

U.S. Congresswoman

Ginny Brown-Waite

*Representing Citrus, Hernando, Lake, Levy,
Marion, Pasco, Polk, and Sumter Counties*



Rep. Brown-Waite Accountability in Enforcing Immigration Laws Act of 2007

Frequently Asked Questions

What does the bill do?

- Clarifies that state law enforcement has existing authority to investigate, identify, apprehend, arrest, detain, and/or transfer to federal authorities any illegal immigrant apprehended in the course of routine duties.
- Revokes 25% of non-emergency Homeland Security funding within 6 months of enactment of the Act for sanctuary cities, and gives the Secretary authority to revoke a total of 50% at his discretion.
- Authorizes State Criminal Alien Assistance Program (SCAAP) at \$1 billion per year. SCAAP provides funding to states and localities for incarcerating criminal aliens with at least one felony or two misdemeanor convictions.
- Makes illegal immigration a felony.
- Requires Immigration and Customs Enforcement to take illegal immigrants into custody, or pay state and local governments the per diem rate to detain the alien until he or she is removed.
- Authorizes a bonus program for state and local law enforcement agencies for assistance in enforcing immigration laws under the 287 (g) program.
- Requires annual immigration status checks for airport employees.
- Requires immigration checks of critical infrastructure site employees.
- Urges Customs and Border Protection to work with Mexico to stop border rapes.

What do you mean when you refer to “sanctuary cities?”

A sanctuary city is one that has established ordinances that prevent cooperation between local police and federal immigration authorities.

Why are sanctuary cities dangerous?

When cities proclaim that they will not check immigration status, they essentially become a safe haven for not only out-of-status immigrants, but criminal aliens who have often committed violent atrocities in our country. Imagine that Mohammed Atta or other 9/11 hijackers, who were in the country illegally, had a city they could reside in to plot terrorist attacks with no fear of ever being checked or deported. We run the risk of inviting terror into these cities.

Does this bill interfere with states' rights?

Immigration enforcement is an inherently federal activity, but that does not mean that states can flout federal authority and hide criminals in areas under their control. Imagine a state doing that for someone who had violated federal drug or anti-hate crime laws. This bill does not require states to help; it requires them to not impede federal officials from carrying out their duties with foolish look-the-other-way policies, and provides funding to those that help enforce our laws.

What happens if a state or municipality continues the sanctuary city practice?

My bill gives states and localities six months to change their sanctuary policies. If they choose not to comply, they will lose 25% of their non-emergency federal homeland security funds. The Secretary will have the authority to revoke an additional 25% to a locality with particularly egregious or non-cooperative policies.

What type of funding would be included under "non-emergency" Homeland Security funds?

The bill does not specify which funds may be cut. We leave it up to the Secretary to decide. But my intent was that funds that were to be used for an immediate response to a natural or terrorist disaster would not be cut.

Why are you reducing Homeland Security funding when the United States faces ongoing terrorist threats?

These are federal funds, and are provided to make states and localities more secure. If these cities provide safe havens to criminals and terrorists, we are essentially throwing money at a ticking time bomb. It would be like paying millions of dollars for a high-tech security system and leaving the back door wide open. This is not a wise or responsible policy. Until these cities begin to take homeland security seriously, I do not think the federal government should underwrite their unsafe policies. Hopefully such a significant step will force sanctuary cities to end their obstinacy and begin to cooperate in securing our nation.

Why didn't you reduce funding for the training and detaining budgets, rather than all non-emergency Homeland Security funds?

Congresswoman Marsha Blackburn's (TN-07) CLEAR Act legislation has an enforcement mechanism that revokes money for detaining illegal aliens available under the Immigration Nationality Act. However, if a city refuses to ask about immigration status, they are clearly not going to be using the money to detain an illegal immigrant. The CLEAR Act enforcement mechanism simply had no teeth. My solution was to bring these localities into compliance quickly by threatening them with non-emergency homeland security funds if they do not cease their obstructive policies within six months. It does us no good to send security funds to shore up infrastructure when the cities allow a deadly blind spot.

Why did you propose the border rape language?

Through my role as Co-Chair of the Congressional Caucus on Women's Issues, I learned of the increasing stories of rape as women seek entry to the United States. Smugglers violate our laws by breaking through the border and by raping women and young girls who are seeking to come to our country. By condemning this wrongdoing, we reaffirm that our borders must be secure, particularly to protect these women and the citizens of the United States. In urging the United States Customs and Border Protection units of the Department of Homeland Security to work with the Mexican Government, my language encourages action on the part of both parties to stop both human smuggling and the egregious crime of rape.

Have you supported similar efforts in the past?

I successfully added this language as an amendment to H.R. 4437, the House border bill passed in 2005 as part of a border security overhaul. Unfortunately, due to a wide gap in policy between border security and the Senate's amnesty bill, the measure did not become law.

Is the airport provision a direct link to your bill with Rep. Lowey on airport employee screening?

Congresswoman Nita Lowey (NY-18) and I introduced H.R. 1413, a bill to implement a pilot program at seven airports nationwide that would require all airport workers to be screened before entering the secure area, just like TSA employees and passengers. Part of TSA's resistance to the pilot has been an argument that these employees are thoroughly vetted with a background check against the terrorist watch list and the FBI criminal database. However, you might be surprised to learn that immigration status is not currently a requirement. I think that is a huge oversight and a gaping vulnerability. My language requires not only an immigration check against new hires, but also an annual update to check for people newly out of status from something like a visa overstay.

How is your bill different from the Blackburn CLEAR Act?

Our bills have some very similar language on dealing with sanctuary cities, given that we both used former Rep. Charlie Norwood's (GA-10) work on this issue as a model. However, my bill has some very important differences. For instance, I was concerned that the enforcement model the CLEAR Act uses revokes detention funds available to states and localities. However, if a city refuses to ask about immigration status, they are clearly not going to be using the money to detain an illegal immigrant. The enforcement mechanism simply had no teeth. My solution was to bring these localities into compliance quickly by threatening them with non-emergency homeland security funds if they do not cease their obstructive policies within 6 months. It does us no good to send security funds to shore up infrastructure when the cities allow a deadly blind spot.

My bill also incorporates work I have done in the past on immigration, such as checking the immigration status of airport and critical infrastructure site (i.e. nuclear power plant) workers; as well as some new provisions like bonuses to state and local law enforcement assisting in immigration enforcement.