

98. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
NORWOOD OF GEORGIA, OR HIS
DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES:

US

**AMENDMENT TO H.R. 4437, AS REPORTED
OFFERED BY MR. NORWOOD OF GEORGIA**

At the end of title II, add the following new sections:

1 **SEC. 211. FEDERAL AFFIRMATION OF ASSISTANCE IN THE**
2 **IMMIGRATION LAW ENFORCEMENT BY**
3 **STATES AND POLITICAL SUBDIVISIONS OF**
4 **STATES.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law and reaffirming the existing inherent authority
7 of States, law enforcement personnel of a State or a polit-
8 ical subdivision of a State have the inherent authority of
9 a sovereign entity to investigate, identify, apprehend, ar-
10 rest, detain, or transfer to Federal custody aliens in the
11 United States (including the transportation of such aliens
12 across State lines to detention centers), for the purposes
13 of assisting in the enforcement of the immigration laws
14 of the United States in the course of carrying out routine
15 duties. This State authority has never been displaced or
16 preempted by Congress.

17 (b) CONSTRUCTION.—Nothing in this section may be
18 construed to require law enforcement personnel of a State
19 or political subdivision of a State to—



1 (1) report the identity of a victim of, or a wit-
 2 ness to, a criminal offense to the Secretary of Home-
 3 land Security for immigration enforcement purposes;
 4 or

5 (2) arrest such victim or witness for a violation
 6 of the immigration laws of the United States.

7 **SEC. 212. TRAINING OF STATE AND LOCAL LAW ENFORCE-**
 8 **MENT PERSONNEL RELATING TO THE EN-**
 9 **FORCEMENT OF IMMIGRATION LAWS.**

10 (a) **ESTABLISHMENT OF TRAINING MANUAL AND**
 11 **POCKET GUIDE.**—Not later than 180 days after the date
 12 of the enactment of this Act, the Secretary of Homeland
 13 Security shall establish—

14 (1) a training manual for law enforcement per-
 15 sonnel of a State or political subdivision of a State
 16 to train such personnel in the investigation, identi-
 17 fication, apprehension, arrest, detention, and trans-
 18 fer to Federal custody of aliens in the United States
 19 (including the transportation of such aliens across
 20 State lines to detention centers and the identifica-
 21 tion of fraudulent documents); and

22 (2) an immigration enforcement pocket guide
 23 for law enforcement personnel of a State or political
 24 subdivision of a State to provide a quick reference
 25 for such personnel in the course of duty.



1 (b) AVAILABILITY.—The training manual and pocket
2 guide established in accordance with subsection (a) shall
3 be made available to all State and local law enforcement
4 personnel.

5 (c) APPLICABILITY.—Nothing in this section shall be
6 construed to require State or local law enforcement per-
7 sonnel to carry the training manual or pocket guide estab-
8 lished under subsection (a)(2) with them while on duty.

9 (d) COSTS.—The Secretary of Homeland Security
10 shall be responsible for any and all costs incurred in estab-
11 lishing the training manual and pocket guide under sub-
12 section (a).

13 (e) TRAINING FLEXIBILITY.—

14 (1) IN GENERAL.—The Secretary of Homeland
15 Security shall make training of State and local law
16 enforcement officers available through as many
17 means as possible, including residential training at
18 the Center for Domestic Preparedness, onsite train-
19 ing held at State or local police agencies or facilities,
20 online training courses by computer, teleconfer-
21 encing, and videotape, or the digital video display
22 (DVD) of a training course or courses. E-learning
23 through a secure, encrypted distributed learning sys-
24 tem that has all its servers based in the United
25 States, is sealable, survivable, and can have a portal

1 in place within 30 days, shall be made available by
2 the Federal Law Enforcement Training Center Dis-
3 tributed Learning Program for State and local law
4 enforcement personnel.

5 (2) FEDERAL PERSONNEL TRAINING.—The
6 training of State and local law enforcement per-
7 sonnel under this section shall not displace the train-
8 ing of Federal personnel.

9 (3) CLARIFICATION.—Nothing in this Act or
10 any other provision of law shall be construed as
11 making any immigration-related training a require-
12 ment for, or prerequisite to, any State or local law
13 enforcement officer to assist in the enforcement of
14 Federal immigration laws in the normal course of
15 carrying out their normal law enforcement duties.

16 (f) TRAINING LIMITATION.—Section 287(g) of the
17 Immigration and Nationality Act (8 U.S.C. 1357(g)) is
18 amended—

19 (1) by striking “Attorney General” and insert-
20 ing “Secretary of Homeland Security” each place it
21 appears; and

22 (2) in paragraph (2), by adding at the end the
23 following: “Such training shall not exceed 14 days or
24 80 hours, whichever is longer.”.



1 **SEC. 213. FINANCIAL ASSISTANCE TO STATE AND LOCAL**
2 **POLICE AGENCIES THAT ASSIST IN THE EN-**
3 **FORCEMENT OF IMMIGRATION LAWS.**

4 (a) **GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING**
5 **AND PROCESSING ILLEGAL ALIENS.**—From amounts
6 made available to make grants under this section, the Sec-
7 retary of Homeland Security shall make grants to States
8 and political subdivisions of States for procurement of
9 equipment, technology, facilities, and other products that
10 facilitate and are directly related to investigating, appre-
11 hending, arresting, detaining, or transporting immigration
12 law violators, including additional administrative costs in-
13 curred under this Act.

14 (b) **ELIGIBILITY.**—To be eligible to receive a grant
15 under this section, a State or political subdivision of a
16 State must have the authority to, and have in effect the
17 policy and practice to, assist in the enforcement of the
18 immigration laws of the United States in the course of
19 carrying out such agency's routine law enforcement duties.

20 (c) **FUNDING.**—There is authorized to be appro-
21 priated for grants under this section \$250,000,000 for
22 each fiscal year.

23 (d) **GAO AUDIT.**—Not later than 3 years after the
24 date of the enactment of this Act, the Comptroller General
25 of the United States shall conduct an audit of funds dis-



1 tributed to States and political subdivisions of States
2 under subsection (a).

3 **SEC. 214. INSTITUTIONAL REMOVAL PROGRAM (IRP).**

4 (a) CONTINUATION AND EXPANSION.—

5 (1) IN GENERAL.—The Department of Home-
6 land Security shall continue to operate and imple-
7 ment the program known as the Institutional Re-
8 moval Program (IRP) which—

9 (A) identifies removable criminal aliens in
10 Federal and State correctional facilities;

11 (B) ensures such aliens are not released
12 into the community; and

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

15 (2) EXPANSION.—The institutional removal
16 program shall be extended to all States. Any State
17 that receives Federal funds for the incarceration of
18 criminal aliens shall—

19 (A) cooperate with officials of the institu-
20 tional removal program;

21 (B) expeditiously and systematically iden-
22 tify criminal aliens in its prison and jail popu-
23 lations; and



1 (C) promptly convey such information to
2 officials of such program as a condition for re-
3 ceiving such funds.

4 (b) AUTHORIZATION FOR DETENTION AFTER COM-
5 PLETION OF STATE OR LOCAL PRISON SENTENCE.—Law
6 enforcement officers of a State or political subdivision of
7 a State have the authority to—

8 (1) hold an illegal alien for a period of up to
9 14 days after the alien has completed the alien's
10 State prison sentence in order to effectuate the
11 transfer of the alien to Federal custody when the
12 alien is removable or not lawfully present in the
13 United States; or

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

19 (c) TECHNOLOGY USAGE.—Technology such as video
20 conferencing shall be used to the maximum extent possible
21 in order to make the Institutional Removal Program
22 (IRP) available in remote locations. Mobile access to Fed-
23 eral databases of aliens, such as IDENT, and live scan
24 technology shall be used to the maximum extent prac-



1 ticable in order to make these resources available to State
2 and local law enforcement agencies in remote locations.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out the institutional
5 removal program—

- 6 (1) \$100,000,000 for fiscal year 2007;
- 7 (2) \$115,000,000 for fiscal year 2008;
- 8 (3) \$130,000,000 for fiscal year 2009;
- 9 (4) \$145,000,000 for fiscal year 2010; and
- 10 (5) \$160,000,000 for fiscal year 2011.

11 **SEC. 215. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**
12 **(SCAAP).**

13 Section 241(i)(5) of the Immigration and Nationality
14 Act (8 U.S.C. 1231(i)) is amended by inserting before the
15 period at the end the following: “and \$1,000,000,000 for
16 each subsequent fiscal year”.

17 **SEC. 216. STATE AUTHORIZATION FOR ASSISTANCE IN THE**
18 **ENFORCEMENT OF IMMIGRATION LAWS EN-**
19 **COURAGED.**

20 (a) IN GENERAL.—Effective 2 years after the date
21 of the enactment of this Act, a State (or political subdivi-
22 sion of a State) that has in effect a statute, policy, or
23 practice that prohibits law enforcement officers of the
24 State, or of a political subdivision within the State, from
25 assisting or cooperating with Federal immigration law en-



1 enforcement in the course of carrying out the officers' rou-
2 tine law enforcement duties shall not receive any of the
3 funds that would otherwise be allocated to the State under
4 section 241(i) of the Immigration and Nationality Act (8
5 U.S.C. 1231(i)).

6 (b) CONSTRUCTION.—Nothing in this section shall
7 require law enforcement officials from States or political
8 subdivisions of States to report or arrest victims or wit-
9 nesses of a criminal offense.

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

At the end of title IV, add the following new section:

15 **SEC. 408. 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, the Under Secretary for Border and Transpor-
21 tation Security of the Department of Homeland Security
22 shall provide the National Crime Information Center of
23 the Department of Justice with such information as the
24 Under Secretary may have on any and all aliens against



1 whom a final order of removal has been issued, any and
2 all aliens who have signed a voluntary departure agree-
3 ment, any and all aliens who have overstayed their author-
4 ized period of stay, and any and all aliens whose visas
5 have been revoked. Such information shall be provided to
6 the National Crime Information Center, and the National
7 Crime Information Center shall enter such information
8 into the Immigration Violators File of the National Crime
9 Information Center database, regardless of whether—

10 (1) the alien received notice of a final order of
11 removal;

12 (2) the alien has already been removed; or

13 (3) sufficient identifying information is avail-
14 able on the alien.

15 (b) INCLUSION OF INFORMATION IN THE NCIC
16 DATABASE.—Section 534(a) of title 28, United States
17 Code, is amended—

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

20 (2) by redesignating paragraph (4) as para-
21 graph (5); and

22 (3) by inserting after paragraph (3) the fol-
23 lowing:

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



1 United States, regardless of whether the alien has
2 received notice of the violation or whether sufficient
3 identifying information is available on the alien and
4 even if the alien has already been removed; and

