

104TH CONGRESS
1ST SESSION

S. 301

To provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border patrol and customs service personnel from foreign countries.

IN THE SENATE OF THE UNITED STATES

JANUARY 31 (legislative day, JANUARY 30), 1995

Mr. KYL introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border patrol and customs service personnel from foreign countries.

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 “Criminal Alien Trans-
5 fer and Border Enforcement Act of 1995”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to relieve overcrowding in
8 Federal and State prisons and costs borne by American

1 taxpayers by providing for the transfer of aliens unlawfully
2 in the United States who have been convicted of commit-
3 ting crimes in the United States to their native countries
4 to be incarcerated for the duration of their sentences.

5 **SEC. 3. FINDINGS.**

6 The Congress makes the following findings:

7 (1) The cost of incarcerating an alien unlaw-
8 fully in the United States in a Federal or State pris-
9 on averages \$20,803 per year.

10 (2) There are approximately 58,000 aliens con-
11 victed of crimes incarcerated in United States pris-
12 ons, including 41,000 aliens in State prisons and
13 17,000 aliens in Federal prisons.

14 (3) Many of these aliens convicted of crimes are
15 also unlawfully in the United States, but the Immi-
16 gration and Naturalization Service does not have
17 exact data on how many.

18 (4) The combined cost to Federal and State
19 governments for the incarceration of such criminal
20 aliens is approximately \$1,200,000,000, including—

21 (A) for State governments, \$760,000,000;

22 and

23 (B) for the Federal Government,
24 \$440,000,000.

1 **SEC. 4. PRISONER TRANSFER TREATIES.**

2 Not later than 90 days after the date of enactment
3 of this Act, the President should begin to negotiate and
4 renegotiate bilateral prisoner transfer treaties. The focus
5 of such negotiations shall be to expedite the transfer of
6 aliens unlawfully in the United States who are incarcer-
7 ated in United States prisons, to ensure that a transferred
8 prisoner serves the balance of the sentence imposed by the
9 United States courts, and to eliminate any requirement
10 of prisoner consent to such a transfer.

11 **SEC. 5. CERTIFICATION.**

12 The President shall certify whether each prisoner
13 transfer treaty is effective in returning aliens unlawfully
14 in the United States who are incarcerated in the United
15 States to their country of citizenship.

16 **SEC. 6. TRAINING OF BORDER PATROL AND CUSTOMS PER-**
17 **SONNEL FROM FOREIGN COUNTRIES.**

18 Subject to a certification under section 5, the Presi-
19 dent shall direct the Border Patrol Academy and the Cus-
20 toms Service Academy to enroll for training certain for-
21 eign law enforcement personnel. The President shall make
22 appointments of foreign law enforcement personnel to
23 such academies to enhance the following United States law
24 enforcement goals:

- 25 (1) Drug interdiction and other cross-border
26 criminal activity.

1 (2) Preventing illegal immigration.

2 (3) Preventing the illegal entry of goods into
3 the United States (including goods the sale of which
4 is illegal in the United States, the entry of which
5 would cause a quota to be exceeded, or goods which
6 have not paid the appropriate duty or tariff).

