

118TH CONGRESS  
1ST SESSION

# H. R. 136

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

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

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## 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

6               (2) “HELD Act”.

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

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

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

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

21 (2) maintaining custody of an alien for a period  
22 of up to 48 hours (excluding Saturdays, Sundays  
23 and holidays) pursuant to an immigration detainer  
24 issued by the Secretary of Homeland Security in  
25 order that the alien can be transferred to the cus-  
26 tody of such Secretary to determine whether the

1 alien should be detained, placed in removal pro-  
2 ceedings, released, or removed.

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

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