

112TH CONGRESS
1ST SESSION

H. R. 2670

To provide that States and local governments may pass laws that identify illegal aliens, deter illegal aliens from entering the United States, apprehend illegal aliens, or encourage or otherwise cause illegal aliens to leave the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2011

Mr. BROOKS (for himself, Mr. BURTON of Indiana, Mr. CARTER, Mr. PALAZZO, and Mr. WOODALL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide that States and local governments may pass laws that identify illegal aliens, deter illegal aliens from entering the United States, apprehend illegal aliens, or encourage or otherwise cause illegal aliens to leave 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 “Jobs for Americans
5 Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) The security of the United States and its
2 citizens is dependent on the ability of the United
3 States to regulate the immigration of aliens into the
4 United States.

5 (2) The economic disparity between the United
6 States and other countries is a prime factor in the
7 desire of aliens to enter the United States illegally.

8 (3) Federal law prohibits the employment of il-
9 legal aliens in the United States. Nonetheless, illegal
10 aliens routinely find employment within the United
11 States.

12 (4) Employment of illegal aliens in the United
13 States undermines our system of lawful immigration,
14 undermines job opportunities for American workers,
15 undermines the wages for many American workers,
16 and increases the number of Americans who are de-
17 pendent on Federal and State programs for mone-
18 tary assistance.

19 (5) The laws, regulations, policies, and efforts
20 of the United States concerning illegal aliens have
21 been insufficient to stop or adequately stem the flow
22 of illegal aliens into the United States.

23 (6) The United States welcomes the assistance
24 of State, county, and municipal governments in the
25 effort to identify illegal aliens, deter illegal aliens

1 from entering the United States, apprehend illegal
2 aliens, and encourage or otherwise cause illegal
3 aliens to leave the United States.

4 (7) States, counties, and municipal governments
5 have inherent authority to investigate, identify, ap-
6 prehend, arrest, detain, or transfer illegal aliens to
7 the United States and to assist the United States in
8 the enforcement of the immigration laws of the
9 United States. This State, county, and municipal au-
10 thority has never been displaced or preempted by
11 Congress.

12 (8) The Attorney General should not use tax-
13 payer funds to sue States, counties, or municipal
14 governments that enact their own illegal immigration
15 legislation because of the failure of the United
16 States to adequately act on this issue.

17 (9) State, county, and municipal governments
18 should be supported for taking actions to discourage
19 illegal immigration.

20 **SEC. 3. EMPOWERING STATE AND LOCAL GOVERNMENTS**
21 **TO HELP THE FEDERAL GOVERNMENT STOP**
22 **ILLEGAL ALIENS.**

23 (a) LIMITED PREEMPTION OF STATE AND LOCAL
24 LAWS.—

1 (1) IN GENERAL.—States, and political subdivi-
2 sions of States, are authorized to enact and enforce
3 laws that help identify illegal aliens, deter illegal
4 aliens from entering the United States, apprehend il-
5 legal aliens, or encourage or otherwise cause illegal
6 aliens to leave the United States. States, and polit-
7 ical subdivisions of States, may not enact or enforce
8 laws that are inconsistent with Federal statutes that
9 define the lawful status of persons who are in the
10 United States.

11 (2) CONSTRUCTION.—This subsection shall be
12 broadly construed to permit and empower State and
13 political subdivisions of States to address illegal
14 alien issues within their jurisdictions.

15 (3) DEFINITION.—For purposes of this sub-
16 section, the term “illegal alien” means an alien un-
17 lawfully present in the United States, as defined by
18 Federal law.

19 (b) NONPREEMPTION OF STATE AND LOCAL LAWS
20 ON AIDING AND ABETTING ILLEGAL ALIENS.—Neither
21 the provisions of this section, nor any other law, preempt
22 any State or local law imposing civil or criminal sanctions
23 upon persons who knowingly aid or abet, in any way, the
24 presence of an illegal alien within the borders of the
25 United States.

1 (c) UNLAWFUL EMPLOYMENT OF ALIENS.—Section
2 274A(h)(2) of the Immigration and Nationality Act (8
3 U.S.C. 1324a(h)(2)) is amended to read as follows:

4 “(2) NONPREEMPTION.—Neither the provisions
5 of this section, nor any other law, preempt any State
6 or local law imposing civil or criminal sanctions upon
7 persons who knowingly employ, recruit, or refer for
8 a fee for employment, an unauthorized alien.”.

9 (d) IMMUNITY.—No person or entity shall be civilly
10 or criminally liable for taking an action, or failing to take
11 an action, if such action or inaction was undertaken in
12 good faith to comply with a law described in subsection
13 (a)(1) or (b).

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