

112TH CONGRESS
1ST SESSION

H. R. 1274

To gain operational control of the border, enforce immigration laws,
strengthen visa security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2011

Mr. ROYCE (for himself, Mr. KINGSTON, Mr. WESTMORELAND, Mrs. MYRICK, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Homeland Security, Natural Resources, and Agriculture, 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 gain operational control of the border, enforce immigration laws, strengthen visa 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 “Keeping the Pledge
5 on Immigration Act of 2011”.

1 **TITLE I—BORDER CONTROL**

2 **SEC. 101. OPERATIONAL CONTROL OF THE BORDER.**

3 (a) ADDITIONAL NATIONAL GUARD SUPPORT FOR
4 DEPARTMENT OF HOMELAND SECURITY BORDER CON-
5 TROL ACTIVITIES.—

6 (1) ADDITIONAL DEPLOYMENT OF NATIONAL
7 GUARD ALONG SOUTHERN INTERNATIONAL BOR-
8 DER.—At the request of the Governor of the State
9 of Arizona, California, New Mexico, or Texas, the
10 Secretary of Defense shall provide for the deploy-
11 ment of members of the National Guard along the
12 international border between that State and Mexico
13 in support of the border control activities of the
14 United States Customs and Border Protection of the
15 Department of Homeland Security. Members of the
16 National Guard deployed pursuant to this section
17 are in addition to the number of members of the Na-
18 tional Guard deployed along the international border
19 with Mexico as of the date of the enactment of this
20 Act.

21 (2) DURATION.—This section shall apply until
22 the date on which the Secretary of Homeland Secu-
23 rity certifies that the Federal Government has
24 achieved operational control of the international bor-
25 der between the United States and Mexico.

1 (3) LIMITATION ON NUMBER OF MEMBERS DE-
2 PLOYED; EXCEPTION.—Not more than 4,000 mem-
3 bers of the National Guard may be deployed pursu-
4 ant to this section at any one time, except that the
5 Secretary of Defense may exceed such number if the
6 Governor of the State involved determines that, de-
7 spite the deployment of additional members of the
8 National Guard, operational control of the inter-
9 national border is not being achieved. The Secretary
10 of Defense shall accept the determination if the Gov-
11 ernor makes the determination in consultation with
12 State, local, and tribal law enforcement authorities.

13 (4) DEPLOYMENT AUTHORITIES.—Members of
14 the National Guard deployed pursuant to this sec-
15 tion may be deployed under section 502(f) of title
16 32, United States Code, or pursuant to the order of
17 the Secretary of Defense under any other provision
18 of law.

19 (5) EXEMPTION FROM END STRENGTHS AND
20 OTHER LIMITATIONS.—Members of the National
21 Guard deployed pursuant to this section shall not be
22 included in the calculation to determine compliance
23 with—

24 (A) limits on end strength; or

1 (B) limits on the number of National
2 Guard personal that may be placed on active
3 duty for operational support.

4 (6) OPERATIONAL CONTROL DEFINED.—In this
5 section, the term “operational control” has the
6 meaning given that term in section 2(b) of the Se-
7 cure Fence Act of 2006 (Public Law 109–367; 8
8 U.S.C. 1701 note).

9 (b) BORDER SECURITY.—

10 (1) FENCING ALONG SOUTHERN BORDER.—Sec-
11 tion 102 the Illegal Immigration Reform and Immig-
12 rant Responsibility Act of 1996 (8 U.S.C. 1103
13 note) is amended—

14 (A) in subsection (b)(1)(A)—

15 (i) by inserting “, not later than Sep-
16 tember 30, 2014,” before “construct”; and

17 (ii) by inserting “(such reinforced
18 fencing consisting of double- and triple-
19 layer fencing at appropriate locations along
20 the Arizona-Mexico border)” after “prac-
21 tical and effective”; and

22 (B) by adding at the end the following new
23 subsection:

24 “(d) REPORT.—The Secretary of Homeland Security
25 shall report periodically to the Committee on Homeland

1 Security of the House of Representatives and the Com-
2 mittee on Homeland Security and Governmental Affairs
3 of the Senate on the progress of the Secretary to construct
4 the reinforced fencing required under subsection
5 (b)(1)(A).”.

6 (2) TECHNOLOGY PLAN.—The Secretary of
7 Homeland Security shall report periodically to the
8 Committee on Homeland Security of the House of
9 Representatives and the Committee on Homeland
10 Security and Governmental Affairs of the Senate on
11 the implementation of a border security technology
12 plan.

13 (3) RAPID DEPLOYMENT UNITS.—The Sec-
14 retary of Homeland Security shall establish within
15 the Border Patrol rapid deployment units to respond
16 to information provided by unmanned aerial vehicles
17 and radar systems concerning unlawful entries
18 across the border.

19 (4) INFORMATION SHARING.—

20 (A) IN GENERAL.—Federal, State, and
21 local law enforcement agencies shall notify
22 United States Immigration and Customs En-
23 forcement if such law enforcement agencies en-
24 counter drug operations on public lands involv-

1 ing aliens unlawfully present in the United
2 States.

3 (B) RULE OF CONSTRUCTION.—Nothing in
4 subparagraph (A) shall be construed as limiting
5 in any way any other notification requirements.

6 (c) PROHIBITION ON IMPEDING CERTAIN ACTIVITIES
7 OF THE SECRETARY OF HOMELAND SECURITY RELATED
8 TO BORDER SECURITY.—On public lands of the United
9 States, neither the Secretary of the Interior nor the Sec-
10 retary of Agriculture may impede, prohibit, or restrict ac-
11 tivities of the Secretary of Homeland Security to achieve
12 operational control (as defined in section 2(b) of the Se-
13 cure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law
14 109–367)).

15 **SEC. 102. IMPLEMENTATION OF AUTOMATED EXIT CON-**
16 **TROL SYSTEM.**

17 Not later than September 30, 2015, the Secretary of
18 Homeland Security shall ensure that the automated entry
19 and exit control system under section 110 of the Illegal
20 Immigration Reform and Immigrant Responsibility Act of
21 1996 (8 U.S.C. 1221 note) has been completely imple-
22 mented, including the implementation of an automated
23 exit control system.

1 **SEC. 103. STRENGTHENING VISA SECURITY.**

2 (a) REVIEW OF CERTAIN VISA APPLICATIONS.—The
3 Secretary of State shall consult with the Secretary of
4 Homeland Security regarding review by the Secretary of
5 Homeland Security of visa applications submitted—

6 (1) at diplomatic or consular posts, or

7 (2) by applicants,

8 determined by the Secretary of State to be high-risk.

9 (b) IN-PERSON INTERVIEWS.—If the Secretary of
10 State determines pursuant to subsection (a) that a visa
11 application is high-risk, the Secretary shall require an in-
12 person interview with the applicant.

13 (c) INFORMATION SHARING.—The Secretary of
14 Homeland Security, the Assistant Secretary of Homeland
15 Security (Transportation Security Administration), the
16 Secretary of State, and the heads of appropriate Federal,
17 State, and local law enforcement entities shall share infor-
18 mation regarding the automatic selectee and no fly lists
19 referred to in clauses (i) and (ii) of section 44903(j)(2)(C)
20 of title 49, United States Code.

21 **TITLE II—CLEAR ACT OF 2011**

22 **SEC. 201. SHORT TITLE; TABLE OF CONTENTS; STATE DE-**
23 **FINED; SEVERABILITY.**

24 (a) SHORT TITLE.—This title may be cited as the
25 “Clear Law Enforcement for Criminal Alien Removal Act
26 of 2011” or the “CLEAR Act of 2011”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this title is as follows:

TITLE II—CLEAR ACT OF 2011

- Sec. 201. Short title; table of contents; State defined; severability.
- Sec. 202. Federal affirmation of assistance in the immigration law enforcement by States and political subdivisions of States.
- Sec. 203. State authorization for assistance in the enforcement of immigration laws encouraged.
- Sec. 204. Listing of immigration violators in the National Crime Information Center database.
- Sec. 205. State and local law enforcement provision of information about apprehended aliens.
- Sec. 206. Financial assistance to State and local police agencies that assist in the enforcement of immigration laws.
- Sec. 207. Increased Federal detention space.
- Sec. 208. Federal custody of aliens unlawfully present in the United States apprehended by State or local law enforcement.
- Sec. 209. Training of State and local law enforcement personnel relating to the enforcement of immigration laws.
- Sec. 210. Immunity.
- Sec. 211. Institutional removal program (IRP).
- Sec. 212. State criminal alien assistance program (SCAAP).
- Sec. 213. Authorization of appropriations.

3 (c) STATE DEFINED.—For purposes of this Act, the
4 term “State” has the meaning given such term in section
5 101(a)(36) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(36)).

7 (d) SEVERABILITY.—If any provision of this Act, or
8 the application of such provision to any person or cir-
9 cumstance, is held invalid, the remainder of this Act, and
10 the application of such provision to other persons not simi-
11 larly situated or to other circumstances, shall not be af-
12 fected by such invalidation.

1 **SEC. 202. FEDERAL AFFIRMATION OF ASSISTANCE IN THE**
2 **IMMIGRATION LAW ENFORCEMENT BY**
3 **STATES AND POLITICAL SUBDIVISIONS OF**
4 **STATES.**

5 Notwithstanding any other provision of law and re-
6 affirming the existing inherent authority of States, law en-
7 forcement personnel of a State, or of a political subdivision
8 of a State, have the inherent authority of a sovereign enti-
9 ty to investigate, identify, apprehend, arrest, detain, or
10 transfer to Federal custody aliens in the United States
11 (including the transportation of such aliens across State
12 lines to detention centers), for the purposes of assisting
13 in the enforcement of the immigration laws of the United
14 States in the course of carrying out routine duties. This
15 State authority has never been displaced or preempted by
16 Congress.

17 **SEC. 203. STATE AUTHORIZATION FOR ASSISTANCE IN THE**
18 **ENFORCEMENT OF IMMIGRATION LAWS EN-**
19 **COURAGED.**

20 (a) IN GENERAL.—Effective two years after the date
21 of the enactment of this Act, a State, or a political subdivi-
22 sion of a State, that has in effect a statute, policy, or prac-
23 tice that prohibits law enforcement officers of the State,
24 or of a political subdivision of the State, from assisting
25 or cooperating with Federal immigration law enforcement
26 in the course of carrying out the officers' routine law en-

1 enforcement duties shall not receive any of the funds that
2 would otherwise be allocated to the State under section
3 241(i) of the Immigration and Nationality Act (8 U.S.C.
4 1231(i)).

5 (b) CONSTRUCTION.—Nothing in this section shall
6 require law enforcement officials from States, or from po-
7 litical subdivisions of States, to report or arrest victims
8 or witnesses of a criminal offense.

9 (c) REALLOCATION OF FUNDS.—Any funds that are
10 not allocated to a State, or to a political subdivision of
11 a State, due to the failure of the State, or of the political
12 subdivision of the State, to comply with subsection (a)
13 shall be reallocated to States, or to political subdivisions
14 of States, that comply with such subsection.

15 **SEC. 204. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**
16 **TIONAL CRIME INFORMATION CENTER DATA-**
17 **BASE.**

18 (a) PROVISION OF INFORMATION TO THE NCIC.—
19 Not later than 180 days after the date of the enactment
20 of this Act and periodically thereafter as updates may re-
21 quire, the Under Secretary for Border and Transportation
22 Security of the Department of Homeland Security shall
23 provide the National Crime Information Center of the De-
24 partment of Justice with such information as the Under
25 Secretary may possess regarding any aliens against whom

1 a final order of removal has been issued, any aliens who
2 have signed a voluntary departure agreement, any aliens
3 who have overstayed their authorized period of stay, and
4 any aliens whose visas have been revoked. The National
5 Crime Information Center shall enter such information
6 into the Immigration Violators File of the National Crime
7 Information Center database, regardless of whether—

8 (1) the alien concerned received notice of a final
9 order of removal;

10 (2) the alien concerned has already been re-
11 moved; or

12 (3) sufficient identifying information is avail-
13 able with respect to the alien concerned.

14 (b) INCLUSION OF INFORMATION IN THE NCIC
15 DATABASE.—

16 (1) IN GENERAL.—Section 534(a) of title 28,
17 United States Code, is amended—

18 (A) in paragraph (3), by striking “and” at
19 the end;

20 (B) by redesignating paragraph (4) as
21 paragraph (5); and

22 (C) by inserting after paragraph (3) the
23 following new paragraph:

24 “(4) acquire, collect, classify, and preserve
25 records of violations by aliens of the immigration

1 laws of the United States, regardless of whether any
2 such alien has received notice of the violation or
3 whether sufficient identifying information is avail-
4 able with respect to any such alien and even if any
5 such alien has already been removed from the
6 United States; and”.

7 (2) EFFECTIVE DATE.—The Attorney General
8 shall ensure that the amendment made by paragraph
9 (1) is implemented by not later than 6 months after
10 the date of the enactment of this Act.

11 (c) CERTAIN EXCHANGES OF RECORDS.—The Sec-
12 retary of State, the Secretary of Homeland Security, the
13 Administrator of the Social Security Administration, the
14 Commissioner of the Internal Revenue Service, the Attor-
15 ney General, and other Federal agencies responsible for
16 law enforcement shall exchange records in accordance with
17 section 534 of title 28, United States Code, including
18 records containing—

19 (1) visa applications, including photos and fin-
20 gerprints; and

21 (2) photographs, fingerprints, or other informa-
22 tion obtained as a result of the operation of the
23 automated entry and exit control system developed
24 under section 110 of the Illegal Immigration Reform

1 and Immigrant Responsibility Act of 1996 (8 U.S.C.
2 1221 note).

3 **SEC. 205. STATE AND LOCAL LAW ENFORCEMENT PROVI-**
4 **SION OF INFORMATION ABOUT APPRE-**
5 **HENDED ALIENS.**

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

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

- 20 (1) The alien's name.
- 21 (2) The alien's address or place of residence.
- 22 (3) A physical description of the alien.
- 23 (4) The date, time, and location of the encoun-
24 ter with the alien and reason for stopping, detaining,
25 apprehending, or arresting the alien.

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

3 (6) If applicable, the type of any other identi-
4 fication document issued to the alien, any designa-
5 tion number contained on the identification docu-
6 ment, and the issuing entity for the identification
7 document.

8 (7) If applicable, the license plate number,
9 make, and model of any automobile registered to, or
10 driven by, the alien.

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

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

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

20 (d) 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 (a).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary such sums
3 as are necessary to carry out this section.

4 (f) CONSTRUCTION.—Nothing in this section shall re-
5 quire law enforcement officials of a State, or of a political
6 subdivision of a State, to provide the Secretary of Home-
7 land Security with information related to a victim of a
8 crime or witness to a criminal offense.

9 **SEC. 206. FINANCIAL ASSISTANCE TO STATE AND LOCAL**
10 **POLICE AGENCIES THAT ASSIST IN THE EN-**
11 **FORCEMENT OF IMMIGRATION LAWS.**

12 (a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING
13 AND PROCESSING CERTAIN ALIENS.—From amounts
14 made available to make grants under this section, the Sec-
15 retary of Homeland Security shall make grants to States,
16 and to political subdivisions of States, for procurement of
17 equipment, technology, facilities, and other products that
18 facilitate and are directly related to investigating, appre-
19 hending, arresting, detaining, or transporting aliens who
20 have violated the immigration law of the United States,
21 including additional administrative costs incurred under
22 this Act.

23 (b) ELIGIBILITY.—To be eligible to receive a grant
24 under this section, a State, or a political subdivision of
25 a State, must have the authority to, and shall have a writ-

1 ten policy and a practice to, assist in the enforcement of
2 the immigration laws of the United States in the course
3 of carrying out the routine law enforcement duties of such
4 State or political subdivision of a State. Entities covered
5 under this section may not have any policy or practice that
6 prevents local law enforcement from inquiring about a sus-
7 pect's immigration status.

8 (c) FUNDING.—There is authorized to be appro-
9 priated to the Secretary for grants under this section such
10 sums as may be necessary for fiscal year 2012 and each
11 subsequent fiscal year.

12 (d) GAO AUDIT.—Not later than three years after
13 the date of the enactment of this Act, the Comptroller
14 General of the United States shall conduct an audit of
15 funds distributed to States, and to political subdivisions
16 of a State, under subsection (a).

17 **SEC. 207. INCREASED FEDERAL DETENTION SPACE.**

18 (a) CONSTRUCTION OR ACQUISITION OF DETENTION
19 FACILITIES.—

20 (1) IN GENERAL.—The Secretary of Homeland
21 Security shall construct or acquire, in addition to ex-
22 isting facilities for the detention of aliens, 20 deten-
23 tion facilities in the United States, for aliens de-
24 tained pending removal from the United States or a
25 decision regarding such removal. Each facility shall

1 have a number of beds necessary to effectuate this
2 purposes of this Act.

3 (2) DETERMINATIONS.—The location of any de-
4 tention facility built or acquired in accordance with
5 this subsection shall be determined by the Deputy
6 Assistant Director of the Detention Management Di-
7 vision of the Immigration and Customs Enforcement
8 Office of Detention and Removal within United
9 States Immigration and Customs Enforcement.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary such
12 sums as are necessary to carry out this section.

13 (c) TECHNICAL AND CONFORMING AMENDMENT.—
14 Section 241(g)(1) of the Immigration and Nationality Act
15 (8 U.S.C. 1231(g)(1)) is amended by striking “may ex-
16 pend” and inserting “shall expend”.

17 **SEC. 208. FEDERAL CUSTODY OF ALIENS UNLAWFULLY**
18 **PRESENT IN THE UNITED STATES APPRE-**
19 **HENDED BY STATE OR LOCAL LAW ENFORCE-**
20 **MENT.**

21 (a) STATE APPREHENSION.—

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

1 “CUSTODY OF ALIENS UNLAWFULLY PRESENT IN THE
2 UNITED STATES

3 “SEC. 240D. (a) TRANSFER OF CUSTODY BY STATE
4 AND LOCAL OFFICIALS.—If a State, or a political subdivi-
5 sion of the State, exercising authority with respect to the
6 apprehension or arrest of an alien who is unlawfully
7 present in the United States submits to the Secretary of
8 Homeland Security a request that the alien be taken into
9 Federal custody, the Secretary—

10 “(1) not later than 48 hours after the conclu-
11 sion of the State, or the political subdivision of a
12 State, charging process or dismissal process, or if no
13 State or political subdivision charging or dismissal
14 process is required, not later than 48 hours after the
15 alien is apprehended, shall take the alien into the
16 custody of the Federal Government and incarcerate
17 the alien; or

18 “(2) shall request that the relevant State or
19 local law enforcement agency temporarily incarcerate
20 or transport the alien for transfer to Federal cus-
21 tody.

22 “(b) POLICY ON DETENTION IN STATE AND LOCAL
23 DETENTION FACILITIES.—In carrying out section
24 241(g)(1), the Attorney General or Secretary of Homeland
25 Security shall ensure that an alien arrested under this Act

1 shall be detained, pending the alien being taken for the
2 examination under this section, in a State or local prison,
3 jail, detention center, or other comparable facility. Not-
4 withstanding any other provision of law or regulation,
5 such facility is adequate for detention, if—

6 “(1) such a facility is the most suitably located
7 Federal, State, or local facility available for such
8 purpose under the circumstances;

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

11 “(3) such facility satisfies the standards for the
12 housing, care, and security of persons held in cus-
13 tody of a United States marshal.

14 “(c) REIMBURSEMENT.—The Secretary of Homeland
15 Security shall reimburse States, and political subdivisions
16 of a State, for all reasonable expenses, as determined by
17 the Secretary, incurred by the State, or political subdivi-
18 sion, as a result of the incarceration and transportation
19 of an alien who is unlawfully present in the United States
20 as described in subparagraphs (A) and (B) of subsection
21 (a)(1). Compensation provided for costs incurred under
22 such subparagraphs shall be the average cost of incarcer-
23 ation of a prisoner in the relevant State, as determined
24 by the chief executive officer of a State, or of a political
25 subdivision of a State, plus the cost of transporting the

1 alien from the point of apprehension to the place of deten-
2 tion, and to the custody transfer point if the place of de-
3 tention and place of custody are different.

4 “(d) SECURE FACILITIES.—The Secretary of Home-
5 land Security shall ensure that aliens incarcerated in Fed-
6 eral facilities pursuant to this Act are held in facilities
7 that provide an appropriate level of security.

8 “(e) TRANSFER.—

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

15 “(2) CONTRACTS.—The Secretary may enter
16 into contracts, including appropriate private con-
17 tracts, to implement this subsection.

18 “(f) DEFINITION.—For purposes of this section, the
19 term ‘alien who is unlawfully present in the United States’
20 means an alien who—

21 “(1) entered the United States without inspec-
22 tion or at any time, manner or place other than that
23 designated by the Secretary of Homeland Security;

24 “(2) was admitted as a nonimmigrant and who,
25 at the time the alien was taken into custody by the

1 State, or a political subdivision of the State, had
2 failed to—

3 “(A) maintain the nonimmigrant status in
4 which the alien was admitted or to which it was
5 changed under section 248; or

6 “(B) comply with the conditions of any
7 such status;

8 “(3) was admitted as an immigrant and has
9 subsequently failed to comply with the requirements
10 of that status; or

11 “(4) failed to depart the United States under a
12 voluntary departure agreement or under a final
13 order of removal.”.

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

“Sec. 240D. Custody of aliens unlawfully present in the United States.”.

17 (b) GAO AUDIT.—Not later than three years after
18 the date of the enactment of this Act, the Comptroller
19 General of the United States shall conduct an audit of
20 compensation to States, and to political subdivisions of a
21 State, for the incarceration of aliens unlawfully present
22 in the United States under section 240D(a) of the Immi-
23 gration and Nationality Act (as added by subsection
24 (a)(1)).

1 **SEC. 209. TRAINING OF STATE AND LOCAL LAW ENFORCE-**
2 **MENT PERSONNEL RELATING TO THE EN-**
3 **FORCEMENT OF IMMIGRATION LAWS.**

4 (a) ESTABLISHMENT OF TRAINING MANUAL AND
5 POCKET GUIDE.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary of Homeland
7 Security shall establish—

8 (1) a training manual for law enforcement per-
9 sonnel of a State, or of a political subdivision of a
10 State, to train such personnel in the investigation,
11 identification, apprehension, arrest, detention, and
12 transfer to Federal custody of aliens unlawfully
13 present in the United States (including the transpor-
14 tation of such aliens across State lines to detention
15 centers and the identification of fraudulent docu-
16 ments); and

17 (2) an immigration enforcement pocket guide
18 for law enforcement personnel of a State, or of a po-
19 litical subdivision of a State, to provide a quick ref-
20 erence for such personnel in the course of duty.

21 (b) AVAILABILITY.—The training manual and pocket
22 guide established in accordance with subsection (a) shall
23 be made available to all State and local law enforcement
24 personnel.

25 (c) APPLICABILITY.—Nothing in this section shall be
26 construed to require State or local law enforcement per-

1 sonnel to carry the training manual or pocket guide with
2 them while on duty.

3 (d) COSTS.—The Secretary of Homeland Security
4 shall be responsible for any costs incurred in establishing
5 the training manual and pocket guide.

6 (e) TRAINING FLEXIBILITY.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security shall make training of State and local law
9 enforcement officers available through as many
10 means as possible, including through residential
11 training at the Center for Domestic Preparedness,
12 onsite training held at State or local police agencies
13 or facilities, online training courses by computer,
14 teleconferencing, and videotape, or the digital video
15 display (DVD) of a training course or courses. E-
16 learning through a secure, encrypted distributed
17 learning system that has all its servers based in the
18 United States, is scalable, survivable, and can have
19 a portal in place not later than 30 days after the
20 date of the enactment of this Act, shall be made
21 available by the Federal Law Enforcement Training
22 Center Distributed Learning Program for State and
23 local law enforcement personnel.

24 (2) FEDERAL PERSONNEL TRAINING.—The
25 training of State and local law enforcement per-

1 sonnel under this section shall not displace the train-
2 ing of Federal personnel.

3 (3) CLARIFICATION.—Nothing in this Act or
4 any other provision of law shall be construed as
5 making any immigration-related training a require-
6 ment for, or prerequisite to, any State or local law
7 enforcement officer to assist in the enforcement of
8 Federal immigration laws in the normal course of
9 carrying out the normal law enforcement duties of
10 such officers.

11 In carrying out this section, priority funding shall be given
12 for existing Web-based immigration enforcement training
13 systems.

14 **SEC. 210. IMMUNITY.**

15 (a) PERSONAL IMMUNITY.—Notwithstanding any
16 other provision of law, a law enforcement officer of a State
17 or local law enforcement agency who is acting within the
18 scope of the officer's official duties shall be immune, to
19 the same extent as a Federal law enforcement officer,
20 from personal liability arising out of the performance of
21 any duty described in this Act.

22 (b) AGENCY IMMUNITY.—Notwithstanding any other
23 provision of law, a State or local law enforcement agency
24 shall be immune from any claim for money damages based
25 on Federal, State, or local civil rights law for an incident

1 arising out of the enforcement of any immigration law,
2 except to the extent a law enforcement officer of such
3 agency committed a violation of Federal, State, or local
4 criminal law in the course of enforcing such immigration
5 law.

6 **SEC. 211. INSTITUTIONAL REMOVAL PROGRAM (IRP).**

7 (a) CONTINUATION AND EXPANSION.—

8 (1) IN GENERAL.—The Secretary of Homeland
9 Security shall continue to operate and implement the
10 program known as the Institutional Removal Pro-
11 gram (IRP) which—

12 (A) identifies removable criminal aliens in
13 Federal and State correctional facilities;

14 (B) ensures such aliens are not released
15 into the community; and

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

18 (2) EXPANSION.—The Institutional Removal
19 Program shall be extended to all States. Any State
20 that receives Federal funds for the incarceration of
21 criminal aliens shall—

22 (A) cooperate with officials of the Institu-
23 tional Removal Program;

1 (B) expeditiously and systematically iden-
2 tify criminal aliens in its prison and jail popu-
3 lations; and

4 (C) promptly convey such information to
5 officials of such Program as a condition of re-
6 ceiving such funds.

7 (b) AUTHORIZATION FOR DETENTION AFTER COM-
8 PLETION OF STATE OR LOCAL PRISON SENTENCE.—Law
9 enforcement officers of a State, or of a political subdivision
10 of a State, are authorized to—

11 (1) hold a criminal alien for a period of up to
12 14 days after the alien has completed the alien’s
13 State prison sentence in order to effectuate the
14 transfer of the alien to Federal custody when the
15 alien is removable or not lawfully present in the
16 United States; or

17 (2) issue a detainer that would allow aliens who
18 have served a State prison sentence to be detained
19 by the State prison until personnel from United
20 States Immigration and Customs Enforcement can
21 take the alien into custody.

22 (c) TECHNOLOGY USAGE.—Technology such as video
23 conferencing shall be used to the maximum extent prac-
24 ticable in order to make the Institutional Removal Pro-
25 gram available in remote locations. Mobile access to Fed-

1 eral databases of aliens, such as IDENT, and live scan
2 technology shall be used to the maximum extent prac-
3 ticable in order to make these resources available to State
4 and local law enforcement agencies in remote locations.

5 **SEC. 212. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**
6 **(SCAAP).**

7 Section 241(i)(5) of the Immigration and Nationality
8 Act (8 U.S.C. 1231(i)) is amended to read as follows:

9 “(5) There are authorized to be appropriated to
10 carry out this subsection such sums as may be nec-
11 essary for fiscal year 2012 and each subsequent fis-
12 cal year.”.

13 **SEC. 213. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Sec-
15 retary for fiscal year 2012 and each subsequent fiscal year
16 such sums as may be necessary to carry out this Act.

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