

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the issuance of an annual public report identifying the Federal costs associated with the mandatory detention of noncitizens charged with or convicted of committing certain crimes.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**

**S. 5**

To require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. HIRONO

Viz:

- 1 At the end of the bill, add the following:
- 2 **SEC. 4. ANNUAL PUBLIC REPORT.**
- 3 The Director of U.S. Immigration and Customs En-
- 4 forcement shall annually compile and publish, on a pub-
- 5 licly accessible website, a report identifying the Federal
- 6 costs, for the 12-month period preceding such publication,
- 7 relating to the implementation of section 236(c)(1)(E) of
- 8 the Immigration and Nationality Act, as added by section
- 9 2(1)(C), including—

- 1           (1) the additional costs associated with private
- 2           prison contracts; and
- 3           (2) the best estimates of the additional profit
- 4           private prisons have made as a result of such imple-
- 5           mentation.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To strike the section that authorizes State attorneys general to sue Federal immigration authorities for alleged violations relating to the detention of aliens.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**

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AMENDMENT intended to be proposed by Ms. HIRONO

Viz:

- 1 Beginning on page 3, strike line 9 and all that follows
- 2 through page 8, line 10.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide an exception for detentions that would result in the separation of minors from their parents.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**

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AMENDMENTS intended to be proposed by Ms. HIRONO

Viz:

- 1 On page 2, line 21, strike “and”.
- 2 On page 3, line 8, strike the period at the end and  
3 insert “; and”.
- 4 On page 3, between lines 8 and 9, insert the fol-  
5 lowing:
  - 6 (4) by inserting after paragraph (4) the fol-  
7 lowing:
    - 8 “(5) EXCEPTION.—Paragraphs (1)(E) and (3)  
9 shall not apply if the detention of the alien would re-

- 1 sult in the separation of an individual under the age
- 2 of 16 from their parent.”.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To include an exception for certain aliens under  
18 years of age.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**

**S. 5**

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custody aliens who have been charged in the United  
States with theft, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. HIRONO

Viz:

1 At the end, add the following:

2 **SEC. 4. CLARIFICATION WITH RESPECT TO ALIENS UNDER**  
3 **18 YEARS OF AGE.**

4 Section 236(c) of the Immigration and Nationality  
5 Act (8 U.S.C. 1226(c)), as amended by this Act, is further  
6 amended by adding at the end the following:

7 “(5) **EXCLUSION.**—An alien who is or was 18  
8 years of age or younger on the date on which the  
9 alien is or was charged with, is or was arrested for,  
10 is or was convicted of, admits or admitted to having  
11 committed, or admits or admitted committing acts

1       which constitute the essential elements of an offense  
2       described in paragraph (1)(E) shall not be subject to  
3       detention or custody under that paragraph.”.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide an exception for individuals who received a grant of deferred action through the Deferred Action for Childhood Arrivals program or who came to the United States before the age of 16.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**

**S. 5**

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AMENDMENTS intended to be proposed by Ms. HIRONO

Viz:

- 1 On page 2, line 21, strike “and”.
- 2 On page 3, line 8, strike the period at the end and
- 3 insert “; and”.
- 4 On page 3, between lines 8 and 9, insert the fol-
- 5 lowing:
- 6 (4) by inserting after paragraph (4) the fol-
- 7 lowing:



1           “(5) EXCEPTION.—Paragraph (1)(E) shall not  
2 apply with respect to the following individuals:

3           “(A) An individual who arrived in the  
4 United States before the age of 16.

5           “(B) An individual granted relief under the  
6 deferred action for childhood arrivals program  
7 described in the memorandum of the Depart-  
8 ment of Homeland Security entitled ‘Exercising  
9 Prosecutorial Discretion with Respect to Indi-  
10 viduals Who Came to the United States as Chil-  
11 dren’ issued on June 15, 2012 (commonly  
12 known as the ‘DACA program’).”.

13       On page 4, strike lines 19 through 21 and insert the  
14 following:

15       “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A  
16 STATE.—

17       “(1) IN GENERAL.—The attorney general of a  
18 State, or other authorized State officer, alleging an  
19 action or decision by the

20       On page 5, line 10, strike the period at the end.

21       On page 5, between lines 10 and 11, insert the fol-  
22 lowing:

1           “(2) EXCEPTION.—Paragraph (1) shall not  
2           apply with respect to any action or decision by the  
3           Attorney General or Secretary of Homeland Security  
4           to release or grant bond or parole to any alien  
5           who—

6                       “(A) arrived in the United States before  
7           the age of 16; or

8                       “(B) was granted relief under the DACA  
9           program.”.