

105TH CONGRESS
1ST SESSION

H. R. 1493

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in 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,*

1 **SECTION 1. PROGRAM OF IDENTIFICATION OF CERTAIN**
2 **DEPORTABLE ALIENS AWAITING ARRAIGN-**
3 **MENT.**

4 (a) ESTABLISHMENT OF PROGRAM.—Not later than
5 6 months after the date of the enactment of this Act, and
6 subject to such amounts as are provided in appropriations
7 Acts, the Attorney General shall establish and implement
8 a program to identify, from among the individuals who
9 are incarcerated in local governmental incarceration facili-
10 ties prior to arraignment on criminal charges, those indi-
11 viduals who are within 1 or more of the following classes
12 of deportable aliens:

13 (1) Aliens unlawfully present in the United
14 States.

15 (2) Aliens described in paragraph (2) or (4) of
16 section 237(a) of the Immigration and Nationality
17 Act (as redesignated by section 305(a)(2) of the Ille-
18 gal Immigration Reform and Immigrant Responsibil-
19 ity Act of 1996).

20 (b) DESCRIPTION OF PROGRAM.—The program au-
21 thorized by subsection (a) shall include—

22 (1) the detail, to each incarceration facility se-
23 lected under subsection (c), of at least one employee
24 of the Immigration and Naturalization Service who
25 has expertise in the identification of aliens described
26 in subsection (a); and

1 (2) provision of funds sufficient to provide
2 for—

3 (A) the detail of such employees to each
4 selected facility on a full-time basis, including
5 the portions of the day or night when the great-
6 est number of individuals are incarcerated prior
7 to arraignment;

8 (B) access for such employees to records of
9 the Service and other Federal law enforcement
10 agencies that are necessary to identify such
11 aliens; and

12 (C) in the case of an individual identified
13 as such an alien, pre-arraignment reporting to
14 the court regarding the Service's intention to
15 remove the alien from the United States.

16 (c) SELECTION OF FACILITIES.—

17 (1) IN GENERAL.—The Attorney General shall
18 select for participation in the program each incarcer-
19 ation facility that satisfies the following require-
20 ments:

21 (A) The facility is owned by the govern-
22 ment of a local political subdivision described in
23 clause (i) or (ii) of subparagraph (C).

1 (B) Such government has submitted a re-
2 quest for such selection to the Attorney Gen-
3 eral.

4 (C) The facility is located—

5 (i) in a county that is determined by
6 the Attorney General to have a high con-
7 centration of aliens described in subsection
8 (a); or

9 (ii) in a city, town, or other analogous
10 local political subdivision, that is deter-
11 mined by the Attorney General to have a
12 high concentration of such aliens (but only
13 in the case of a facility that is not located
14 in a county).

15 (D) The facility incarcerates or processes
16 individuals prior to their arraignment on crimi-
17 nal charges.

18 (2) NUMBER OF QUALIFYING SUBDIVISIONS.—

19 For any fiscal year, the total number of local politi-
20 cal subdivisions determined under clauses (i) and (ii)
21 of paragraph (1)(C) to meet the standard in such
22 clauses shall be the following:

23 (A) For fiscal year 1999, not less than 10
24 and not more than 25.

1 (B) For fiscal year 2000, not less than 25
2 and not more than 50.

3 (C) For fiscal year 2001, not more than
4 75.

5 (D) For fiscal year 2002, not more than
6 100.

7 (E) For fiscal year 2003 and subsequent
8 fiscal years, 100, or such other number of polit-
9 ical subdivisions as may be specified in appro-
10 priations Acts.

11 (3) FACILITIES IN INTERIOR STATES.—For any
12 fiscal year, of the local political subdivisions deter-
13 mined under clauses (i) and (ii) of paragraph (1)(C)
14 to meet the standard in such clauses, not less than
15 20 percent shall be in States that are not contiguous
16 to a land border.

17 (4) TREATMENT OF CERTAIN FACILITIES.—All
18 of the incarceration facilities within the county of
19 Orange, California, and the county of Ventura, Cali-
20 fornia, that are owned by the government of a local
21 political subdivision, and satisfy the requirements of
22 paragraph (1)(D), shall be selected for participation
23 in the program.

1 **SEC. 2. STUDY AND REPORT.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Attorney General shall complete a study,
4 and submit a report to the Congress, concerning the
5 logistical and technological feasibility of implementing the
6 program under section 1 in a greater number of locations
7 than those selected under such section through—

8 (1) the assignment of a single Immigration and
9 Naturalization Service employee to more than 1 in-
10 carceration facility; and

11 (2) the development of a system to permit the
12 Attorney General to conduct off-site verification, by
13 computer or other electronic means, of the immigra-
14 tion status of individuals who are incarcerated in
15 local governmental incarceration facilities prior to
16 arraignment on criminal charges.

Passed the House of Representatives November 4,
1997.

Attest:

ROBIN H. CARLE,

Clerk.