

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

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

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## 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 sserting “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.”.

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