

117TH CONGRESS
1ST SESSION

H. R. 4796

To provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. CARTER of Georgia (for himself, Mr. WESTERMAN, Mr. VAN DREW, Ms. HERRELL, Mr. GIBBS, Mr. BROOKS, Mr. BUDD, Mrs. CAMMACK, Mr. WEBER of Texas, Mr. CAWTHORN, and Mr. KUSTOFF) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, 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 “Empowering Law En-
5 forcement Act of 2021”.

1 **SEC. 2. STATE DEFINED.**

2 In this Act, the term “State” has the meaning given
3 such term in section 101(a)(36) of the Immigration and
4 Nationality Act (8 U.S.C. 1101(a)(36)).

5 **SEC. 3. FEDERAL AFFIRMATION OF IMMIGRATION LAW EN-**
6 **FORCEMENT BY STATES AND POLITICAL SUB-**
7 **DIVISIONS OF STATES.**

8 Notwithstanding any other provision of law and re-
9 affirming the existing inherent authority of States, law en-
10 forcement personnel of a State or a political subdivision
11 of a State have the inherent authority of a sovereign entity
12 to investigate, identify, apprehend, arrest, detain, or
13 transfer to Federal custody aliens in the United States
14 (including the transportation of such aliens across State
15 lines to detention centers), for the purpose of assisting in
16 the enforcement of the immigration laws of the United
17 States in the normal course of carrying out their law en-
18 forcement duties. This State authority has never been dis-
19 placed or preempted by Federal law.

20 **SEC. 4. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**
21 **TIONAL CRIME INFORMATION CENTER DATA-**
22 **BASE.**

23 (a) PROVISION OF INFORMATION TO THE NATIONAL
24 CRIME INFORMATION CENTER.—

25 (1) IN GENERAL.—Not later than 180 days
26 after the date of the enactment of this Act, the Sec-

1 retary of Homeland Security shall submit to the Na-
2 tional Crime Information Center of the Department
3 of Justice (referred to in this section as the
4 “NCIC”) any information in the possession of the
5 Secretary related to—

6 (A) any alien against whom a final order
7 of removal has been issued;

8 (B) any alien who is subject to a voluntary
9 departure agreement;

10 (C) any alien who has remained in the
11 United States beyond the alien’s authorized pe-
12 riod of stay; and

13 (D) any alien whose visa has been revoked.

14 (2) REQUIREMENT TO PROVIDE AND USE IN-
15 FORMATION.—The information described in para-
16 graph (1) shall be submitted to the NCIC, and the
17 NCIC shall enter such information into the Immi-
18 gration Violators File of the NCIC database, regard-
19 less of whether—

20 (A) the alien received notice of a final
21 order of removal;

22 (B) the alien has already been removed; or

23 (C) sufficient identifying information is
24 available for the alien, such as a physical de-
25 scription of the alien.

1 (b) INCLUSION OF INFORMATION ABOUT IMMIGRA-
2 TION LAW VIOLATIONS IN THE NCIC DATABASE.—Sec-
3 tion 534(a) of title 28, United States Code, is amended—

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

6 (2) by redesignating paragraph (4) as para-
7 graph (5); and

8 (3) by inserting after paragraph (3) the fol-
9 lowing:

10 “(4) acquire, collect, classify, and preserve
11 records of violations of the immigration laws of the
12 United States, regardless of whether the alien has
13 received notice of the violation, sufficient identifying
14 information is available for the alien, or the alien
15 has already been removed; and.”.

16 (c) PERMISSION TO DEPART VOLUNTARILY.—Sec-
17 tion 240B of the Immigration and Nationality Act (8
18 U.S.C. 1229c) is amended—

19 (1) by striking “Attorney General” each place
20 that term appears and inserting “Secretary of
21 Homeland Security”; and

22 (2) in subsection (a)(2)(A), by striking “120
23 days” and inserting “30 days”.

1 **SEC. 5. FEDERAL CUSTODY OF ILLEGAL ALIENS APPRE-**
2 **HENDED BY STATE OR LOCAL LAW ENFORCE-**
3 **MENT.**

4 (a) IN GENERAL.—Title II of the Immigration and
5 Nationality Act (8 U.S.C. 1151 et seq.) is amended by
6 inserting after section 240C the following:

7 **“SEC. 240D. TRANSFER OF ILLEGAL ALIENS FROM STATE**
8 **TO FEDERAL CUSTODY.**

9 “(a) ILLEGAL ALIEN DEFINED.—In this section, the
10 term ‘illegal alien’ means an alien who—

11 “(1) entered the United States without inspec-
12 tion or at any time or place other than that des-
13 ignated by the Secretary of Homeland Security;

14 “(2) was admitted as a nonimmigrant and, at
15 the time the alien was taken into custody by the
16 State or political subdivision, had failed—

17 “(A) to maintain the nonimmigrant status
18 in which the alien was admitted or to which it
19 was changed under section 248; or

20 “(B) to comply with the conditions of the
21 status described in subparagraph (A);

22 “(3) was admitted as an immigrant and subse-
23 quently failed to comply with the requirements of
24 such status; or

1 “(4) failed to depart the United States as re-
2 quired under a voluntary departure agreement or
3 under a final order of removal.

4 “(b) IN GENERAL.—If the head of a law enforcement
5 entity of a State (or, if appropriate, a political subdivision
6 of the State), exercising authority with respect to the ap-
7 prehension or arrest of an illegal alien, submits a request
8 to the Secretary of Homeland Security that the alien be
9 taken into Federal custody, the Secretary shall—

10 “(1)(A) not later than 72 hours after the con-
11 clusion of the State charging process or dismissal
12 process (or if no State charging or dismissal process
13 is required, not later than 72 hours after the alien
14 is apprehended), take the alien into the custody of
15 the Federal Government and incarcerate the alien;
16 or

17 “(B) request that the relevant State or local
18 law enforcement agency temporarily detain or trans-
19 port the alien to a location for transfer to Federal
20 custody; and

21 “(2) designate at least 1 Federal, State, or
22 local prison or jail or a private contracted prison or
23 detention facility within each State as the central fa-
24 cility for law enforcement entities of such State to

1 transfer custody of criminal or illegal aliens to the
2 Department of Homeland Security.

3 “(c) REIMBURSEMENT.—

4 “(1) IN GENERAL.—The Secretary of Homeland
5 Security shall reimburse a State or a political sub-
6 division of a State for all reasonable expenses, as de-
7 termined by the Secretary, incurred by the State or
8 political subdivision in the detention and transpor-
9 tation of a criminal or illegal alien under subsection
10 (b)(1).

11 “(2) COST COMPUTATION.—The amount reim-
12 bursed for costs incurred in the detention and trans-
13 portation of a criminal or illegal alien under sub-
14 section (b)(1) shall be equal to the sum of—

15 “(A) the product of—

16 “(i) the average cost of incarceration
17 of a prisoner in the relevant State, as de-
18 termined by the chief executive officer of
19 the State (or, as appropriate, a political
20 subdivision of the State); and

21 “(ii) the number of days that the alien
22 was in the custody of the State or political
23 subdivision; and

1 “(B) the cost of transporting the criminal
2 or illegal alien from the point of apprehension
3 or arrest to—

4 “(i) the location of detention; and

5 “(ii) if the location of detention and of
6 custody transfer are different, to the cus-
7 tody transfer point.

8 “(d) REQUIREMENT FOR APPROPRIATE SECURITY.—

9 The Secretary of Homeland Security shall ensure that ille-
10 gal aliens incarcerated in Federal facilities under this sec-
11 tion are held in facilities that provide an appropriate level
12 of security.

13 “(e) SCHEDULE REQUIREMENT.—

14 “(1) IN GENERAL.—In carrying out this sec-
15 tion, the Secretary of Homeland Security shall es-
16 tablish a regular circuit and schedule for the prompt
17 transfer of apprehended illegal aliens from the cus-
18 tody of States and political subdivisions of States to
19 Federal custody.

20 “(2) AUTHORITY FOR CONTRACTS.—The Sec-
21 retary of Homeland Security may enter into con-
22 tracts with appropriate State and local law enforce-
23 ment and detention officials to implement this sec-
24 tion.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 for the Immigration and Nationality Act (8 U.S.C. 1101
 3 et seq.) is amended by inserting after the item relating
 4 to section 240C the following:

“Sec. 240D. Transfer of illegal aliens from State to Federal custody.”.

5 **SEC. 6. DETENTION OF DANGEROUS ALIENS.**

6 (a) IN GENERAL.—Section 241(a) of the Immigra-
 7 tion and Nationality Act (8 U.S.C. 1231(a)) is amended—

8 (1) by striking “Attorney General” each place
 9 such term appears, except for the first reference in
 10 paragraph (4)(B)(i), and inserting “Secretary of
 11 Homeland Security”;

12 (2) in paragraph (1), by striking subparagraphs
 13 (B) and (C) and inserting the following:

14 “(B) BEGINNING OF PERIOD.—The re-
 15 moval period begins on the latest of—

16 “(i) the date on which the order of re-
 17 moval becomes administratively final;

18 “(ii) if the alien is not in the custody
 19 of the Secretary of Homeland Security on
 20 the date on which the order of removal be-
 21 comes administratively final, the date on
 22 which the alien is taken into such custody;
 23 or

24 “(iii) if the alien is detained or con-
 25 fined (except under an immigration proc-

1 ess) on the date on which the order of re-
2 moval becomes administratively final, the
3 date on which the alien is taken into the
4 custody of the Secretary of Homeland Se-
5 curity after the alien is released from such
6 detention or confinement.

7 “(C) EXTENSION OF PERIOD.—

8 “(i) IN GENERAL.—The removal pe-
9 riod shall be extended beyond a period of
10 90 days and the Secretary of Homeland
11 Security may, in the Secretary’s sole dis-
12 cretion, keep the alien in detention during
13 such extended period if—

14 “(I) the alien fails or refuses to
15 make all reasonable efforts to comply
16 with the removal order, or to fully co-
17 operate with the Secretary’s efforts to
18 establish the alien’s identity and carry
19 out the removal order, including—

20 “(aa) making timely applica-
21 tion in good faith for travel or
22 other documents necessary for
23 the alien’s departure; or

24 “(bb) conspiring or acting to
25 prevent the removal of an alien

1 that is subject to an order of re-
2 moval;

3 “(II) a court, the Board of Immi-
4 gration Appeals, or an immigration
5 judge orders a stay of removal of an
6 alien who is subject to an administra-
7 tively final order of removal;

8 “(III) the Secretary lawfully
9 transfers custody of the alien to an-
10 other Federal agency or to a State or
11 local government agency in connection
12 with the official duties of such agency;
13 or

14 “(IV) a court or the Board of
15 Immigration Appeals orders a remand
16 to the immigration judge or to the
17 Board of Immigration Appeals while
18 the case is pending a decision on re-
19 mand (with the removal period begin-
20 ning anew on the date on which the
21 alien is ordered removed on remand).

22 “(ii) RENEWAL.—If the removal pe-
23 riod has been extended pursuant to clause
24 (i), a new removal period shall begin on
25 the date on which—

1 “(I) the alien makes all reason-
2 able efforts to comply with the re-
3 moval order or to fully cooperate with
4 the Secretary of Homeland Security’s
5 efforts to establish the alien’s identity
6 and carry out the removal order;

7 “(II) the stay of removal is no
8 longer in effect; or

9 “(III) the alien is returned to the
10 custody of the Secretary.

11 “(iii) MANDATORY DETENTION FOR
12 CERTAIN ALIENS.—The Secretary shall
13 keep an alien described in section
14 236(c)(1) in detention during the extended
15 period described in clause (i).

16 “(iv) SOLE FORM OF RELIEF.—An
17 alien may seek relief from detention under
18 this subparagraph by filing an application
19 for a writ of habeas corpus in accordance
20 with chapter 153 of title 28, United States
21 Code. No alien whose period of detention is
22 extended under this subparagraph shall
23 have the right to seek release on bond.”;

24 (3) in paragraph (3)—

1 (A) by inserting “or is not detained pursu-
 2 ant to paragraph (6)” after “removal period”;
 3 and

4 (B) in subparagraph (D), by inserting “in
 5 order to prevent the alien from absconding, for
 6 the protection of the community, or for other
 7 purposes related to the enforcement of the im-
 8 migration laws” before the period at the end;

9 (4) in paragraph (4)(A), by striking “paragraph
 10 (2)” and inserting “in subparagraph (B)”; and

11 (5) by amending paragraph (6) to read as fol-
 12 lows:

13 “(6) ADDITIONAL RULES FOR DETENTION OR
 14 RELEASE OF CERTAIN ALIENS.—

15 “(A) DETENTION REVIEW PROCESS FOR
 16 COOPERATIVE ALIENS.—

17 “(i) IN GENERAL.—The Secretary of
 18 Homeland Security shall establish an ad-
 19 ministrative review process to determine
 20 whether an alien who is not otherwise sub-
 21 ject to mandatory detention, who has made
 22 all reasonable efforts to comply with a re-
 23 moval order and to cooperate fully with the
 24 Secretary’s efforts to establish the alien’s
 25 identity and to carry out the removal

1 order, including making timely application
2 in good faith for travel or other documents
3 necessary to the alien's departure, and who
4 has not conspired or acted to prevent re-
5 moval, should be detained or released on
6 conditions.

7 “(ii) DETERMINATION.—The Sec-
8 retary of Homeland Security shall deter-
9 mine whether to release an alien after the
10 removal period in accordance with sub-
11 paragraph (B). Such determination shall
12 include the consideration of any evidence
13 submitted by the alien and may include the
14 consideration of any other evidence, includ-
15 ing any information or assistance provided
16 by the Secretary of State or other Federal
17 official and any other information available
18 to the Secretary of Homeland Security per-
19 taining to the ability to remove the alien.

20 “(B) AUTHORITY TO DETAIN BEYOND RE-
21 MOVAL PERIOD.—

22 “(i) IN GENERAL.—The Secretary of
23 Homeland Security, in the sole discretion
24 of the Secretary, may continue to detain
25 an alien for 90 days beyond the removal

1 period (including any extension of the re-
2 moval period under paragraph (1)(C)). An
3 alien whose detention is extended under
4 this subparagraph is not entitled to seek
5 release on bond.

6 “(ii) SPECIFIC CIRCUMSTANCES.—The
7 Secretary of Homeland Security, in the
8 sole discretion of the Secretary, may con-
9 tinue to detain an alien beyond the 90
10 days authorized under clause (i)—

11 “(I) until the alien is removed, if
12 the Secretary, in the sole discretion of
13 the Secretary, determines that there is
14 a significant likelihood that the
15 alien—

16 “(aa) will be removed in the
17 reasonably foreseeable future; or

18 “(bb) would be removed in
19 the reasonably foreseeable future,
20 or would have been removed, but
21 for the alien’s failure or refusal
22 to make all reasonable efforts to
23 comply with the removal order,
24 or to cooperate fully with the
25 Secretary’s efforts to establish

1 the alien’s identity and carry out
2 the removal order, including
3 making timely application in
4 good faith for travel or other doc-
5 uments necessary to the alien’s
6 departure, or conspires or acts to
7 prevent removal;

8 “(II) until the alien is removed,
9 if the Secretary of Homeland Security
10 certifies in writing—

11 “(aa) in consultation with
12 the Secretary of Health and
13 Human Services, that the alien
14 has a highly contagious disease
15 that poses a threat to public safe-
16 ty;

17 “(bb) after receipt of a writ-
18 ten recommendation from the
19 Secretary of State, that release
20 of the alien is likely to have seri-
21 ous adverse foreign policy con-
22 sequences for the United States;

23 “(cc) based on information
24 available to the Secretary of
25 Homeland Security (including

1 classified, sensitive, or national
2 security information, and without
3 regard to the grounds upon
4 which the alien was ordered re-
5 moved), that there is reason to
6 believe that the release of the
7 alien would threaten the national
8 security of the United States; or

9 “(dd) that the release of the
10 alien will threaten the safety of
11 the community or any person,
12 conditions of release cannot rea-
13 sonably be expected to ensure the
14 safety of the community or any
15 person, and either—

16 “(AA) the alien has
17 been convicted of 1 or more
18 aggravated felonies (as de-
19 fined in section
20 101(a)(43)(A)), of 1 or
21 more crimes identified by
22 the Secretary of Homeland
23 Security by regulation, or of
24 1 or more attempts or con-
25 spiracies to commit any such

1 aggravated felonies or such
2 identified crimes, if the ag-
3 gregate term of imprison-
4 ment for such attempts or
5 conspiracies is at least 5
6 years; or

7 “(BB) the alien has
8 committed 1 or more crimes
9 of violence (as defined in
10 section 16 of title 18,
11 United States Code, exclud-
12 ing purely political offenses,
13 and the alien, because of a
14 mental condition or person-
15 ality disorder and behavior
16 associated with such condi-
17 tion or disorder, is likely to
18 engage in acts of violence in
19 the future; or

20 “(III) pending a certification
21 under subclause (II), if the Secretary
22 of Homeland Security initiates the ad-
23 ministrative review process not later
24 than 30 days after the expiration of
25 the removal period (including any ex-

1 tension of the removal period under
2 paragraph (1)(C)).

3 “(iii) NO RIGHT TO BOND HEARING.—
4 An alien whose detention is extended under
5 this subparagraph is not entitled to seek
6 release on bond, including by reason of a
7 certification under clause (ii)(II).

8 “(C) RENEWAL AND DELEGATION OF CER-
9 TIFICATION.—

10 “(i) RENEWAL.—The Secretary of
11 Homeland Security may renew a certifi-
12 cation under subparagraph (B)(ii)(II)
13 every 6 months, after providing an oppor-
14 tunity for the alien to request reconsider-
15 ation of the certification and to submit
16 documents or other evidence in support of
17 that request. If the Secretary does not
18 renew the certification, the Secretary may
19 not continue to detain the alien under sub-
20 paragraph (B)(ii)(II).

21 “(ii) DELEGATION.—Notwithstanding
22 section 103, the Secretary of Homeland
23 Security may not delegate the authority to
24 make or renew a certification described in
25 item (bb), (cc), or (dd) of subparagraph

1 (B)(ii)(II) below the level of the Assistant
2 Secretary for Immigration and Customs
3 Enforcement.

4 “(iii) HEARING.—The Secretary of
5 Homeland Security may request that the
6 Attorney General or the Attorney General’s
7 designee provide for a hearing to make the
8 determination described in item (dd)(BB)
9 of subparagraph (B)(ii)(II).

10 “(D) RELEASE ON CONDITIONS.—If a
11 Federal court or the Board of Immigration Ap-
12 peals determines that an alien should be re-
13 leased from detention or if an immigration
14 judge orders a stay of removal, the Secretary of
15 Homeland Security, in discretion of the Sec-
16 retary, may impose conditions on release in ac-
17 cordance with paragraph (3).

18 “(E) REDETENTION.—

19 “(i) IN GENERAL.—The Secretary of
20 Homeland Security, in the discretion of the
21 Secretary, without any limitations other
22 than those specified in this section, may
23 redetain any alien subject to a final re-
24 moval order who is released from custody
25 if—

1 “(I) removal becomes likely in
2 the reasonably foreseeable future;

3 “(II) the alien fails to comply
4 with the conditions of release or to
5 continue to satisfy the conditions de-
6 scribed in subparagraph (A); or

7 “(III) upon reconsideration, the
8 Secretary, in the sole discretion of the
9 Secretary, determines that the alien
10 can be detained under subparagraph
11 (B).

12 “(ii) APPLICABILITY.—This section
13 shall apply to any alien returned to cus-
14 tody pursuant to this subparagraph as if
15 the removal period terminated on the first
16 day of such redetention.

17 “(F) REVIEW OF DETERMINATIONS BY
18 SECRETARY.—A determination by the Secretary
19 of Homeland Security under this paragraph
20 shall not be subject to review by any other
21 agency.”.

22 (b) DETENTION OF ALIENS DURING REMOVAL PRO-
23 CEEDINGS.—Section 236 of the Immigration and Nation-
24 ality Act (8 U.S.C. 1226) is amended—

1 (1) by striking “Attorney General” each place
2 such term appears (except in the second place the
3 term appears in subsection (a)) and inserting “Sec-
4 retary of Homeland Security”;

5 (2) in subsection (a)—

6 (A) in the matter preceding paragraph (1),
7 by inserting “the Secretary of Homeland Secu-
8 rity or” before “the Attorney General—”; and

9 (B) in paragraph (2)(B), by striking “con-
10 ditional parole;” and inserting “recognizance;”;

11 (3) in subsection (b), by striking “parole” and
12 inserting “recognizance”;

13 (4) in subsection (c), by amending paragraph
14 (1) to read as follows:

15 “(1) CUSTODY.—

16 “(A) IN GENERAL.—The Secretary of
17 Homeland Security shall take into custody any
18 alien described in paragraph (2) or (3) of sec-
19 tion 212(a) or paragraph (2) or (4) of section
20 237(a), or who has no lawful status in the
21 United States and has been convicted for driv-
22 ing while intoxicated (including a conviction for
23 driving while under the influence or impaired by
24 alcohol or drugs), any time after the alien is re-
25 leased, regardless of whether the alien—

1 “(i) is released related to any activity,
 2 offense, or conviction described in this
 3 paragraph;

4 “(ii) is released on parole, supervised
 5 release, or probation; or

6 “(iii) may be arrested or imprisoned
 7 again for the same offense.

8 “(B) SUBSEQUENT CUSTODY.—If activity,
 9 offense, or conviction described in subparagraph
 10 (A) does not result in the alien being taken into
 11 custody, the Secretary of Homeland Security
 12 shall take such alien into custody—

13 “(i) when the alien is brought to the
 14 attention of the Secretary; or

15 “(ii) when the Secretary determines it
 16 is practical to take such alien into cus-
 17 tody.”;

18 (5) in subsection (e), by striking “Attorney
 19 General’s” and inserting “Secretary of Homeland
 20 Security’s”; and

21 (6) by adding at the end the following:

22 “(f) LENGTH OF DETENTION.—

23 “(1) IN GENERAL.—Notwithstanding any other
 24 provision of this section, an alien may be detained
 25 under this section, and an alien described in sub-

1 section (c) shall be detained, without time limitation,
2 except as provided in subsection (g), during the
3 pendency of removal proceedings.

4 “(2) CONSTRUCTION.—The length of detention
5 under this section shall not affect a detention au-
6 thorized under section 241.

7 “(g) RELEASE ON BOND.—

8 “(1) IN GENERAL.—An alien detained under
9 subsection (a) may seek release on bond. No bond
10 may be granted unless the alien establishes, by clear
11 and convincing evidence, that the alien is not a flight
12 risk or a risk to another person or to the commu-
13 nity.

14 “(2) CERTAIN ALIENS INELIGIBLE.—No alien
15 detained under subsection (c) may seek release on
16 bond.”.

17 (c) EFFECTIVE DATES.—

18 (1) SUBSECTION (a).—The amendments made
19 by subsection (a) shall take effect upon the date of
20 the enactment of this Act, and section 241 of the
21 Immigration and Nationality Act, as amended, shall
22 apply to—

23 (A) all aliens subject to a final administra-
24 tive removal, deportation, or exclusion order

1 that was issued before, on, or after the date of
2 the enactment of this Act; and

3 (B) acts and conditions occurring or exist-
4 ing before, on, or after such date.

5 (2) SUBSECTION (b).—The amendments made
6 by subsection (b) shall take effect upon the date of
7 the enactment of this Act, and section 236 of the
8 Immigration and Nationality Act, as amended, shall
9 apply to any alien in detention under provisions of
10 such section on or after such date.

11 **SEC. 7. IMMIGRATION LAW ENFORCEMENT TRAINING OF**
12 **STATE AND LOCAL LAW ENFORCEMENT PER-**
13 **SONNEL.**

14 (a) TRAINING MANUAL AND POCKET GUIDE.—

15 (1) PUBLICATION.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Homeland Security shall publish—

18 (A) a training manual for State and local
19 law enforcement personnel to train such per-
20 sonnel in the investigation, identification, ap-
21 prehension, arrest, detention, and transfer to
22 Federal custody of aliens in the United States,
23 including—

24 (i) the transportation of such aliens
25 across State lines to detention centers; and

1 (ii) the identification of fraudulent
2 documents; and

3 (B) an immigration enforcement pocket
4 guide for State and local law enforcement per-
5 sonnel to provide a quick reference for such
6 personnel in the course of duty.

7 (2) AVAILABILITY.—The training manual and
8 pocket guide published under paragraph (1) shall be
9 made available to all State and local law enforce-
10 ment personnel.

11 (3) APPLICABILITY.—Nothing in this sub-
12 section may be construed to require State or local
13 law enforcement personnel to keep the training man-
14 ual or pocket guide with them while on duty.

15 (4) COSTS.—The Secretary shall be responsible
16 for all costs incurred in the publication of the train-
17 ing manual and pocket guide under this subsection.

18 (b) TRAINING FLEXIBILITY.—

19 (1) IN GENERAL.—The Secretary of Homeland
20 Security shall make training available to State and
21 local law enforcement officers through as many
22 means as possible, including—

23 (A) residential training at—

24 (i) the Federal Law Enforcement
25 Training Center (FLETC) of the Depart-

1 ment of Homeland Security in Glyneo,
2 Georgia; and

3 (ii) the Center for Domestic Prepared-
4 ness of the Federal Emergency Manage-
5 ment Agency in Anniston, Alabama;

6 (B) onsite training held at State or local
7 police agencies or facilities;

8 (C) online training courses by computer,
9 teleconferencing, and videotape; and

10 (D) recording training courses on DVD.

11 (2) ONLINE TRAINING.—The head of the
12 FLETC Learning Center shall make training avail-
13 able for State and local law enforcement personnel
14 through the Internet using a secure, encrypted dis-
15 tributed learning system that—

16 (A) has all its servers based in the United
17 States;

18 (B) is sealable and survivable; and

19 (C) is capable of having a portal in place
20 not later than 30 days after the date of the en-
21 actment of this Act.

22 (3) FEDERAL PERSONNEL TRAINING.—The
23 training of State and local law enforcement per-
24 sonnel under this section may not displace the train-
25 ing of Federal personnel.

1 (c) RULE OF CONSTRUCTION.—Nothing in this Act
2 or in any other provision of law may be construed as mak-
3 ing any immigration-related training a requirement for, or
4 a prerequisite to, any State or local law enforcement offi-
5 cer exercising the inherent authority of the officer to inves-
6 tigate, identify, apprehend, arrest, detain, or transfer to
7 Federal custody illegal aliens during the normal course of
8 carrying out the law enforcement duties of the officer.

9 (d) TRAINING LIMITATION.—Section 287(g) of the
10 Immigration and Nationality Act (8 U.S.C. 1357(g)) is
11 amended—

12 (1) by striking “Attorney General” each place
13 that term appears and inserting “Secretary of
14 Homeland Security”; and

15 (2) in paragraph (2), by adding at the end the
16 following: “Training described in this paragraph
17 may not exceed 14 days or 80 hours, whichever is
18 longer.”.

19 **SEC. 8. IMMUNITY.**

20 (a) PERSONAL IMMUNITY.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, a law enforcement officer of a State
23 or of a political subdivision of a State shall be im-
24 mune from personal liability arising out of the en-

1 enforcement of any immigration law to the same extent
2 as a Federal law enforcement officer is immune.

3 (2) APPLICABILITY.—The immunity provided
4 under paragraph (1) only applies to an officer of a
5 State, or of a political subdivision of a State, who
6 is acting within the scope of such officer’s official
7 duties.

8 (b) AGENCY IMMUNITY.—Notwithstanding any other
9 provision of law, a law enforcement agency of a State, or
10 of a political subdivision of a State, shall be immune from
11 any claim for money damages based on Federal, State,
12 or local civil rights law for an incident arising out of the
13 enforcement of any immigration law, except to the extent
14 that the law enforcement officer of that agency, whose ac-
15 tion the claim involves, committed a violation of Federal,
16 State, or local criminal law in the course of enforcing such
17 immigration law.

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