

107TH CONGRESS
1ST SESSION

H. R. 823

To provide Federal reimbursement for indirect costs relating to the incarceration of illegal criminal aliens and for emergency health services furnished to undocumented aliens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2001

Mr. CONDIT (for himself, Mr. DREIER, Mr. BONILLA, Mr. BECERRA, Mr. HUNTER, Mr. FILNER, Mr. SKEEN, Mr. REYES, Mr. FLAKE, Mr. DEUTSCH, Mr. BISHOP, Mr. GUTIERREZ, Mr. McDERMOTT, Mr. GARY MILLER of California, Mr. PASTOR, Mr. ANDREWS, Mr. SESSIONS, Mr. HAYWORTH, Mr. DOOLEY of California, Mr. HASTINGS of Washington, and Mr. SHADEGG) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide Federal reimbursement for indirect costs relating to the incarceration of illegal criminal aliens and for emergency health services furnished to undocumented aliens.

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. SHORT TITLE.**

2 This Act may be cited as the “State Criminal Alien
3 Assistance Program II and Local Medical Emergency Re-
4 imbursement Act”.

5 **TITLE I—STATE CRIMINAL**
6 **ALIEN ASSISTANCE PROGRAM II**

7 **SEC. 101. PURPOSES.**

8 The purposes of this title are—

9 (1) to assist States and local communities by
10 providing financial assistance for expenditures for il-
11 legal juvenile aliens, and for related costs to States
12 and units of local government that suffer a substan-
13 tially disproportionate share of the impact of crimi-
14 nal illegal aliens on their law enforcement and crimi-
15 nal justice systems; and

16 (2) to ensure equitable treatment for those
17 States and local governments that are affected by
18 Federal policies and strategies aimed at curbing ille-
19 gal immigration and criminal alien activity imple-
20 mented on the Southwest border of the United
21 States.

22 **SEC. 103. REIMBURSEMENT OF STATES FOR INDIRECT**
23 **COSTS RELATING TO THE INCARCERATION**
24 **OF ILLEGAL ALIENS.**

25 Section 501 of the Immigration Reform and Control
26 Act of 1986 (8 U.S.C. 1365) is amended—

1 (1) in subsection (a), by striking “for” and all
2 that follows through “State” and inserting “for—

3 “(1) the costs incurred by the State for the im-
4 prisonment of any illegal alien or Cuban national
5 who is convicted of a felony by such State; and

6 “(2) the indirect costs related to the imprison-
7 ment described in paragraph (1).”;

8 (2) by striking subsection (c) and inserting the
9 following:

10 “(c) INDIRECT COSTS DEFINED.—In subsection (a),
11 the term ‘indirect costs’ includes—

12 “(1) court costs, county attorney costs, deten-
13 tion costs, and criminal proceedings expenditures
14 that do not involve going to trial;

15 “(2) indigent defense; and

16 “(3) unsupervised probation costs.”; and

17 (3) by amending subsection (d) to read as fol-
18 lows:

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated \$200,000,000 to carry
21 out subsection (a)(2) for each of the fiscal years 2002
22 through 2005.”.

1 **SEC. 104. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
2 **CARCERATING JUVENILE ALIENS.**

3 (a) IN GENERAL.—Section 501 of the Immigration
4 Reform and Control Act of 1986 (8 U.S.C. 1365), as
5 amended by section 103 of this Act, is further amended—

6 (1) in subsection (a)(1), by inserting “or illegal
7 juvenile alien who has been adjudicated delinquent
8 or committed to a juvenile correctional facility by
9 such State or locality” before the semicolon;

10 (2) in subsection (b), by inserting “(including
11 any juvenile alien who has been adjudicated delin-
12 quent or has been committed to a correctional facil-
13 ity)” before “who is in the United States unlaw-
14 fully”; and

15 (3) by adding at the end the following:

16 “(f) JUVENILE ALIEN DEFINED.—In this section,
17 the term ‘juvenile alien’ means an alien (as defined in sec-
18 tion 101(a)(3) of the Immigration and Nationality Act)
19 who has been adjudicated delinquent or committed to a
20 correctional facility by a State or locality as a juvenile of-
21 fender.”.

22 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-
23 migration Reform and Immigrant Responsibility Act of
24 1996 (8 U.S.C. 1366) is amended—

25 (1) by striking “and” at the end of paragraph

26 (3);

1 (2) by striking the period at the end of para-
2 graph (4) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(5) the number of illegal juvenile aliens (as de-
5 fined in section 501(f) of the Immigration Reform
6 and Control Act) that are committed to State or
7 local juvenile correctional facilities, including the
8 type of offense committed by each juvenile.”.

9 (c) CONFORMING AMENDMENT.—Section
10 241(i)(3)(B) of the Immigration and Nationality Act (8
11 U.S.C. 1231(i)(3)(B)) is amended—

12 (1) by striking “or” at the end of clause (ii);

13 (2) by striking the period at the end of clause
14 (iii) and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(iv) is a juvenile alien with respect to
17 whom section 501 of the Immigration Re-
18 form and Control Act of 1986 applies.”.

19 **SEC. 105. REIMBURSEMENT OF STATES BORDERING MEX-**
20 **ICO OR CANADA.**

21 Section 501 of the Immigration Reform and Control
22 Act of 1986 (8 U.S.C. 1365), as amended by sections 103
23 and 104 of this Act, is further amended by adding at the
24 end the following new subsection:

1 “(g) MANNER OF ALLOTMENT OF REIMBURSE-
2 MENTS.—Reimbursements under this section shall be al-
3 lotted in a manner that takes into account special consid-
4 eration for any State that—

5 **TITLE II—REIMBURSEMENT OF**
6 **STATES AND LOCALITIES FOR**
7 **EMERGENCY HEALTH SERV-**
8 **ICES TO UNDOCUMENTED**
9 **ALIENS**

10 **SEC. 201. AUTHORIZATION OF ADDITIONAL FEDERAL REIM-**
11 **BURSEMENT OF EMERGENCY HEALTH SERV-**
12 **ICES FURNISHED TO UNDOCUMENTED**
13 **ALIENS**

14 (a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENT.—
15 To the extent of available appropriations under subsection
16 (e), there are available for allotments under this section
17 for each of fiscal years 2002 through 2005, \$200,000,000
18 for payments to certain States under this section.

19 (b) STATE ALLOTMENT AMOUNT.—

20 (1) IN GENERAL.—The Secretary shall compute
21 an allotment for each fiscal year beginning with fis-
22 cal year 2002 and ending with fiscal year 2005 for
23 each of the 17 States with the highest number of
24 undocumented aliens. The amount of such allotment
25 for each such State for a fiscal year shall bear the

1 same ratio to the total amount available for allot-
2 ments under subsection (a) for the fiscal year as the
3 ratio of the number of undocumented aliens in the
4 State in the fiscal year bears to the total of such
5 numbers for all such States for such fiscal year. The
6 amount of allotment to a State provided under this
7 paragraph for a fiscal year that is not paid out
8 under subsection (c) shall be available for payment
9 during the subsequent fiscal year.

10 (2) DETERMINATION.—For purposes of para-
11 graph (1), the number of undocumented aliens in a
12 State under this section shall be determined based
13 on estimates of the resident illegal alien population
14 residing in each State prepared by the Statistics Di-
15 vision of the Immigration and Naturalization Service
16 as of October 1992 (or as of such later date if such
17 date is at least 1 year before the beginning of the
18 fiscal year involved).

19 (c) USE OF FUNDS.—

20 (1) IN GENERAL.—From the allotments made
21 under subsection (b) for a fiscal year, the Secretary
22 shall pay to each State amounts described in a State
23 plan, submitted to the Secretary, under which the
24 amounts so allotted will be paid to local govern-
25 ments, hospitals, and related providers of emergency

1 health services to undocumented aliens in a manner
2 that—

3 (A) takes into account—

4 (i) each eligible local government's,
5 hospital's or related provider's payments
6 under the State plan approved under title
7 XIX of the Social Security Act for emer-
8 gency medical services described in section
9 1903(v)(2)(A) of such Act (42 U.S.C.
10 1396b(v)(2)(A)) for such fiscal year; or

11 (ii) an appropriate alternative proxy
12 for measuring the volume of emergency
13 health services provided to undocumented
14 aliens by eligible local governments, hos-
15 pitals, and related providers for such fiscal
16 year; and

17 (B) provides special consideration for local
18 governments, hospitals, and related providers
19 located in—

20 (i) a county that shares a border with
21 Mexico or Canada; or

22 (ii) an area in which a large number
23 of undocumented aliens reside relative to
24 the general population of the area.

1 (2) SPECIAL RULES.—For purposes of this sub-
2 section:

3 (A) A provider shall be considered to be
4 “related” to a hospital to the extent that the
5 provider furnishes emergency health services to
6 an individual for whom the hospital also fur-
7 nishes emergency health services.

8 (B) Amounts paid under this subsection
9 shall not duplicate payments made under title
10 XIX of the Social Security Act for the provision
11 of emergency medical services described in sec-
12 tion 1903(v)(2)(A) of such Act (42 U.S.C.
13 1396b(v)(2)(A)).

14 (d) DEFINITIONS.—In this section:

15 (1) HOSPITAL.—The term “hospital” has the
16 meaning given such term in section 1861(e) of the
17 Social Security Act (42 U.S.C. 1395x(e)).

18 (2) PROVIDER.—The term “provider” includes
19 a physician, another health care professional, and an
20 entity that furnishes emergency ambulance services.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of Health and Human Services.

23 (4) STATE.—The term “State” means the 50
24 States and the District of Columbia.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$200,000,000 for each of fiscal years 2002 through 2005.

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