

111TH CONGRESS
2^D SESSION

H. RES. 1384

Expressing the sense of the House of Representatives that State and local governments, and State and local law enforcement personnel in the course of carrying out routine duties, have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States, for the purpose of assisting in the enforcement of the immigration laws of the United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2010

Mr. GARY G. MILLER of California (for himself, Mrs. MYRICK, and Mr. SMITH of Texas) submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

RESOLUTION

Expressing the sense of the House of Representatives that State and local governments, and State and local law enforcement personnel in the course of carrying out routine duties, have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States, for the purpose of assisting in the enforcement of the immigration laws of the United States.

Whereas the Federal Government has failed to fully carry out current laws governing the enforcement of the immigration laws of the United States;

Whereas the Federal Government's lack of enforcement has failed to curb illegal immigration, secure the borders, and protect the homeland;

Whereas 11,000,000 to 20,000,000 aliens unlawfully present in the United States currently reside in the United States;

Whereas 15,000,000 individuals authorized to be employed in the United States are unemployed while an estimated 8,000,000 illegal aliens are unlawfully employed;

Whereas Mexican drug trafficking organizations have operations within the United States and are geographically dispersed throughout at least 230 cities;

Whereas the number of drug trafficking-related deaths in Mexico since January 2007 has been estimated at over 14,000;

Whereas Congress remains concerned with the possibility that the current drug trafficking-related violence in Mexico may spill over into the United States;

Whereas the failure by the Federal Government to curb illegal immigration and secure the borders has placed, and continues to place, a substantial burden on State and local government agencies to address illegal immigration and the escalating border violence;

Whereas many State and local governments have actively worked to discourage illegal immigration and to assist in the enforcement of the immigration laws of the United States;

Whereas such actions and assistance have come at great expense to State and local governments;

Whereas illegal immigration costs State and local governments \$40,000,000,000 to \$80,000,000,000 every year;

Whereas illegal immigration also poses a threat to the security of the United States;

Whereas the 9/11 Commission Report found that several of the 19 9/11 terrorists had overstayed their tourist visas and therefore were unlawfully present in the United States;

Whereas 3 of the hijackers had been stopped for traffic violations when they were living illegally in the United States, including the pilot Ziad Jarrah who was cited for speeding just 2 days before the attacks;

Whereas if the information that those individuals had overstayed visas had been available to local law enforcement officials, several of the hijackers might have been detained and deported, potentially disrupting the 9/11 plot;

Whereas 3 noncitizens, who authorities say supplied funds to Times Square car-bomb suspect Faisal Shahzad, were arrested in the United States and found to have overstayed their visas and to be unlawfully present in the United States;

Whereas the State of Arizona recently enacted the Support Our Law Enforcement and Safe Neighborhoods Act to enhance the ability of State and local agencies to discourage illegal immigration, protect Arizona communities against local and international organized crime, and to ease the burden placed on the State;

Whereas it is the intent of the Support Our Law Enforcement and Safe Neighborhoods Act to make attrition

through enforcement the public policy of all State and local government agencies in Arizona;

Whereas the Support Our Law Enforcement and Safe Neighborhoods Act mirrors Federal law, which already requires aliens to register and carry their documents with them;

Whereas the Support Our Law Enforcement and Safe Neighborhoods Act simply states that violating Federal immigration law is now a State crime as well;

Whereas the Support Our Law Enforcement and Safe Neighborhoods Act allows law enforcement officials to ask about immigration status only in the normal course of a lawful stop, detention, or arrest, such as in the course of a traffic stop or criminal arrest;

Whereas the Support Our Law Enforcement and Safe Neighborhoods Act prohibits a law enforcement official or agency or a county, city, town or other political subdivision solely to consider race, color, or national origin in implementing the requirements of the Act; and

Whereas the Support Our Law Enforcement and Safe Neighborhoods Act will help to alleviate the costs of illegal immigration on taxpayers and will enhance national security: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) States, and law enforcement personnel of a
4 State (or of a political subdivision of a State) in the
5 course of carrying out routine duties, have the inher-
6 ent authority of a sovereign entity to investigate,
7 identify, apprehend, arrest, detain, or transfer to

1 Federal custody aliens in the United States (includ-
2 ing the transportation of such aliens across State
3 lines to detention centers), for the purposes of as-
4 sisting in the enforcement of the immigration laws
5 of the United States;

6 (2) State and local governments should be sup-
7 ported by the Federal Government for taking actions
8 to discourage illegal immigration;

9 (3) State and local governments should be fully
10 reimbursed for the costs associated with illegal im-
11 migration;

12 (4) State and local governments that knowingly
13 harbor illegal immigrants should be penalized;

14 (5) current laws governing the enforcement of
15 the immigration laws of the United States should be
16 enforced to the highest extent of the law;

17 (6) attrition through enforcement should be the
18 policy of the United States; and

19 (7) legislation to enhance border security and
20 the enforcement of immigration laws should be
21 passed quickly in order to ease the burden on State
22 and local governments and increase national secu-
23 rity.

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