

116TH CONGRESS  
1ST SESSION

# H. R. 2988

To ensure State and local compliance with all Federal immigration detainers on aliens in custody, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2019

Mr. GOODEN (for himself, Mr. SCALISE, Mr. WRIGHT, Mr. WEBER of Texas, Mr. WALKER, Mr. GAETZ, Mr. JOYCE of Pennsylvania, Mr. BABIN, Mr. TAYLOR, and Mr. JOHNSON of Louisiana) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, 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

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## A BILL

To ensure State and local compliance with all Federal immigration detainers on aliens in custody, 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 “Protecting American  
5 Lives Act”.

1 **SEC. 2. CLARIFYING THE AUTHORITY OF ICE DETAINERS.**

2 (a) IN GENERAL.—Except as otherwise provided by  
3 Federal law or rule of procedure, the Secretary shall exe-  
4 cute all lawful writs, process, and orders issued under the  
5 authority of the United States, and shall command all nec-  
6 essary assistance to execute the Secretary’s duties.

7 (b) STATE AND LOCAL COOPERATION WITH DHS  
8 DETAINERS.—A State, or a political subdivision of a  
9 State, that has in effect a statute or policy or practice  
10 providing that it not comply with any Department de-  
11 tainer ordering that it temporarily hold an alien in their  
12 custody so that the alien may be taken into Federal cus-  
13 tody, or transport the alien for transfer to Federal cus-  
14 tody, shall not be eligible to receive—

15 (1) any of the funds that would otherwise be al-  
16 located to the State or political subdivision under  
17 section 241(i) of the Immigration and Nationality  
18 Act (8 U.S.C. 1231(i)), the “Cops on the Beat” pro-  
19 gram under part Q of title I of the Omnibus Crime  
20 Control and Safe Streets Act of 1968 (34 U.S.C.  
21 10381 et seq.), or the Edward Byrne Memorial Jus-  
22 tice Assistance Grant Program under subpart 1 of  
23 part E of title I of the Omnibus Crime Control and  
24 Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.);  
25 or

1           (2) any other grant administered by the De-  
2           partment of Justice that is substantially related to  
3           law enforcement (including enforcement of the immi-  
4           gration laws), immigration, enforcement of the im-  
5           migration laws, or naturalization or administered by  
6           the Department of Homeland Security that is sub-  
7           stantially related to immigration, the enforcement of  
8           the immigration laws, or naturalization.

9           (c) LIMITATION ON LIABILITY FOR COMPLIANCE  
10          WITH DETAINER.—A State or unit of local government,  
11          and any law enforcement officer of such State or unit of  
12          local government, acting in compliance with a detainer  
13          issued by the Secretary of Homeland Security, shall be  
14          considered to be acting under color of Federal authority  
15          for purposes of determining liability, and immunity from  
16          suit, in any civil action brought by the alien under Federal  
17          or State law.

18          (d) PROBABLE CAUSE.—It is the sense of Congress  
19          that the Department has probable cause to believe that  
20          an alien is inadmissible or deportable when it issues a de-  
21          tainer regarding such alien under the standards in place  
22          on the date of introduction of this Act.

23          (e) DEFINITIONS.—In this section:

24                  (1) DEPARTMENT.—The term “Department”  
25                  means the Department of Homeland Security.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of Homeland Security.

3           (3) STATE.—The term “State” has the mean-  
4           ing given to such term in section 101(a)(36) of the  
5           Immigration and Nationality Act (8 U.S.C.  
6           1101(a)(36)).

7   **SEC. 3. INFORMATION SHARING REGARDING CRIMINAL**  
8           **ALIENS.**

9           Section 642 of the Illegal Immigration Reform and  
10          Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is  
11          amended—

12           (1) by striking “Immigration and Naturaliza-  
13          tion Service” each place it appears and inserting  
14          “Department of Homeland Security”;

15           (2) in subsection (a), by striking “may” and in-  
16          serting “shall”;

17           (3) in subsection (b)—

18                   (A) by striking “no person or agency may”  
19                   and inserting “a person or agency shall not”;  
20                   and

21                   (B) by striking “doing any of the following  
22                   with respect to information” and inserting “un-  
23                   dertaking any of the following law enforcement  
24                   activities”;

1           (4) by striking paragraphs (1) through (3) and  
2           inserting the following:

3           “(1) Notifying the Federal Government regard-  
4           ing the presence of inadmissible and deportable  
5           aliens who are encountered by law enforcement per-  
6           sonnel of a State or political subdivision of a State.

7           “(2) Complying with requests for information  
8           from Federal law enforcement.”; and

9           (5) by adding at the end the following:

10          “(d) SANCTUARY POLICIES.—Notwithstanding any  
11          other provision of Federal, State, or local law, a Federal,  
12          State, or local government entity or official shall not issue  
13          in the form of resolutions, ordinances, administrative ac-  
14          tions, general or special orders, or departmental policies  
15          that violate Federal law or restrict a State or political sub-  
16          division of a State from complying with Federal law or  
17          coordinating with Federal law enforcement.

18          “(e) COMPLIANCE.—

19                 “(1) IN GENERAL.—A State, or a political sub-  
20                 division of a State, that has in effect a statute, pol-  
21                 icy, or practice that prohibits law enforcement offi-  
22                 cers of the State, or of a political subdivision of the  
23                 State, from assisting or cooperating with Federal  
24                 immigration law enforcement in the course of car-

1       rying out the officers’ routine law enforcement du-  
2       ties shall not be eligible to receive—

3               “(A) any of the funds that would otherwise  
4       be allocated to the State or political subdivision  
5       under section 241(i) of the Immigration and  
6       Nationality Act (8 U.S.C. 1231(i)), the ‘Cops  
7       on the Beat’ program under part Q of title I of  
8       the Omnibus Crime Control and Safe Streets  
9       Act of 1968 (34 U.S.C. 10381 et seq.), or the  
10      Edward Byrne Memorial Justice Assistance  
11      Grant Program under subpart 1 of part E of  
12      title I of the Omnibus Crime Control and Safe  
13      Streets Act of 1968 (34 U.S.C. 10151 et seq.);  
14      or

15             “(B) any other grant administered by the  
16      Department of Justice that is substantially re-  
17      lated to law enforcement (including enforcement  
18      of the immigration laws), immigration, enforce-  
19      ment of the immigration laws, or naturalization  
20      or administered by the Department of Home-  
21      land Security that is substantially related to im-  
22      migration, the enforcement of the immigration  
23      laws, or naturalization.

24             “(2) ANNUAL DETERMINATION.—

1           “(A) REQUIREMENT.—Not later than  
2           March 1 of each year, the Secretary of Home-  
3           land Security shall determine which States or  
4           political subdivisions of a State are not in com-  
5           pliance with this section and report such deter-  
6           mination to Congress.

7           “(B) INELIGIBILITY FOR FINANCIAL AS-  
8           SISTANCE.—Any jurisdiction that the Secretary  
9           determines is not in compliance under subpara-  
10          graph (A)—

11                 “(i) shall be ineligible to receive Fed-  
12                 eral financial assistance as provided in  
13                 paragraph (1) for a minimum period of 1  
14                 year; and

15                 “(ii) shall only become eligible for  
16                 such assistance after the Secretary certifies  
17                 that the jurisdiction is in compliance.

18          “(3) REALLOCATION.—Any funds that are not  
19          allocated to a State or to a political subdivision of  
20          a State, due to the failure of the State, or of the po-  
21          litical subdivision of the State, to comply with this  
22          section shall be reallocated to States, or to political  
23          subdivisions of States, that comply with such sub-  
24          section.

1       “(f) STATE AND LOCAL LAW ENFORCEMENT PROVI-  
2       SION OF INFORMATION ABOUT APPREHENDED ALIENS.—

3               “(1) PROVISION OF INFORMATION.—In compli-  
4       ance with this section and section 434 of the Per-  
5       sonal Responsibility and Work Opportunity Rec-  
6       onciliation Act of 1996 (8 U.S.C. 1644), each State,  
7       and each political subdivision of a State, shall pro-  
8       vide the Secretary of Homeland Security in a timely  
9       manner with identifying information with respect to  
10      each alien in the custody of the State, or a political  
11      subdivision of the State, who is believed to be inad-  
12      missible or deportable.

13              “(2) ANNUAL REPORT ON COMPLIANCE.—Not  
14      later than March 1 of each year, the Secretary shall  
15      determine which States, or the political subdivisions  
16      of States, are not in compliance with this section  
17      and submit such determination to Congress.

18              “(g) REIMBURSEMENT.—The Secretary of Homeland  
19      Security shall reimburse States, and political subdivisions  
20      of a State, for all reasonable costs, as determined by the  
21      Secretary, incurred by the State, or the political subdivi-  
22      sion of a State, as a result of providing information under  
23      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.”.

9       **SEC. 4. ILLEGAL REENTRY.**

10       Section 276 of the Immigration and Nationality Act  
11       (8 U.S.C. 1326) is amended—

12               (1) in subsection (a), in the undesignated mat-  
13       ter following paragraph (2), by striking “not more  
14       than 2 years,” and inserting “not less than 5  
15       years,”; and

16               (2) in subsection (b)—

17                       (A) in paragraph (1), by inserting “not  
18       less than 5 years and” after “imprisoned”;

19                       (B) in paragraph (2), by inserting “not  
20       less than 5 years and” after “imprisoned”;

21                       (C) in paragraph (3), by striking “sen-  
22       tence.” and inserting “sentence;”; and

23                       (D) in paragraph (4), by inserting “not  
24       less than 5 years and” after “imprisoned for”.

1 **SEC. 5. WORKPLACE PROTECTIONS FOR LAW ENFORCE-**  
2 **MENT.**

3 Section 15(a) of the Fair Labor Standards Act (29  
4 U.S.C. 215(a)) is amended—

5 (1) in paragraph (5), by striking the period at  
6 the end and inserting “; and”; and

7 (2) by adding at the end the following:

8 “(6) in the case of a State or unit of local gov-  
9 ernment, to discharge or in any other manner dis-  
10 criminate against any law enforcement officer of  
11 that State or unit of local government because such  
12 law enforcement officer has taken any action to com-  
13 ply with a detainer issued by the Secretary of Home-  
14 land Security.”.

15 **SEC. 6. SEVERABILITY.**

16 If any provision of this Act, any amendment made  
17 by this Act, or the application of such provision to any  
18 person or circumstance, is held invalid, the remainder of  
19 this Act, the amendments made by this Act, and the appli-  
20 cation of such provision to other persons not similarly situ-  
21 ated or to other circumstances, shall not be affected by  
22 such invalidation.

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