

Union Calendar No. 197

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1493**

[Report No. 105-338]

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## **A BILL**

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.

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OCTOBER 23, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1997

Mr. GALLEGLY (for himself, Mr. ROYCE, Mr. PACKARD, Mr. COX of California, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. RIGGS, Mr. CALVERT, Mr. KIM, and Mr. BILBRAY) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 23, 1997

Additional sponsors: Mr. LIPINSKI, Mr. CANADY of Florida, Mr. BEREUTER, Mr. MCKEON, Mr. MARTINEZ, Mr. WICKER, Mr. BONO, Mr. HORN, Mr. DREIER, Mr. SHERMAN, Mr. HUTCHINSON, Mr. GOODLATTE, Mr. MCCOLLUM, Mr. HUNTER, Mr. TRAFICANT, Mr. CANNON, Mr. DEAL of Georgia, Mr. BERMAN, Mr. STUMP, Mr. HAYWORTH, Mr. COOK, Mr. GIBBONS, Mr. FOLEY, and Mr. VISCLOSKY

OCTOBER 23, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 30, 1997]

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## A BILL

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,*

3 **SECTION 1. PROGRAM OF IDENTIFICATION OF CERTAIN DE-**  
4 **PORTABLE ALIENS AWAITING ARRAIGNMENT.**

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

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

16           *(2) Aliens described in paragraph (2) or (4) of*  
17 *section 237(a) of the Immigration and Nationality*  
18 *Act (as redesignated by section 305(a)(2) of the Illegal*  
19 *Immigration Reform and Immigrant Responsibility*  
20 *Act of 1996).*

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

1           (1) *the detail, to each incarceration facility se-*  
2 *lected under subsection (c), of at least one employee*  
3 *of the Immigration and Naturalization Service who*  
4 *has expertise in the identification of aliens described*  
5 *in subsection (a); and*

6           (2) *provision of funds sufficient to provide for—*

7           (A) *the detail of such employees to each se-*  
8 *lected facility on a full-time basis, including the*  
9 *portions of the day or night when the greatest*  
10 *number of individuals are incarcerated prior to*  
11 *arraignment;*

12           (B) *access for such employees to records of*  
13 *the Service and other Federal law enforcement*  
14 *agencies that are necessary to identify such*  
15 *aliens; and*

16           (C) *in the case of an individual identified*  
17 *as such an alien, pre-arraignment reporting to*  
18 *the court regarding the Service's intention to re-*  
19 *move the alien from the United States.*

20       (c) *SELECTION OF FACILITIES.—*

21           (1) *IN GENERAL.—The Attorney General shall se-*  
22 *lect for participation in the program each incarcer-*  
23 *ation facility that satisfies the following requirements:*

1           (A) *The facility is owned by the government*  
2           *of a local political subdivision described in*  
3           *clause (i) or (ii) of subparagraph (C).*

4           (B) *Such government has submitted a re-*  
5           *quest for such selection to the Attorney General.*

6           (C) *The facility is located—*

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

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

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

20           (2) *NUMBER OF QUALIFYING SUBDIVISIONS.—*

21           *For any fiscal year, the total number of local political*  
22            *subdivisions determined under clauses (i) and (ii) of*  
23            *paragraph (1)(C) to meet the standard in such*  
24            *clauses shall be the following:*

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

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

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

6           (D) For fiscal year 2002, not more than  
7           100.

8           (E) For fiscal year 2003 and subsequent fis-  
9           cal years, 100, or such other number of political  
10           subdivisions as may be specified in appropria-  
11           tions Acts.

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

18           (4) *TREATMENT OF CERTAIN FACILITIES.*—All of  
19           the incarceration facilities within the county of Or-  
20           ange, California, and the county of Ventura, Califor-  
21           nia, that are owned by the government of a local po-  
22           litical subdivision, and satisfy the requirements of  
23           paragraph (1)(D), shall be selected for participation  
24           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 At-*  
12 *torney 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.*