or
18 Secretary of Homeland Security shall ensure that an alien
19 arrested under this title shall be held in custody, pending
20 the alien’s examination under this section, in a Federal,
21 contract, State, or local prison, jail, detention center, or
22 other comparable facility. Notwithstanding any other pro-
23 vision of law, regulation or policy, such facility is adequate
24 for detention, if—

1 “(1) such a facility is the most suitably located
2 Federal, contract, State, or local facility available for
3 such purpose under the circumstances;

4 “(2) an appropriate arrangement for such use
5 of the facility can be made; and

6 “(3) the facility satisfies the standards for the
7 housing, care, and security of persons held in cus-
8 tody by a United States Marshal.

9 “(c) REIMBURSEMENT.—The Secretary of Homeland
10 Security shall reimburse a State, and a political subdivi-
11 sion of a State, for all reasonable expenses, as determined
12 by the Secretary, incurred by the State, or political sub-
13 division, as a result of the incarceration and transpor-
14 tation of an alien who is inadmissible or deportable as de-
15 scribed in subsections (a) and (b). Compensation provided
16 for costs incurred under such subsections shall be the av-
17 erage cost of incarceration of a prisoner in the relevant
18 State, as determined by the chief executive officer of a
19 State, or of a political subdivision of a State, plus the cost
20 of transporting the alien from the point of apprehension
21 to the place of detention, and to the custody transfer point
22 if the place of detention and place of custody are different.

23 “(d) SECURE FACILITIES.—The Secretary of Home-
24 land Security shall ensure that aliens incarcerated pursu-

1 ant to this title are held in facilities that provide an appro-
2 priate level of security.

3 “(e) TRANSFER.—

4 “(1) IN GENERAL.—In carrying out this sec-
5 tion, the Secretary of Homeland Security shall es-
6 tablish a regular circuit and schedule for the prompt
7 transfer of apprehended aliens from the custody of
8 States, and political subdivisions of a State, to Fed-
9 eral custody.

10 “(2) CONTRACTS.—The Secretary may enter
11 into contracts, including appropriate private con-
12 tracts, to implement this subsection.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents of such Act is amended by inserting after the
15 item relating to section 240C the following new item:

“Sec. 240D. Custody of inadmissible and deportable aliens present in the
United States.”.

16 (b) GAO AUDIT.—Not later than 3 years after the
17 date of the enactment of this Act, the Comptroller General
18 of the United States shall conduct an audit of compensa-
19 tion to States, and to political subdivisions of a State, for
20 the incarceration of inadmissible or deportable aliens
21 under section 240D(a) of the Immigration and Nationality
22 Act (as added by subsection (a)(1)).

23 (c) EFFECTIVE DATE.—Section 240D of the Immi-
24 gration and Nationality Act, as added by subsection (a),

1 shall take effect on the date of the enactment of this Act,
2 except that subsection (e) of such section shall take effect
3 on the date that is 120 day after the date of the enactment
4 of this Act.

5 **SEC. 7. CLARIFYING THE AUTHORITY OF ICE DETAINERS.**

6 (a) IN GENERAL.—Except as otherwise provided by
7 Federal law or rule of procedure, the Secretary of Home-
8 land Security shall execute all lawful writs, process, and
9 orders issued under the authority of the United States,
10 and shall command all necessary assistance to execute the
11 Secretary's duties.

12 (b) STATE AND LOCAL COOPERATION WITH DHS
13 DETAINERS.—A State, or a political subdivision of a
14 State, that has in effect a statute or policy or practice
15 providing that it not comply with any Department of
16 Homeland Security detainer ordering that it temporarily
17 hold an alien in their custody so that the alien may be
18 taken into Federal custody, or transport the alien for
19 transfer to Federal custody, shall not be eligible to receive
20 any Federal financial assistance (as such term is defined
21 in section 7501(a)(5) of title 31, United States Code).

22 (c) IMMUNITY.—A State or a political subdivision of
23 a State acting in compliance with a Department of Home-
24 land Security detainer who temporarily holds aliens in its
25 custody so that they may be taken into Federal custody,

1 or transports the aliens for transfer to Federal custody,
2 shall be considered to be acting under color of Federal
3 authority for purposes of determining its liability, and im-
4 munity from suit, in civil actions brought by the aliens
5 under Federal or State law.

6 (d) PROBABLE CAUSE.—It is the sense of Congress
7 that the Department of Homeland Security has probable
8 cause to believe that an alien is inadmissible or deportable
9 when it issues a detainer regarding such alien under the
10 standards in place on the date of introduction of this Act.

