

111TH CONGRESS
2D SESSION

H. R. 5002

To end the cycle of illegal immigration in the United States and withdraw Federal funds from States and political subdivisions of States that interfere with the enforcement of Federal immigration law.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2010

Mr. BURTON of Indiana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security and Oversight and Government Reform, 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 end the cycle of illegal immigration in the United States and withdraw Federal funds from States and political subdivisions of States that interfere with the enforcement of Federal immigration law.

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 “No Sanctuary for
5 Illegals Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Illegal entry of aliens who are members of
4 dangerous gangs, such as MS-13, into the United
5 States is a direct threat to the security of the United
6 States.

7 (2) The continuing rise of illegal immigration
8 increases the chances that a terrorist will gain entry
9 into the United States undetected.

10 (3) The rising cost to taxpayers of the United
11 States to support housing, health care, education ex-
12 penses, and criminal justice for illegal aliens has
13 reached between \$11,000,000,000 and
14 \$22,000,000,000 per year.

15 (4) Any attempt to deal with illegal aliens cur-
16 rently living in the United States must start with
17 the United States securing its borders.

18 **SEC. 3. SENSE OF CONGRESS.**

19 It is the sense of Congress that the worsening crisis
20 of illegal immigration must be solved.

21 **SEC. 4. BORDER SECURITY.**

22 (a) **FULL-TIME ACTIVE-DUTY BORDER PATROL**
23 **AGENTS.**—In order to fulfill the requirement under sec-
24 tion 5202 of the Intelligence Reform and Terrorism Pre-
25 vention Act of 2004 (Public Law 108–458; 118 Stat.
26 3734) (relating to an increase in the number of positions

1 for full-time active-duty border patrol agents within the
2 Department of Homeland Security), and subject to the
3 availability of appropriations for such purpose, the Sec-
4 retary of Homeland Security (in this Act referred to as
5 the “Secretary”) shall—

6 (1) increase incentives to recruit individuals to
7 become such agents by offering such individuals re-
8 payment of higher education loans, not to exceed
9 \$6,000 per year and a maximum of \$40,000; and

10 (2) develop incentives to retain experienced bor-
11 der patrol agents through the establishment of a re-
12 tention program.

13 (b) DEPLOYMENT OF TECHNOLOGY.—In accordance
14 with section 2(a)(1) of the Secure Fence Act of 2006
15 (Public Law 109–367; 8 U.S.C. 1701 note), the Secretary
16 is authorized to deploy newly developed and cutting-edge
17 technologies to secure the international land and maritime
18 borders of the United States.

19 (c) CONSTRUCTION OF BORDER FENCE.—The Sec-
20 retary shall—

21 (1) make a priority the construction of the bor-
22 der fencing required under section 102 of the Illegal
23 Immigration Reform and Immigrant Responsibility
24 Act of 1996 (Public Law 104–208; 8 U.S.C. 1103
25 note); and

1 (2) not later than December 31, 2010, submit
2 to Congress a report on the progress and expected
3 completion date of such construction.

4 **SEC. 5. MANDATED COLLABORATION TO END SANCTUARY**
5 **OF ILLEGAL ALIENS.**

6 If an alien who is unlawfully present in the United
7 States is arrested for any offense by a State or local law
8 enforcement agency, the head of such agency shall imme-
9 diately notify United States Immigration and Customs
10 Enforcement (in this Act referred to as “ICE”) of such
11 arrest and the identity of such alien.

12 **SEC. 6. EXPEDITED REMOVAL AND CRIMINAL PENALTIES**
13 **OF CRIMINAL ALIENS.**

14 (a) ACTION BY ICE; EXPEDITED REMOVAL.—Upon
15 notification under section 5, the alien arrested under such
16 section shall be immediately detained by ICE and pre-
17 sented before an immigration judge (as defined in section
18 101(b)(4) of the Immigration and Nationality Act (8
19 U.S.C. 1101(b)(4))). The name and fingerprints of such
20 alien shall be added to an appropriate watch list main-
21 tained by the Department of Homeland Security con-
22 cerning aliens who have been unlawfully present in the
23 United States, and such immigration judge shall order
24 such alien immediately removed from the United States
25 without being released from detention and without further

1 hearing or review in the same manner as an alien de-
2 scribed in section 235(b)(1)(A)(i) of such Act (8 U.S.C.
3 1225(b)(1)(A)(i)) is subject to immediate removal from
4 the United States under the provisions of such section.

5 (b) PERMANENT INELIGIBILITY FOR ADMISSION TO
6 UNITED STATES.—Section 212(a)(9)(C)(i)(I) of the Im-
7 migration and Nationality Act (8 U.S.C.
8 1182(a)(9)(C)(i)(I)) is amended by striking “for an aggre-
9 gate period of more than 1 year” and inserting “for any
10 period of time”.

11 (c) CRIMINAL PENALTIES FOR SUBSEQUENT UNLAW-
12 FUL PRESENCE.—An alien who is removed from the
13 United States under subsection (a) and who is subse-
14 quently determined to be unlawfully present in the United
15 States shall be imprisoned for not more than 5 years and
16 fined in accordance with section 3571 of title 18, United
17 States Code, and shall be removed from the United States
18 in accordance with the expedited removal proceedings de-
19 scribed in such subsection after the completion of such
20 alien’s term of imprisonment.

21 **SEC. 7. CITIZENSHIP AT BIRTH FOR CERTAIN PERSONS**
22 **BORN IN THE UNITED STATES.**

23 (a) IN GENERAL.—Section 301 of the Immigration
24 and Nationality Act (8 U.S.C. 1401) is amended—

1 (1) by inserting “(a) IN GENERAL.—” before
2 “The following”;

3 (2) by redesignating subsections (a) through (h)
4 as paragraphs (1) through (8); and

5 (3) by adding at the end the following:

6 “(b) DEFINITION.—Acknowledging the right of birth-
7 right citizenship established by section 1 of the 14th
8 Amendment to the Constitution, a person born in the
9 United States shall be considered ‘subject to the jurisdic-
10 tion’ of the United States for purposes of subsection (a)(1)
11 if the person is born in the United States of parents, one
12 of whom is—

13 “(1) a citizen or national of the United States;

14 “(2) an alien lawfully admitted for permanent
15 residence in the United States whose residence is in
16 the United States; or

17 “(3) an alien performing active service in the
18 Armed Forces (as defined in section 101 of title 10,
19 United States Code).”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a)(3) shall not be construed to affect the citizen-
22 ship or nationality status of any person born before the
23 date of the enactment of this Act.

1 **SEC. 8. PROHIBITION ON DISTRIBUTION OF FEDERAL**
2 **FUNDS.**

3 (a) IN GENERAL.—No officer or employee of the Fed-
4 eral Government may provide Federal funds to any State,
5 or political subdivision of a State, that is determined by
6 the Secretary to be interfering with efforts to enforce Fed-
7 eral immigration laws.

8 (b) TERMINATION OF FUNDING PROHIBITION.—Sub-
9 section (a) shall cease to be effective with respect to a
10 State or political subdivision denied funds under such sub-
11 section when the Secretary certifies that the State or polit-
12 ical subdivision has entered into an agreement with the
13 Secretary to cease such interference.

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