

118TH CONGRESS
1ST SESSION

S. 1640

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 SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. TUBERVILLE (for himself, Mrs. BLACKBURN, and Mr. CASSIDY) introduced the following bill; which was read twice and 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 2023”.

6 **SEC. 2. STATE DEFINED.**

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

1 **SEC. 3. FEDERAL AFFIRMATION OF IMMIGRATION LAW EN-**
2 **FORCEMENT BY STATES AND POLITICAL SUB-**
3 **DIVISIONS OF STATES.**

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

16 **SEC. 4. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**
17 **TIONAL CRIME INFORMATION CENTER DATA-**
18 **BASE.**

19 (a) PROVISION OF INFORMATION TO THE NATIONAL
20 CRIME INFORMATION CENTER.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Homeland Security shall submit to the Na-
24 tional Crime Information Center of the Department
25 of Justice (referred to in this section as the

1 “NCIC”) any information in the possession of the
2 Secretary related to—

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

5 (B) any alien who is subject to a voluntary
6 departure agreement;

7 (C) any alien who has remained in the
8 United States beyond the alien’s authorized pe-
9 riod of stay; and

10 (D) any alien whose visa has been revoked.

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

17 (A) the alien received notice of a final
18 order of removal;

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

20 (C) sufficient identifying information is
21 available for the alien, such as a physical de-
22 scription of the alien.

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

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

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

5 (3) by inserting after paragraph (4) the fol-
6 lowing:

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

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

16 (1) by striking “Attorney General” each place
17 that term appears and inserting “Secretary of
18 Homeland Security”; and

19 (2) in subsection (a)(2)(A), by striking “120
20 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) DEFINED TERM.—In this section, the term ‘ille-
10 gal 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) after entering the United States with in-
15 spection at a time and place designated by the Sec-
16 retary of Homeland Security, was granted parole
17 into the United States;

18 “(3) was admitted as a nonimmigrant and, at
19 the time the alien was taken into custody by the
20 State or political subdivision, had failed—

21 “(A) to maintain the nonimmigrant status
22 in which the alien was admitted or to which it
23 was changed under section 248; or

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

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

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

7 “(b) IN GENERAL.—If a member of a law enforce-
8 ment entity of a State (or, if appropriate, a political sub-
9 division of the State), exercising authority with respect to
10 the apprehension or arrest of an illegal alien, submits a
11 request to the Secretary of Homeland Security that the
12 alien be taken into Federal custody, the Secretary shall—

13 “(1)(A) not later than 48 hours after the con-
14 clusion of the State charging process or dismissal
15 process (or if no State charging or dismissal process
16 is required, not later than 48 hours after the alien
17 is apprehended), take the alien into the custody of
18 the Federal Government and incarcerate the alien;
19 or

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

24 “(2) designate at least 1 Federal, State, or
25 local prison or jail or a private contracted prison or

1 detention facility within each State as the central fa-
2 cility for law enforcement entities of such State to
3 transfer custody of criminal or illegal aliens to the
4 Department of Homeland Security.

5 “(c) REIMBURSEMENT.—

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

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

17 “(A) the product of—

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

23 “(ii) the number of days that the alien
24 was in the custody of the State or political
25 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)—

13 (A) by striking “90” and inserting “60”;

14 and

15 (B) by striking subparagraphs (B) and (C)
 16 and inserting the following:

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

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

21 “(ii) if the alien is not in the custody
 22 of the Secretary of Homeland Security on
 23 the date on which the order of removal be-
 24 comes administratively final, the date on

1 which the alien is taken into such custody;
2 or

3 “(iii) if the alien is detained or con-
4 fined (except under an immigration proc-
5 ess) on the date on which the order of re-
6 moval becomes administratively final, the
7 date on which the alien is taken into the
8 custody of the Secretary of Homeland Se-
9 curity after the alien is released from such
10 detention or confinement.

11 “(C) EXTENSION OF PERIOD.—

12 “(i) IN GENERAL.—The removal pe-
13 riod shall be extended beyond a period of
14 60 days and the Secretary of Homeland
15 Security may, in the Secretary’s sole dis-
16 cretion, keep the alien in detention during
17 such extended period if—

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

24 “(aa) making timely applica-
25 tion in good faith for travel or

1 other documents necessary for
2 the alien's departure; or

3 “(bb) conspiring or acting to
4 prevent the removal of an alien
5 that is subject to an order of re-
6 moval;

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

12 “(III) the Secretary lawfully
13 transfers custody of the alien to an-
14 other Federal agency or to a State or
15 local government agency in connection
16 with the official duties of such agency;
17 or

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

1 “(ii) RENEWAL.—If the removal pe-
2 riod has been extended pursuant to clause
3 (i), a new removal period shall begin on
4 the date on which—

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

11 “(II) the stay of removal is no
12 longer in effect; or

13 “(III) the alien is returned to the
14 custody of the Secretary.

15 “(iii) MANDATORY DETENTION FOR
16 CERTAIN ALIENS.—The Secretary shall
17 keep an alien described in section
18 236(e)(1) in detention during the extended
19 period described in clause (i).

20 “(iv) SOLE FORM OF RELIEF.—An
21 alien may seek relief from detention under
22 this subparagraph by filing an application
23 for a writ of habeas corpus in accordance
24 with chapter 153 of title 28, United States
25 Code. No alien whose period of detention is

1 extended under this subparagraph shall
2 have the right to seek release on bond.”;

3 (3) in paragraph (3)—

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

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

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

14 (5) by amending paragraph (6) to read as fol-
15 lows:

16 “(6) ADDITIONAL RULES FOR DETENTION OR
17 RELEASE OF CERTAIN ALIENS.—

18 “(A) DETENTION REVIEW PROCESS FOR
19 COOPERATIVE ALIENS.—

20 “(i) IN GENERAL.—The Secretary of
21 Homeland Security shall establish an ad-
22 ministrative review process to determine
23 whether an alien who is not otherwise sub-
24 ject to mandatory detention, who has made
25 all reasonable efforts to comply with a re-

1 removal order and to cooperate fully with the
2 Secretary's efforts to establish the alien's
3 identity and to carry out the removal
4 order, including making timely application
5 in good faith for travel or other documents
6 necessary to the alien's departure, and who
7 has not conspired or acted to prevent re-
8 moval, should be detained or released on
9 conditions.

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

23 “(B) AUTHORITY TO DETAIN BEYOND RE-
24 MOVAL PERIOD.—

1 “(i) IN GENERAL.—The Secretary of
2 Homeland Security, in the sole discretion
3 of the Secretary, may continue to detain
4 an alien for 90 days beyond the removal
5 period (including any extension of the re-
6 moval period under paragraph (1)(C)). An
7 alien whose detention is extended under
8 this subparagraph is not entitled to seek
9 release on bond.

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

15 “(I) until the alien is removed, if
16 the Secretary, in the sole discretion of
17 the Secretary, determines that there is
18 a significant likelihood that the
19 alien—

20 “(aa) will be removed in the
21 reasonably foreseeable future; or

22 “(bb) would be removed in
23 the reasonably foreseeable future,
24 or would have been removed, but
25 for the alien’s failure or refusal

1 to make all reasonable efforts to
2 comply with the removal order,
3 or to cooperate fully with the
4 Secretary's efforts to establish
5 the alien's identity and carry out
6 the removal order, including
7 making timely application in
8 good faith for travel or other doc-
9 uments necessary to the alien's
10 departure, or conspires or acts to
11 prevent removal;

12 “(II) until the alien is removed,
13 if the Secretary of Homeland Security
14 certifies in writing—

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

21 “(bb) after receipt of a writ-
22 ten recommendation from the
23 Secretary of State, that release
24 of the alien is likely to have seri-

1 ous adverse foreign policy con-
2 sequences for the United States;

3 “(cc) based on information
4 available to the Secretary of
5 Homeland Security (including
6 classified, sensitive, or national
7 security information, and without
8 regard to the grounds upon
9 which the alien was ordered re-
10 moved), that there is reason to
11 believe that the release of the
12 alien would threaten the national
13 security of the United States; or

14 “(dd) that the release of the
15 alien will threaten the safety of
16 the community or any person,
17 conditions of release cannot rea-
18 sonably be expected to ensure the
19 safety of the community or any
20 person, or either—

21 “(AA) the alien has
22 been convicted of 1 or more
23 aggravated felonies (as de-
24 fined in section
25 101(a)(43)(A)), of 1 or

1 more crimes identified by
2 the Secretary of Homeland
3 Security by regulation, or of
4 1 or more attempts or con-
5 spiracies to commit any such
6 aggravated felonies or such
7 identified crimes, if the ag-
8 gregate term of imprison-
9 ment for such attempts or
10 conspiracies is at least 5
11 years; or

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

1 “(III) pending a certification
2 under subclause (II), if the Secretary
3 of Homeland Security initiates the ad-
4 ministrative review process not later
5 than 30 days after the expiration of
6 the removal period (including any ex-
7 tension of the removal period under
8 paragraph (1)(C)).

9 “(iii) NO RIGHT TO BOND HEARING.—
10 An alien whose detention is extended under
11 this subparagraph is not entitled to seek
12 release on bond, including by reason of a
13 certification under clause (ii)(II).

14 “(C) RENEWAL AND DELEGATION OF CER-
15 TIFICATION.—

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

1 not continue to detain the alien under sub-
2 paragraph (B)(ii)(II).

3 “(ii) DELEGATION.—Notwithstanding
4 section 103, the Secretary of Homeland
5 Security may not delegate the authority to
6 make or renew a certification described in
7 item (bb), (cc), or (dd) of subparagraph
8 (B)(ii)(II) below the level of the Assistant
9 Secretary for Immigration and Customs
10 Enforcement.

11 “(iii) HEARING.—The Secretary of
12 Homeland Security may request that the
13 Attorney General or the Attorney General’s
14 designee provide for a hearing to make the
15 determination described in item (dd)(BB)
16 of subparagraph (B)(ii)(II).

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

25 “(E) REDETENTION.—

1 “(i) IN GENERAL.—The Secretary of
2 Homeland Security, in the discretion of the
3 Secretary, without any limitations other
4 than those specified in this section, may
5 redetain any alien subject to a final re-
6 moval order who is released from custody
7 if—

8 “(I) removal becomes likely in
9 the reasonably foreseeable future;

10 “(II) the alien fails to comply
11 with the conditions of release or to
12 continue to satisfy the conditions de-
13 scribed in subparagraph (A); or

14 “(III) upon reconsideration, the
15 Secretary, in the sole discretion of the
16 Secretary, determines that the alien
17 can be detained under subparagraph
18 (B).

19 “(ii) APPLICABILITY.—This section
20 shall apply to any alien returned to cus-
21 tody pursuant to this subparagraph as if
22 the removal period terminated on the first
23 day of such redetention.

24 “(F) REVIEW OF DETERMINATIONS BY
25 SECRETARY.—A determination by the Secretary

1 of Homeland Security under this paragraph
2 shall not be subject to review by any other
3 agency.”.

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

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

11 (2) in subsection (a)—

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

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

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

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

21 “(1) CUSTODY.—

22 “(A) IN GENERAL.—The Secretary of
23 Homeland Security shall take into custody any
24 alien described in paragraph (2) or (3) of sec-
25 tion 212(a) or paragraph (2) or (4) of section

1 237(a), or who has no lawful status in the
2 United States and has been convicted for driv-
3 ing while intoxicated (including a conviction for
4 driving while under the influence or impaired by
5 alcohol or drugs), any time after the alien is re-
6 leased, regardless of whether the alien—

7 “(i) is released related to any activity,
8 offense, or conviction described in this
9 paragraph;

10 “(ii) is released on parole, supervised
11 release, or probation; or

12 “(iii) may be arrested or imprisoned
13 again for the same offense.

14 “(B) SUBSEQUENT CUSTODY.—If activity,
15 offense, or conviction described in subparagraph
16 (A) does not result in the alien being taken into
17 custody, the Secretary of Homeland Security
18 shall take such alien into custody—

19 “(i) when the alien is brought to the
20 attention of the Secretary; or

21 “(ii) when the Secretary determines it
22 is practical to take such alien into cus-
23 tody.”.

1 (5) in subsection (e), by striking “Attorney
2 General’s” and inserting “Secretary of Homeland
3 Security’s”; and

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

5 “(f) LENGTH OF DETENTION.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of this section, an alien may be detained
8 under this section, and an alien described in sub-
9 section (c) shall be detained, without time limitation,
10 except as provided in subsection (g), during the
11 pendency of removal proceedings.

12 “(2) CONSTRUCTION.—The length of detention
13 under this section shall not affect a detention au-
14 thorized under section 241.

15 “(g) RELEASE ON BOND.—

16 “(1) IN GENERAL.—An alien detained under
17 subsection (a) may seek release on bond in an
18 amount that is not less than \$10,000. No bond may
19 be granted under this paragraph unless the alien es-
20 tablishes, by clear and convincing evidence, that the
21 alien is not a flight risk or a risk to another person
22 or to the community.

23 “(2) CERTAIN ALIENS INELIGIBLE.—No alien
24 detained pursuant to subsection (c) may seek release
25 on bond.”.

1 (c) EFFECTIVE DATES.—

2 (1) SUBSECTION (a).—The amendments made
3 by subsection (a) shall take effect upon the date of
4 the enactment of this Act, and section 241 of the
5 Immigration and Nationality Act, as amended by
6 subsection (a), shall apply to—

7 (A) all aliens subject to a final administra-
8 tive removal, deportation, or exclusion order
9 that was issued before, on, or after the date of
10 the enactment of this Act; and

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

13 (2) SUBSECTION (b).—The amendments made
14 by subsection (b) shall take effect upon the date of
15 the enactment of this Act, and section 236 of the
16 Immigration and Nationality Act, as amended by
17 subsection (b), shall apply to any alien in detention
18 under provisions of such section on or after such
19 date.

20 **SEC. 7. IMMIGRATION LAW ENFORCEMENT TRAINING OF**
21 **STATE AND LOCAL LAW ENFORCEMENT PER-**
22 **SONNEL.**

23 (a) TRAINING MANUAL AND POCKET GUIDE.—

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

4 (A) a training manual for State and local
5 law enforcement personnel to train such per-
6 sonnel in the investigation, identification, ap-
7 prehension, arrest, detention, and transfer to
8 Federal custody of aliens in the United States,
9 including—

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

12 (ii) the identification of fraudulent
13 documents; and

14 (B) an immigration enforcement pocket
15 guide for State and local law enforcement per-
16 sonnel to provide a quick reference for such
17 personnel in the course of duty.

18 (2) AVAILABILITY.—The training manual and
19 pocket guide published under paragraph (1) shall be
20 made available to all State and local law enforce-
21 ment personnel.

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

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

4 (b) TRAINING FLEXIBILITY.—

5 (1) IN GENERAL.—The Secretary of Homeland
6 Security shall make training available to State and
7 local law enforcement officers through as many
8 means as possible, including—

9 (A) residential training at—

10 (i) the Federal Law Enforcement
11 Training Center (referred to in this sub-
12 section as “FLETC”) of the Department
13 of Homeland Security in Glynco, Georgia;
14 and

15 (ii) the Center for Domestic Prepared-
16 ness of the Federal Emergency Manage-
17 ment Agency in Anniston, Alabama;

18 (B) onsite training held at State or local
19 police agencies or facilities;

20 (C) online training courses by computer,
21 teleconferencing, and videotape; and

22 (D) recording training courses on DVD.

23 (2) ONLINE TRAINING.—The head of the
24 FLETC Learning Center shall make training avail-
25 able for State and local law enforcement personnel

1 through the internet using a secure, encrypted dis-
2 tributed learning system that—

3 (A) has all its servers based in the United
4 States;

5 (B) is sealable and survivable; and

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

9 (3) FEDERAL PERSONNEL TRAINING.—The
10 training of State and local law enforcement per-
11 sonnel under this section may not displace the train-
12 ing of Federal personnel.

13 (c) RULE OF CONSTRUCTION.—Nothing in this Act
14 or in any other provision of law may be construed as mak-
15 ing any immigration-related training a requirement for, or
16 a prerequisite to, any State or local law enforcement offi-
17 cer exercising the inherent authority of the officer to inves-
18 tigate, identify, apprehend, arrest, detain, or transfer to
19 Federal custody illegal aliens during the normal course of
20 carrying out the law enforcement duties of the officer.

21 (d) TRAINING LIMITATION.—Section 287(g) of the
22 Immigration and Nationality Act (8 U.S.C. 1357(g)) is
23 amended—

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

4 (2) in paragraph (2), by adding at the end the
5 following: “Training described in this paragraph
6 may not exceed 14 days or 80 hours, whichever is
7 longer.”.

8 **SEC. 8. IMMUNITY.**

9 (a) **PERSONAL IMMUNITY.**—

10 (1) **IN GENERAL.**—Notwithstanding any other
11 provision of law, a law enforcement officer of a State
12 or of a political subdivision of a State shall be im-
13 mune from personal liability arising out of the en-
14 forcement of any immigration law to the same extent
15 as a Federal law enforcement officer is immune.

16 (2) **APPLICABILITY.**—The immunity provided
17 under paragraph (1) only applies to an officer of a
18 State, or of a political subdivision of a State, who
19 is acting within the scope of such officer’s official
20 duties.

21 (b) **AGENCY IMMUNITY.**—Notwithstanding any other
22 provision of law, a law enforcement agency of a State, or
23 of a political subdivision of a State, shall be immune from
24 any claim for money damages based on Federal, State,
25 or local civil rights law for an incident arising out of the

1 enforcement of any immigration law, except to the extent
2 that the law enforcement officer of that agency, whose ac-
3 tion the claim involves, committed a violation of Federal,
4 State, or local criminal law in the course of enforcing such
5 immigration law.

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