

114TH CONGRESS
2D SESSION

H. R. 5825

To amend section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with respect to communication between law enforcement agencies and the Secretary of Homeland Security about the immigration status of individuals.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. BRAT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with respect to communication between law enforcement agencies and the Secretary of Homeland Security about the immigration status of individuals.

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 “Illegal Alien Capture
5 Notification Act”.

1 **SEC. 2. INFORMATION SHARING REGARDING CRIMINAL**
2 **ALIENS.**

3 Section 642 of the Illegal Immigration Reform and
4 Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is
5 amended—

6 (1) by striking “Immigration and Naturaliza-
7 tion Service” each place it appears and inserting
8 “Department of Homeland Security”;

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

11 (3) in subsection (b)—

12 (A) by striking “no person or agency may”
13 and inserting “a person or agency shall not”;
14 and

15 (B) by striking “doing any of the following
16 with respect to information” and inserting “un-
17 dertaking any of the following law enforcement
18 activities”;

19 (4) by striking paragraphs (1) through (3) and
20 inserting the following:

21 “(1) Notifying the Federal Government regard-
22 ing the presence of inadmissible and deportable
23 aliens who are encountered by law enforcement per-
24 sonnel of a State or political subdivision of a State.

25 “(2) Complying with requests for information
26 from Federal law enforcement.”; and

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

2 “(d) SANCTUARY POLICIES.—Notwithstanding any
3 other provision of Federal, State, or local law, a Federal,
4 State, or local government entity or official shall not issue
5 in the form of resolutions, ordinances, administrative ac-
6 tions, general or special orders, or departmental policies
7 that violate Federal law or restrict a State or political sub-
8 division of a State from complying with Federal law or
9 coordinating with Federal law enforcement.

10 “(e) COMPLIANCE.—

11 “(1) IN GENERAL.—A State, or a political sub-
12 division of a State, that has in effect a statute, pol-
13 icy, or practice that prohibits law enforcement offi-
14 cers of the State, or of a political subdivision of the
15 State, from assisting or cooperating with Federal
16 immigration law enforcement in the course of car-
17 rying out the officers’ routine law enforcement du-
18 ties shall not be eligible to receive—

19 “(A) any of the funds that would otherwise
20 be allocated to the State or political subdivision
21 under section 241(i) of the Immigration and
22 Nationality Act (8 U.S.C. 1231(i)) or the ‘Cops
23 on the Beat’ program under part Q of title I of
24 the Omnibus Crime Control and Safe Streets
25 Act of 1968 (42 U.S.C. 3796dd et seq.); or

1 “(B) any other law enforcement or Depart-
2 ment of Homeland Security grant.

3 “(2) ANNUAL DETERMINATION.—

4 “(A) REQUIREMENT.—Not later than
5 March 1 of each year, the Secretary of Home-
6 land Security shall determine which States or
7 political subdivisions of a State are not in com-
8 pliance with this section and report such deter-
9 mination to Congress.

10 “(B) INELIGIBILITY FOR FINANCIAL AS-
11 SISTANCE.—Any jurisdiction that the Secretary
12 determines is not in compliance under subpara-
13 graph (A)—

14 “(i) shall be ineligible to receive Fed-
15 eral financial assistance as provided in
16 paragraph (1) for a minimum period of 1
17 year; and

18 “(ii) shall only become eligible for
19 such assistance after the Secretary certifies
20 that the jurisdiction is in compliance.

21 “(3) REALLOCATION.—Any funds that are not
22 allocated to a State or to a political subdivision of
23 a State, due to the failure of the State, or of the po-
24 litical subdivision of the State, to comply with this
25 section shall be reallocated to States, or to political

1 subdivisions of States, that comply with such sub-
2 section.

3 “(f) STATE AND LOCAL LAW ENFORCEMENT PROVI-
4 SION OF INFORMATION ABOUT APPREHENDED ALIENS.—

5 “(1) PROVISION OF INFORMATION.—In compli-
6 ance with this section and section 434 of the Per-
7 sonal Responsibility and Work Opportunity Rec-
8 onciliation Act of 1996 (8 U.S.C. 1644), each State,
9 and each political subdivision of a State, shall pro-
10 vide the Secretary of Homeland Security in a timely
11 manner with identifying information with respect to
12 each alien in the custody of the State, or a political
13 subdivision of the State, who is believed to be inad-
14 missible or deportable.

15 “(2) ANNUAL REPORT ON COMPLIANCE.—Not
16 later than March 1 of each year, the Secretary shall
17 determine which States, or the political subdivisions
18 of States, are not in compliance with this section
19 and submit such determination to Congress.

20 “(g) REIMBURSEMENT.—The Secretary of Homeland
21 Security shall reimburse States, and political subdivisions
22 of a State, for all reasonable costs, as determined by the
23 Secretary, incurred by the State, or the political subdivi-
24 sion of a State, as a result of providing information under
25 subsection (f)(1).

1 “(h) CONSTRUCTION.—Nothing in this section shall
2 require law enforcement officials of a State, or from polit-
3 ical subdivisions of a State—

4 “(1) to provide the Secretary of Homeland Se-
5 curity with information related to a victim of a
6 crime or witness to a criminal offense; or

7 “(2) to otherwise report or arrest such a victim
8 or witness.”.

○