

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To strengthen border security, increase resources for enforcement of  
immigration laws, and for other purposes.

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
Ms. MCSALLY introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

## **A BILL**

To strengthen border security, increase resources for  
enforcement of immigration laws, 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. STATE CRIMINAL ALIEN ASSISTANCE PRO-**  
4       **GRAM.**

5       Section 241(i) of the Immigration and Nationality  
6       Act (8 U.S.C. 1231(i)) is amended—

7               (1) in paragraph (1)—

8                       (A) by inserting “AUTHORIZATION.—” be-  
9               fore “If the chief”;

1 (B) in the matter preceding subparagraph  
2 (A), by inserting “and medical expenses” after  
3 “incarceration”; and

4 (C) by inserting “or an alien with an un-  
5 known status” after “undocumented criminal  
6 alien” each place that term appears;

7 (2) by striking paragraphs (2) and (3) and in-  
8 serting the following:

9 “(2) COMPENSATION.—

10 “(A) COMPENSATION OF STATE FOR IN-  
11 CARCERATION.—The Attorney General shall  
12 compensate a State or political subdivision of a  
13 State referred to in paragraph (1)(A), in ac-  
14 cordance with subparagraph (B), for the incar-  
15 ceration of an alien—

16 “(i) whose immigration status cannot  
17 be verified by the Secretary of Homeland  
18 Security; and

19 “(ii) who would otherwise be an un-  
20 documented criminal alien if the alien is  
21 unlawfully present in the United States.

22 “(B) CALCULATION OF COMPENSATION.—  
23 Compensation under subparagraph (A) shall be  
24 equal to the average cost of incarceration of a

1 prisoner in the relevant State, as determined by  
2 the Attorney General.

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) ALIEN WITH AN UNKNOWN STA-  
5 TUS.—The term ‘alien with an unknown status’  
6 means an individual—

7 “(i) who has been incarcerated by a  
8 Federal, State, or local law enforcement  
9 entity; and

10 “(ii) whose immigration status cannot  
11 be definitively identified.

12 “(B) UNDOCUMENTED CRIMINAL ALIEN.—  
13 The term ‘undocumented criminal alien’ means  
14 an alien who—

15 “(i) has been charged with or con-  
16 victed of a felony or 2 misdemeanors; and

17 “(ii)(I) entered the United States  
18 without inspection or at any time or place  
19 other than as designated by the Secretary  
20 of Homeland Security;

21 “(II) was the subject of exclusion or  
22 deportation or removal proceedings at the  
23 time he or she was taken into custody by  
24 the State or a political subdivision of the  
25 State; or

1 “(III) was admitted as a non-  
2 immigrant and, at the time he or she was  
3 taken into custody by the State or political  
4 subdivision—

5 “(aa) failed to maintain the non-  
6 immigrant status in which the alien  
7 was admitted or to which it was  
8 changed under section 248; or

9 “(bb) failed to comply with the  
10 conditions of any such status.”;

11 (3) in paragraph (4), by inserting “and aliens  
12 with an unknown status” after “undocumented  
13 criminal aliens” each place that term appears;

14 (4) by striking paragraphs (5) and (6) and in-  
15 serting the following:

16 “(5) AUTHORIZATION OF APPROPRIATIONS.—

17 “(A) IN GENERAL.—There are authorized  
18 to be appropriated \$950,000,000 for each of  
19 the fiscal years 2020 through 2024 to carry out  
20 this subsection.

21 “(B) LIMITATION.—Amounts appropriated  
22 pursuant to subparagraph (A) that are distrib-  
23 uted to a State or a political subdivision of a  
24 State, including a municipality, may be used  
25 only for correctional purposes.”; and

1           (5) by adding at the end the following:

2           “(6) DISTRIBUTION OF REIMBURSEMENT.—Any  
3           amounts provided to a State or a political subdivi-  
4           sion of a State as compensation under paragraph  
5           (1)(A) for a fiscal year shall be distributed to such  
6           State or political subdivision not later than 120 days  
7           after the last day of the period specified by the At-  
8           torney General for the submission of requests under  
9           that paragraph for that fiscal year.”.