

103D CONGRESS
1ST SESSION

S. 1571

To improve immigration law enforcement.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20 (legislative day, OCTOBER 13), 1993

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To improve immigration law enforcement.

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 “Immigration Law
5 Enforcement Act of 1993”.

6 **TITLE I—BORDER PERSONNEL,** 7 **TRAINING AND INFRASTRUC-** 8 **TURE ENHANCEMENT**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “Improved Border Con-
11 trol and Narcotics Abatement Act”.

1 **SEC. 102. EXPANDED BORDER PATROL AND SOUTHWEST-**
2 **ERN REGION DEPLOYMENT.**

3 (a) INCREASED PERSONNEL.—The Attorney General,
4 in each of the fiscal years 1995 and 1996, shall increase
5 by no fewer than 700 the number of full-time, active-duty
6 Border Patrol agents within the Immigration and Natu-
7 ralization Service above the numbers of such agents em-
8 ployed in the preceding fiscal year.

9 (b) DEPLOYMENT OF PERSONNEL.—The Attorney
10 General shall, to the maximum extent practicable, ensure
11 that the personnel hired pursuant to subsection (a) shall
12 be deployed primarily on the Southwestern border of the
13 United States or be actively engaged in law enforcement
14 activities related to illegal transit of such border.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Department of
17 Justice for fiscal years 1995 and 1996 such sums as may
18 be necessary for salaries and expenses relating to the em-
19 ployment and deployment of personnel under this section,
20 including, but not limited to, such training authorized by
21 this Act and otherwise deemed appropriate by the Attor-
22 ney General.

23 **SEC. 103. HIRING PREFERENCE FOR BILINGUAL BORDER**
24 **PATROL AGENTS.**

25 The Attorney General shall, in hiring the Border Pa-
26 trol Agents specified in section 102(a), give priority to the

1 employment of multilingual candidates who are proficient
2 in both English and such other language or languages as
3 may be spoken in the region in which such Agents are
4 likely to be deployed.

5 **SEC. 104. IMPROVED BORDER PATROL TRAINING.**

6 (a) IMPROVEMENT.—Section 103 of the Immigration
7 and Nationality Act (8 U.S.C. 1103) is amended by add-
8 ing at the end the following new subsection:

9 “(e)(1) The Attorney General shall ensure that all
10 Border Patrol personnel, and any other personnel of the
11 Service who are likely to have contact with undocumented
12 or improperly documented persons, or other immigrants,
13 in the course of their official duties, receive in-service
14 training adequate to ensure that all such personnel respect
15 the civil rights, personal safety, and human dignity of such
16 persons at all times.

17 “(2) The Attorney General shall ensure that the an-
18 nual report to Congress of the Service—

19 “(A) describes in detail actions taken by the At-
20 torney General to meet the requirement set forth in
21 paragraph (1);

22 “(B) incorporates specific findings by the Attor-
23 ney General with respect to the nature and scope of
24 any verified incident of conduct by Border Patrol
25 personnel that—

1 “(i) was not consistent with paragraph (1);
2 and
3 “(ii) was not described in a previous an-
4 nual report; and
5 “(C) sets forth specific recommendations for
6 preventing any similar incident in the future.”.

7 **SEC. 105. ADDITIONAL LAND BORDER INSPECTORS.**

8 (a) INCREASED PERSONNEL.—In order to eliminate
9 undue delay in the thorough inspection of persons and ve-
10 hicles lawfully attempting to enter the United States, the
11 Attorney General and Secretary of the Treasury shall in-
12 crease, by approximately equal numbers in each of the fis-
13 cal years 1994, 1995, and 1996, the number of full-time
14 land border inspectors assigned to active duty by the Im-
15 migration and Naturalization Service and the United
16 States Customs Service to a level adequate to assure full
17 staffing of all border crossing lanes now in use, under con-
18 struction, or whose construction has been authorized by
19 Congress.

20 (b) DEPLOYMENT OF PERSONNEL.—The Attorney
21 General and the Secretary of the Treasury shall, to the
22 maximum extent practicable, ensure that the personnel
23 hired pursuant to subsection (a) shall be deployed pri-
24 marily on the Southwestern border of the United States

1 or be actively engaged in law enforcement activities related
2 to illegal transit of such border.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for the Department of
5 Justice for fiscal years 1995, 1996, and 1997, and to the
6 Department of the Treasury for fiscal years 1995, 1996,
7 and 1997, such sums as may be necessary for salaries and
8 expenses relating to the employment of the inspectors re-
9 ferred to in subsection (a).

10 **SEC. 106. IMPROVEMENT OF BORDER CROSSING INFRA-**
11 **STRUCTURE.**

12 (a) IDENTIFICATION OF NECESSARY IMPROVE-
13 MENTS.—Not later than March 1, 1994, the Attorney
14 General shall, in consultation with the Secretary of the
15 Treasury, identify those physical improvements to the in-
16 frastructure of the international land borders of the
17 United States necessary to expedite the inspection of per-
18 sons and vehicles attempting to lawfully enter the United
19 States in accordance with existing policies and procedures
20 of the Immigration and Naturalization Service, the United
21 States Customs Service, and the Drug Enforcement
22 Agency.

23 (b) IMPLEMENTATION OF RECOMMENDATIONS.—Not
24 later than March 1, 1994, the Attorney General shall
25 begin implementation of projects for the physical improve-

1 ments referred to in subsection (a). Improvements to the
2 infrastructure of the Southwestern border of the United
3 States shall be substantially completed and fully funded
4 before the Attorney General may begin construction on
5 any other such project.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Department of
8 Justice for fiscal years 1995, 1996, and 1997 such sums
9 as may be necessary to carry out this section.

10 **SEC. 107. TECHNOLOGY AND EQUIPMENT TRANSFER TO**
11 **THE DEPARTMENT OF JUSTICE.**

12 (a) AUTHORITY TO ACQUIRE TECHNOLOGY AND
13 EQUIPMENT.—In order to facilitate or improve the detec-
14 tion, interdiction, and reduction by the Immigration and
15 Naturalization Service of illegal immigration into the
16 United States, the Attorney General is authorized to ac-
17 quire and utilize any Federal equipment (including, but
18 not limited to, aircraft, helicopters, four wheel drive vehi-
19 cles, sedans, night vision goggles, night vision scopes, and
20 sensor units) determined available for transfer to the De-
21 partment of Justice by any other agency of the Federal
22 Government upon request of the Attorney General.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Department of
25 Justice for fiscal years 1995, 1996, and 1997, such sums

1 as may be necessary for the acquisition of technology and
2 equipment (including, but not limited to, aircraft, heli-
3 copters, four wheel drive vehicles, sedans, night vision gog-
4 gles, night vision scopes, and sensor units) under sub-
5 section (b).

6 **SEC. 108. IMMIGRATION LAW ENFORCEMENT FUND.**

7 (a) ESTABLISHMENT OF FUND.—There is hereby es-
8 tablished in the Treasury of the United States a revolving
9 fund known as the Immigration Law Enforcement Fund
10 (hereafter in this section referred to as the “Fund”).

11 (b) BORDER CROSSING USER FEE.—Notwithstand-
12 ing any other provision of law or treaty to which the
13 United States is a party, the Attorney General, in con-
14 sultation with the Secretaries of State and the Treasury,
15 and such other parties as the Attorney General deems ap-
16 propriate, shall collect from each individual entering into
17 the United States by land or sea, without regard to the
18 immigration or citizenship status of such individual a bor-
19 der crossing user fee of \$1.

20 (c) FEE ADJUSTMENT AND SPECIAL FEE PROGRAM
21 AUTHORITY.—Notwithstanding subsection (b), the Attor-
22 ney General may—

23 (1) adjust the border crossing user fee periodi-
24 cally to compensate for inflation and other escalation

1 in the cost of carrying out the purposes of this Act;
2 and

3 (2) develop and implement special discounted
4 fee programs for frequent border crossers including,
5 but not limited to, commuter coupon books or
6 passes.

7 (d) AUTHORIZE ROLL-OVER OF FUND SURPLUSES
8 FROM YEAR-TO-YEAR.—There shall be deposited in the
9 Fund amounts received by the Attorney General as fees
10 collected under subsection (b).

11 (e) USES OF USER FEE FUND.—(1) The Fund shall
12 be available to the Attorney General, to the extent and
13 in the amounts provided in appropriation Acts and without
14 fiscal year limitation, to pay for matters authorized under
15 this Act, as follows:

16 (A) For additional salaries and expenses in-
17 curred by reason of the employment of personnel
18 under this Act, including, but not limited to, Border
19 Patrol, inspection, investigation, enforcement, and
20 security personnel, and adjudication officers.

21 (B) For costs relating to land border crossing
22 infrastructure improvement.

23 (C) For costs relating to the acquisition by the
24 Department of Justice of technology and equipment
25 (including, but not limited to, aircraft, helicopters,

1 four wheel drive vehicles, sedans, night vision gog-
2 gles, night vision scopes, and sensor units).

3 (D) For the cost of facilitating and expanding
4 the activities of the Organized Crime and Drug En-
5 forcement Interagency Task Force in order to fully
6 abate the flow of narcotics and other illegal drugs
7 into the United States.

8 (E) For the cost of expediting initial asylum
9 claim review procedures.

10 (F) For the cost of devising and implementing
11 regulatory reform of the affirmative asylum adju-
12 dication process.

13 (G) For the cost of expanding the Institutional
14 Hearing Program.

15 (H) For the cost of expanding the Advanced
16 Passenger Information System.

17 (I) For the cost of increasing rewards for infor-
18 mation leading to the arrest and conviction of terror-
19 ists.

20 (J) For the cost of conducting classes, or other-
21 wise assisting or encouraging, legal immigrants to
22 the United States to attain American citizenship.

23 (K) For the cost of such other activities that,
24 in the discretion of the Attorney General, will re-
25 duce: illegal transit of the Nation's borders, the flow

1 of illegal drugs across such borders, the time nec-
2 essary to process applications for asylum in the
3 United States, and the number of alien criminals in-
4 carcerated in this country.

5 (2) Funds made available under subparagraph (A) in
6 each fiscal year shall be allotted to districts of the Immi-
7 gration and Naturalization Service in proportion to the
8 amount of illegal immigration in each district as the Attor-
9 ney General finds to have occurred in the preceding fiscal
10 year.

11 **TITLE II—ASYLUM REFORM**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “Executive Order En-
14 hanced Consideration Revocation Act”.

15 **SEC. 202. PARTIAL REVOCATION OF EXECUTIVE ORDER.**

16 Section 4 of Executive Order No. 12711 of April 11,
17 1990, and any rule, regulation, or order issued under that
18 section, shall be of no force or effect, except that nothing
19 in this Act invalidates or otherwise affects any final deter-
20 mination of eligibility for asylum made before the date of
21 enactment of this Act.

1 **TITLE III—CRIMINAL ALIEN DE-**
2 **PORTATION AND ENHANCED**
3 **PRISONER TRANSFER**

4 **SEC. 301. SHORT TITLE.**

5 This title may be cited as the “Criminal Alien Depor-
6 tation and Enhanced Transfer Act of 1993”.

7 **SEC. 302. JUDICIAL ORDER OF DEPORTATION.**

8 (a) IN GENERAL.—Subchapter A of chapter 227 of
9 title 18, United States Code, is amended by adding at the
10 end the following:

11 **“§ 3560. Order of deportation for certain aliens**

12 “The court, upon sentencing an individual who is an
13 alien for an aggravated felony (as defined in section
14 101(a)(43) of the Immigration and Nationality Act) shall
15 include in the sentencing order issued a declaration that
16 the individual is deportable. A presentence report required
17 under the Rules of Criminal Procedure with respect to the
18 sentencing of any individual for such a felony shall specify
19 whether or not such individual is an alien.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of subchapter A of chapter 227 of title
22 18, United States Code, is amended by adding at the end
23 the following new item:

“3560. Order of deportation for certain aliens.”.

1 (c) DEPORTATION PROCEDURES.—Section 242A of
 2 the Immigration and Nationality Act (18 U.S.C. 1252a)
 3 is amended by adding at the end the following:

4 “(f) DEPORTATION PURSUANT TO A JUDICIAL
 5 ORDER.—An alien subject to a judicial order of deporta-
 6 tion under section 3560 of title 18, United States Code,
 7 shall be deported promptly consistent with section
 8 242(h).”.

9 **SEC. 303. NEGOTIATIONS FOR INTERNATIONAL AGREE-**
 10 **MENTS.**

11 (a) NEGOTIATIONS WITH OTHER COUNTRIES.—The
 12 Secretary of State, together with the Attorney General,
 13 may enter into an agreement with any foreign country pro-
 14 viding for the incarceration in that country of any individ-
 15 ual who—

16 (1) is a national of that country; and

17 (2) is an alien who—

18 (A) is not in lawful immigration status in
 19 the United States, or

20 (B) on the basis of conviction of a criminal
 21 offense under Federal or State law, or on any
 22 other basis, is subject to deportation under the
 23 Immigration and Nationality Act,

24 for the duration of the prison term to which the individual
 25 was sentenced for the offense referred to in subparagraph

1 (B). Any such agreement may provide for the release of
2 such individual pursuant to parole procedures of that
3 country.

4 (b) PRIORITY.—In carrying out subsection (a), the
5 Secretary of State should give priority to concluding an
6 agreement with any country for which the President deter-
7 mines that the number of individuals described in sub-
8 section (a) who are nationals of that country in the United
9 States represents a significant percentage of all such indi-
10 viduals in the United States.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as may be
13 necessary to carry out this section.

14 **SEC. 304. DENIAL OF DISCRETIONARY RELIEF TO ALIENS**
15 **CONVICTED OF AGGRAVATED FELONIES.**

16 (a) INELIGIBILITY FOR SUSPENSION OF DEPORTA-
17 TION.—Section 244 of the Immigration and Nationality
18 Act (8 U.S.C. 1254) is amended by adding at the end the
19 following new subsection:

20 “(g) Suspension of deportation and adjustment of
21 status under subsection (a)(2) shall not be available to any
22 alien who has been convicted of an aggravated felony.”.

23 (b) APPLICATION OF EXCLUSION FOR DRUG OF-
24 FENSES.—Section 212(h) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1182(h)) is amended in the second

1 sentence by inserting “or any other aggravated felony”
2 after “torture”.

3 (c) ADJUSTMENT OF STATUS; CHANGE OF NON-
4 IMMIGRANT CLASSIFICATION.—(1) Section 245(c) of the
5 Immigration and Nationality Act (8 U.S.C. 1255(c)) is
6 amended—

7 (A) by striking “or” after “section
8 212(d)(4)(C)”;

9 (B) by inserting “; or (5) an alien who has been
10 convicted of an aggravated felony” immediately after
11 “section 217”.

12 (2) Section 248 of such Act (8 U.S.C. 1258) is
13 amended—

14 (A) by striking “and” at the end of paragraph
15 (3);

16 (B) by striking the period at the end of para-
17 graph (4) and inserting “; and”;

18 (C) by adding at the end the following new
19 paragraph:

20 “(5) an alien convicted of an aggravated fel-
21 ony.”.

22 **SEC. 305. ANNUAL REPORT.**

23 Not later than 12 months after the date of enactment
24 of this Act, and annually thereafter, the Attorney General

1 shall submit to the appropriate committees of the Con-
2 gress a report detailing—

3 (1) the number of illegal aliens incarcerated in
4 Federal and State prisons for having committed felo-
5 nies;

6 (2) programs and plans underway in the De-
7 partment of Justice to ensure the prompt removal
8 from the United States of criminal aliens subject to
9 exclusion or deportation; and

10 (3) methods for identifying and preventing the
11 unlawful reentry of aliens who have been convicted
12 of criminal offenses in the United States and re-
13 moved from the United States.

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