AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. CULBERSON OF TEXAS

At the end of the bill (before the spending reduction account), insert the following:

SEC. _____. No funds or fees made available to the Secretary of Homeland Security, or to the head of any other Federal agency, by this Act or any other Act may be used to release from Federal custody, other than for removal from the United States, any lawfully detained alien—

(1) who has engaged in or suspected of terrorism or espionage, or who otherwise poses a danger to national security;

(2) who has been convicted of an offense for which an element was active participation in a criminal street gang, as defined in section 521(a) of title 18, United States Code, or aliens not younger than 16 years of age who intentionally participated in an organized criminal gang to further the illegal activity of that gang;

(3) who has been convicted of an aggravated felony, as defined in section 101(a)(43) of the Immig-
grant and Nationality Act (8 U.S.C. 1101(a)(43))
at the time of conviction;

(4) who has been convicted of three or more
misdemeanor offenses arising out of not less than 3
separate incidents, other than minor traffic offenses
or State or local offenses for which an essential ele-
ment was the alien’s immigration status; or

(5) who has been convicted of a misdemeanor
which is an offense of domestic violence, sexual
abuse or exploitation, burglary, unlawful possession
or use of a firearm, drug distribution or trafficking,

or driving under the influence, or any other mis-
demeanor offense for which the individual was sen-
tenced to a term of imprisonment of 90 days or
more (not including a suspended sentence).