

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5597

To amend the Immigration and Nationality Act to render deportable all aliens convicted of a criminal offense resulting in a sentence of incarceration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2006

Mr. GREEN of Wisconsin introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to render deportable all aliens convicted of a criminal offense resulting in a sentence of incarceration, 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. RENDERING DEPORTABLE ALL ALIENS SEN-**  
4 **TENCED TO INCARCERATION.**

5 Section 237(a)(2)(A) of the Immigration and Nation-  
6 ality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

7 (1) by redesignating clause (v) as clause (vi);

8 and

1 (2) by inserting after clause (iv) the following:

2 “(v) SENTENCED TO INCARCER-  
3 ATION.—Any alien who is sentenced to a  
4 term of incarceration for a crime under  
5 State or Federal law is deportable.”.

6 **SEC. 2. DETENTION OF ALIENS SENTENCED TO INCARCER-**  
7 **ATION.**

8 Section 236(c)(1) of the Immigration and Nationality  
9 Act (8 U.S.C. 1226(c)(1)) is amended—

10 (1) in subparagraph (C), by striking “or” at  
11 the end;

12 (2) in subparagraph (D), by adding “or” at the  
13 end; and

14 (3) by inserting after subparagraph (D) the fol-  
15 lowing:

16 “(E) is sentenced to a term of incarcer-  
17 ation for a crime under State or Federal law,  
18 and is deportable on any ground,”.

19 **SEC. 3. EXPEDITED REMOVAL OF ALIENS SENTENCED TO**  
20 **INCARCERATION.**

21 (a) IN GENERAL.—Section 238 of the Immigration  
22 and Nationality Act (8 U.S.C. 1228) is amended—

23 (1) by amending the section heading to read as  
24 follows: “EXPEDITED REMOVAL OF ALIENS SEN-  
25 TENCED TO INCARCERATION”;

1 (2) in subsection (a)—

2 (A) by striking the subsection heading and  
3 inserting: “EXPEDITED REMOVAL FROM COR-  
4 RECTIONAL FACILITIES.—”;

5 (B) in the first sentence of paragraph (1),  
6 by striking “criminal offense” and all that fol-  
7 lows through the period at the end and insert-  
8 ing “criminal offense.”;

9 (C) in paragraph (2)—

10 (i) by striking “an aggravated felony”  
11 and inserting “a crime”; and

12 (ii) by striking “felon” and inserting  
13 “alien”;

14 (D) in paragraph (3)(A)—

15 (i) by striking “an aggravated felony”  
16 and inserting “a crime”; and

17 (ii) by striking “underlying aggra-  
18 vated felony.” and inserting “underlying  
19 crime.”; and

20 (E) in paragraph (4), by striking “aggra-  
21 vated felonies.” and inserting “crimes.”;

22 (3) in subsection (b)—

23 (A) by striking the subsection heading and  
24 inserting “EXPEDITED REMOVAL OF ALIENS

1 WHO ARE NOT PERMANENT RESIDENTS.—”;  
2 and

3 (B) in paragraph (1), by striking “de-  
4 scribed in paragraph (2),” and all that follows  
5 through “felony)” and inserting “described in  
6 paragraph (2), determine the deportability of  
7 the alien under clause (iii) or (v) of section  
8 237(a)(2)(A)”;

9 (4) in the subsection (c) that relates to pre-  
10 sumption of deportability, by inserting “or sentenced  
11 to a term of incarceration for a crime under State  
12 or Federal law” after “convicted of an aggravated  
13 felony”;

14 (5) by redesignating the subsection (c) that re-  
15 lates to judicial removal as subsection (d); and

16 (6) in subsection (d) (as so redesignated), by  
17 striking “241(a)(2)(A).” and inserting “237(a)(2).”

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 for the Immigration and Nationality Act is amended by  
20 amending the item relating to section 238 to read as fol-  
21 lows:

“Sec. 238. Expedited removal of aliens sentenced to incarceration.”.

22 **SEC. 4. PROHIBITION ON USE OF FEDERAL FUNDS TO AS-**  
23 **SIST INCARCERATION OF CRIMINAL ALIENS.**

24 A State or unit of local government may not use, for  
25 the benefit of State or local incarceration of aliens con-

1 victed of a crime any portion of any Federal funds, unless  
2 the State or unit—

3 (1) for each conviction of a person obtained by  
4 that State or unit, provides the Secretary of Home-  
5 land Security with information adequate for the Sec-  
6 retary to use in determining whether the person is  
7 lawfully present in the United States; and

8 (2) for each person determined by the Secretary  
9 of Homeland Security pursuant to paragraph (1) to  
10 be unlawfully present in the United States, transfers  
11 custody of that person to the Secretary not later  
12 than—

13 (A) the date on which that person's term  
14 of imprisonment expires, if a term of imprison-  
15 ment is imposed; or

16 (B) the date of the person's sentencing, if  
17 a term of imprisonment is not imposed.

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