



111th Congress; May 20, 2009

H.R. 2406

The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act of 2009

or

Charlie Norwood CLEAR Act of 2009

Sponsored by Rep. Marsha Blackburn (R-Tenn.)

Summary of Provisions

- Would clarify the authority of state and local law enforcement to enforce federal immigration law;
- Would require the Department of Homeland Security (DHS), when a state or local law enforcement agency arrests an alien suspected of being unlawfully present and requests DHS to take custody of that alien, to either: (1) take the alien into federal custody and incarceration within 48 hours; or (2) request that the state or municipality temporarily incarcerate the alien or transport the alien to federal custody;
- Would require DHS to reimburse the state or local government for its reasonable expenses in detaining or transporting the alien;
- Would require all aliens who violate immigration law to be entered into the National Crime Information Center (NCIC) database, therefore increasing the chances for state and local police to apprehend them;
- Would require DHS to build or acquire 20 more detention facilities in the United States, with increased bed space, so that more aliens can be detained pending their removal or a decision on their removal;
- Would require state and local governments to provide DHS with information on suspected illegal aliens and, subsequently, reimburse them for such costs;

- Would require DHS to make grants to states and municipalities that enforce immigration laws in the course of their routine law enforcement duties for special equipment and facilities related to arresting, detaining, or transporting illegal aliens;
- Would prohibit the awarding of any such grants to jurisdictions with any policy or practice in place preventing local law enforcement from inquiring about a suspects immigration status;
- Would immunize state and local police, acting within the scope of their official duties, against personal liability for enforcing immigration laws (federal officers are already immune);
- Would require DHS to train state and local police in enforcement of immigration laws, with priority for funding given to existing Internet-based training systems; and
- Would extend the Institutional Removal Program (where DHS takes criminal aliens into custody once their prison terms are completed and removes them from the United States) to all states.