

AMENDMENT NO. _____ Calendar No. _____

Purpose: To affirm local law enforcement ability to enforce immigration laws and improve information sharing between Department of Homeland Security and Department of Justice.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

1 On page 640, line 4, strike “Chapter 75” and insert
2 the following:

3 (1) FEDERAL AFFIRMATION OF IMMIGRATION
4 LAW ENFORCEMENT BY STATES AND POLITICAL
5 SUBDIVISIONS OF STATES.—

6 (A) AUTHORITY.—Law enforcement per-
7 sonnel of a State, or a political subdivision of
8 a State, have the inherent authority of a sov-
9 ereign entity to investigate, apprehend, arrest,
10 detain, or transfer to Federal custody (includ-
11 ing transportation across State lines to deten-

tion centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(B) CONSTRUCTION.—Nothing in subparagraph (A) may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(2) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(A) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(i) IN GENERAL.—Except as provided under clause (iii), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

1 (I) against whom a final order of
2 removal has been issued;

3 (II) who enters into a voluntary
4 departure agreement, or is granted
5 voluntary departure by an immigra-
6 tion judge, whose period for departure
7 has expired under subsection (a)(3) of
8 section 240B of the Immigration and
9 Nationality Act (8 U.S.C. 1229e),
10 subsection (b)(2) of such section
11 240B, or who has violated a condition
12 of a voluntary departure agreement
13 under such section 240B;

14 (III) whom a Federal immigra-
15 tion officer has confirmed to be un-
16 lawfully present in the United States;
17 and

18 (IV) whose visa has been re-
19 voked.

20 (ii) REMOVAL OF INFORMATION.—The
21 head of the National Crime Information
22 Center shall promptly remove any informa-
23 tion provided by the Secretary under
24 clause (i) related to an alien who is law-

1 fully admitted to enter or remain in the
2 United States.

3 (iii) PROCEDURE FOR REMOVAL OF
4 ERRONEOUS INFORMATION.—

5 (I) IN GENERAL.—The Secretary,
6 in consultation with the head of the
7 National Crime Information Center,
8 shall develop and implement a proce-
9 dure by which an alien may petition
10 the Secretary or head of the National
11 Crime Information Center, as appro-
12 priate, to remove any erroneous infor-
13 mation provided by the Secretary
14 under clause (i) relating to such alien.

15 (II) EFFECT OF FAILURE TO RE-
16 CEIVE NOTICE.—Under procedures
17 developed under subclause (I), failure
18 by the alien to receive notice of a vio-
19 lation of the immigration laws shall
20 not constitute cause for removing in-
21 formation provided by the Secretary
22 under clause (i) related to such alien,
23 unless such information is erroneous.

24 (III) INTERIM PROVISION OF IN-
25 FORMATION.—Notwithstanding the

1 180-day period set forth in clause (i),
2 the Secretary may not provide the in-
3 formation required under such clause
4 until the procedures required under
5 this subparagraph have been devel-
6 oped and implemented.

7 (B) INCLUSION OF INFORMATION IN THE
8 NATIONAL CRIME INFORMATION CENTER DATA-
9 BASE.—Section 534(a) of title 28, United
10 States Code, is amended—

11 (i) in paragraph (3), by striking
12 “and” at the end;

13 (ii) by redesignating paragraph (4) as
14 paragraph (5); and

15 (iii) by inserting after paragraph (3)
16 the following:

17 “(4) acquire, collect, classify, and preserve
18 records of violations of the immigration laws of the
19 United States; and”.

20 (3) AMENDMENT TO CRIMINAL CODE.—Chapter

21 75