

105TH CONGRESS  
1ST SESSION

# H. R. 1493

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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## 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

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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**  
4                               **DEPORTABLE ALIENS AWAITING ARRAIGN-**  
5                               **MENT.**

6           (a) ESTABLISHMENT OF PROGRAM.—Not later than  
7       6 months after the date of the enactment of this Act, the

1 Attorney General shall establish and implement a program  
2 to identify, from among the individuals who are incarcer-  
3 ated in local governmental incarceration facilities prior to  
4 arraignment on criminal charges, those individuals who  
5 are within 1 or more of the following classes of deportable  
6 aliens:

7 (1) Aliens unlawfully present in the United  
8 States.

9 (2) Aliens described in paragraph (2) or (4) of  
10 section 237(a) of the Immigration and Nationality  
11 Act (as redesigned by section 305(a)(2) of the Illegal  
12 Immigration Reform and Immigrant Responsibility  
13 Act of 1996).

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

16 (1) the detail, to each incarceration facility se-  
17 lected under subsection (c), of at least one employee  
18 of the Immigration and Naturalization Service who  
19 has expertise in the identification of aliens described  
20 in such subsection; and

21 (2) provision of funds sufficient to provide  
22 for—

23 (A) the detail of such employees to each  
24 selected facility on a full-time basis, including  
25 the portions of the day or night when the great-

1 est number of individuals are incarcerated prior  
2 to arraignment;

3 (B) access for such employees to records of  
4 the Service and other Federal law enforcement  
5 agencies that are necessary to identify such  
6 aliens; and

7 (C) in the case of an individual identified  
8 as such an alien, pre-arraignment reporting to  
9 the court regarding the Service's intention to  
10 remove the alien from the United States.

11 (c) SELECTION OF FACILITIES.—

12 (1) IN GENERAL.—The Attorney General shall  
13 select for participation in the program each incarcer-  
14 ation facility that satisfies the following require-  
15 ments:

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

19 (B) Such government has submitted a re-  
20 quest for such selection to the Attorney Gen-  
21 eral.

22 (C) The facility is located—

23 (i) in a county that is determined by  
24 the Attorney General to have a high con-

1                   centration of aliens described in subsection  
2                   (a); or

3                   (ii) in a city, town, or other analogous  
4                   local political subdivision, that is deter-  
5                   mined by the Attorney General to have a  
6                   high concentration of such aliens (but only  
7                   in the case of a facility that is not located  
8                   in a county).

9                   (2) NUMBER OF QUALIFYING SUBDIVISIONS.—

10                  The total number of local political subdivisions de-  
11                  termined under clauses (i) and (ii) of paragraph  
12                  (1)(C) to meet the standard in such clauses shall not  
13                  be less than 100.

14                  (3) TREATMENT OF CERTAIN FACILITIES.—All  
15                  of the incarceration facilities within the county of  
16                  Orange, California, and the county of Ventura, Cali-  
17                  fornia, shall be selected for participation in the pro-  
18                  gram.

19                  **SEC. 2. STUDY AND REPORT.**

20                  Not later than 1 year after the date of the enactment  
21                  of this Act, the Attorney General shall complete a study,  
22                  and submit a report to the Congress, concerning the  
23                  logistical and technological feasibility of implementing the  
24                  program under section 1 in a greater number of locations  
25                  than those selected under such section through—

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

4           (2) the development of a system to permit the  
5           Attorney General to conduct off-site verification, by  
6           computer or other electronic means, of the immigra-  
7           tion status of individuals who are incarcerated in  
8           local governmental incarceration facilities prior to  
9           arraignment on criminal charges.

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