

117TH CONGRESS
1ST SESSION

H. R. 5831

To provide for the mandatory detention of aliens who are security risks or present insufficient or false credentials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2021

Mr. ARRINGTON (for himself, Mr. BABIN, Ms. STEFANIK, Mr. BANKS, Mr. JOHNSON of Louisiana, Mr. TIFFANY, Mr. GIBBS, Mr. ROSENDALE, Mr. GOHMERT, Mr. HICE of Georgia, Mrs. LESKO, Mr. JACKSON, Mr. ELLZEY, Mr. MANN, Mr. SESSIONS, Mr. WEBER of Texas, Mr. CLOUD, Mr. CAWTHORN, Mr. NORMAN, Mrs. MILLER of Illinois, Mr. PERRY, Mr. POSEY, Mr. GOODEN of Texas, Mr. JOYCE of Pennsylvania, Mr. BALDERSON, and Ms. VAN DUYNE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the mandatory detention of aliens who are security risks or present insufficient or false credentials, 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 “Protect Communities
5 from a Porous Border Act of 2021”.

1 **SEC. 2. NOTIFICATION OF IN-STATE DETENTION, HOUSING,**
2 **OR TRANSFER OF NON-ASYLUM APPLICANT**
3 **ALIENS.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity shall notify the Governor of a State of the Secretary
6 of Homeland Security’s intent to detain or house an alien
7 in any public or private facility in that State, or transfer
8 financial or other responsibility for an alien to any public
9 or private entity in that State, and provide the certifi-
10 cation required by subsection (b) no fewer than 10 busi-
11 ness days prior to the proposed date of detention, housing,
12 or transfer.

13 (b) REQUIRED CERTIFICATION AND INFORMATION
14 FOR ALIEN FITNESS.—The Secretary of Homeland Secu-
15 rity shall provide the following certification and informa-
16 tion simultaneous to the alien detention, housing, or trans-
17 fer notification required in subsection (a):

18 (1) That appropriate biographic and biometric
19 information, including fingerprints and DNA, has
20 been collected from each alien, and that such bio-
21 graphic and biometric information has been shared
22 with the State government.

23 (2) That each alien’s biographic and biometric
24 information has been cross-checked with the Federal
25 Bureau of Investigation’s Uniform Crime Database
26 (UCR) and Combined DNA Index System (CODIS),

1 the National Crime Information Center (NCIC), and
2 other appropriate Federal and non-Federal domestic
3 law enforcement and counterterrorism databases,
4 and that such alien was not detected in any of those
5 databases.

6 (3) That each alien's biographic and biometric
7 information has been cross-checked with the Inter-
8 national Criminal Police Organization's INTERPOL
9 database and other appropriate international law en-
10 forcement and counterterrorism databases, and that
11 such alien was not detected in any of those data-
12 bases.

13 (4) Any information pertaining to the alien that
14 was detected during a database check described in
15 this subsection.

16 (c) GENERAL APPLICABILITY TO ALIENS.—The re-
17 quirements of subsections (a) and (b) shall be required
18 for the attempted detention, housing, or transfer of—

19 (1) any alien who is admitted pursuant to the
20 U.S. Refugee Admissions Program or any other
21 Federal refugee relief or resettlement program;

22 (2) any alien who is paroled by any Federal of-
23 ficial into the United States or humanitarian or
24 other reason; and

1 (3) any alien who is deemed by any Federal of-
2 ficial to be an unaccompanied alien child (as such
3 term is defined in section 462 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 279)).

5 (d) NO FEDERAL COURT JURISDICTION.—No Fed-
6 eral court shall have jurisdiction to review any of the re-
7 quirements or procedures established either pursuant to
8 this section or pursuant to any regulation promulgated
9 under the authority of this section.

10 **SEC. 3. PROHIBITION ON IN-STATE DETENTION, HOUSING,**
11 **OR TRANSFER OF NON-ASYLUM APPLICANT**
12 **ALIENS.**

13 (a) IN GENERAL.—The Governor of a State shall
14 have plenary and final authority to determine whether to
15 permit the Secretary of Homeland Security to detain or
16 house an alien in any public or private facility in that
17 State, or transfer financial or other responsibility for an
18 alien to any public or private entity in that State.

19 (b) PROHIBITION ON DETENTION, HOUSING, OR
20 TRANSFER.—Upon the notification required by section 3,
21 the Governor of a State may, at the Governor’s discretion
22 and subsequent to consultation with local officials (includ-
23 ing city or county chief executives, city or county law en-
24 forcement agency heads, and city or county council mem-
25 bers), decline the Secretary’s proposal to detain or house

1 an alien in any public or private facility in that State, or
2 transfer financial or other responsibility for an alien to
3 any public or private entity in that State.

4 (c) PARAMETERS OF REGULATIONS GOVERNING IN-
5 STATE DETENTION, HOUSING, AND TRANSFER OF NON-
6 ASYLUM APPLICANT ALIENS.—Regulations pursuant to
7 this section shall not in any way limit or restrict the provi-
8 sions of this section, but shall be limited to the following
9 areas:

10 (1) The format and method of the Secretary’s
11 notification to a Governor regarding the Secretary’s
12 intent to place an alien in any public or private facil-
13 ity in that State.

14 (2) The use of additional Federal, non-Federal,
15 and international law enforcement and counterter-
16 rorism databases for pre-placement alien screening.

17 (d) NO FEDERAL COURT JURISDICTION.—No Fed-
18 eral court shall have jurisdiction to review any decision
19 made by the Governor of a State pursuant to this section.

20 **SEC. 4. NO WAIVER AUTHORITY.**

21 Neither the Secretary of Homeland Security nor any
22 other Federal official shall have the authority to waive any
23 of the requirements established in this Act.

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