

116TH CONGRESS
1ST SESSION

H. R. 438

To deny Federal funding to any State or political subdivision of a State that has in effect any law, policy, or procedure that prevents or impedes a State or local law enforcement official from maintaining custody of an alien pursuant to an immigration detainer issued by the Secretary of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2019

Mr. CALVERT (for himself, Mr. COOK, and Mr. BROOKS of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To deny Federal funding to any State or political subdivision of a State that has in effect any law, policy, or procedure that prevents or impedes a State or local law enforcement official from maintaining custody of an alien pursuant to an immigration detainer issued by the Secretary of Homeland Security, and for other purposes.

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—

5 (1) “Help Ensure Legal Detainers Act”; or

1 (2) “HELD Act”.

2 **SEC. 2. DENIAL OF FEDERAL FUNDING TO STATES AND**
3 **UNITS OF LOCAL GOVERNMENT THAT FAIL**
4 **TO RESPOND TO IMMIGRATION DETAINERS.**

5 (a) IN GENERAL.—With respect to fiscal years begin-
6 ning after the date of the enactment of this Act, no Fed-
7 eral funds may be used to assist any project or activity
8 carried out by a State, or a political subdivision of a State,
9 described in subsection (b).

10 (b) STATES AND POLITICAL SUBDIVISIONS DE-
11 SCRIBED.—A State, or political subdivision of a State, de-
12 scribed in this subsection is any State, or political subdivi-
13 sion of a State, that has in effect any law, policy, or proce-
14 dure that prevents or impedes State or local law enforce-
15 ment officials from—

16 (1) timely responding to an immigration notice
17 issued by the Secretary of Homeland Security that
18 requests information about an alien in State or local
19 custody, including the alien’s estimated release date,
20 in order that the Secretary may arrange to assume
21 custody of the alien upon such release; or

22 (2) maintaining custody of an alien for a period
23 of up to 48 hours (excluding Saturdays, Sundays
24 and holidays) pursuant to an immigration detainer
25 issued by the Secretary of Homeland Security in

1 order that the alien can be transferred to the cus-
2 tody of such Secretary to determine whether the
3 alien should be detained, placed in removal pro-
4 ceedings, released, or removed.

5 (c) CONSTRUCTION.—A political subdivision of a
6 State that is not ineligible under subsection (a) to receive
7 Federal funds, but is part of a State or another unit of
8 government that is so ineligible, may submit, notwith-
9 standing any other provision of law, an application for di-
10 rect receipt of any funds that the political subdivision oth-
11 erwise only would receive through subgrant, allocation, or
12 allotment made by the ineligible State or government unit.

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