

- a. Notwithstanding any other provision of law,
  - i. if the government of a state, tribe, territory, or possession of the United States, or a political subdivision of any of the aforementioned, or the District of Columbia, refuses or declines—
    - 1. to affirm its willingness to participate in the Immigration and Customs Enforcement initiative known as Secure Communities, or
    - 2. to honor detainers filed by Immigration and Customs Enforcement officers or agents against individuals known or suspected to be undocumented or criminal aliens subject to removal from the United States,
  - or
  - ii. if the government of a state, tribe, territory or possession of the United States refuses or declines to exercise its authority to override the stated intention of one of its political subdivisions to engage in the conduct described in paragraphs (1) or (2) of subsection i,

said government shall be ineligible to receive funding from the Department of Justice State Criminal Alien Assistance Program, or the Department of Homeland Security Terrorism Assistance Program [official name?].

- b. For purposes of this act, refusal or declination of a government as described in subsection a.i, or to exercise its authority as described in subsection a.ii includes, but is not limited to, statute, ordinance, order, rulemaking, policy, standard practice or directive on the part of a legislative or executive body or officer.
- c. Within 30 days of enactment of this act, Immigration and Customs Enforcement shall—
  - i. prepare a comprehensive listing of all governments of states, tribes, territories or possessions, or political subdivisions thereof, or of the District of Columbia, which meet the ineligibility requirements described in a.i or a.ii above;
  - ii. send a notice to each government so listed informing it of the provisions of subsection a.i. of this act, asking that government whether it wishes to state affirmatively for the record its willingness and intent to participate in Secure Communities, and to honor ICE detainers, and advising that failure to receive an affirmative response within 30 days of the date of the notice will result in ineligibility for the funding described in section a; and

- iii. send a concurrent notice to each state, territory or possession in which a political subdivision has evidenced its unwillingness to participate, informing it of the provisions of subsection a.ii. of this act, asking the state, territory or possession whether it wishes to exercise its authorities to override the stated intentions of the political subdivision, and advising that failure to receive an affirmative response within 30 days of the date of the notice will result in the state, territory or possession also becoming ineligible for the funding described in section a. above.
- d. Upon expiration of the times described in section c. above, and in no event to exceed 30 days thereafter, Immigration and Customs Enforcement shall transmit to the Bureau of Justice Assistance in the Department of Justice and to the Department of Homeland Security a notice listing of the governments of any state, territory, possession, or political subdivision thereof, or of the District Columbia, which is ineligible for the funding described in section a. above. Said listing shall be final and determinative.
- e. After the initial notices and listing described in sections c. and d. above, Immigration and Customs Enforcement shall, within 30 days of being advised or becoming aware of a government refusing or declining to participate in Secure Communities or to honor detainers, as described in section a. above, follow the same procedures and timeframes in those sections to inform said government that its actions will render it ineligible to receive funding, to ascertain whether that government is willing to reconsider and to affirm its willingness to participate and / or honor detainers, to advise the state, territory or possession (if the uncooperative government is a political subdivision) of the consequences of failure to exercise its authorities to override that government's decisions, and to notify the Departments of Justice and Homeland Security of any governments which, having been given the opportunity, refuse or to decline to affirm and thus render themselves ineligible for funding.
- f. 120 days after enactment,
  - i. Immigration and Customs Enforcement shall provide a report to the Congress outlining what steps have been taken to implement the provisions of this act. Immigration and Customs Enforcement shall append to its report a copy of the list described in section d. above.
  - ii. The Bureau of Justice Assistance and the Federal Emergency Management Agency of the Department of Homeland Security shall each provide a report to the Congress outlining the steps they have taken to implement the provisions of this act, and append to their reports a list of governments that they have debarred from receipt of the funds described in section a.