

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2306

To provide for Federal incarceration of undocumented criminal aliens and to provide for the transfer of closed military bases to the Justice Department for use as prison facilities for the incarceration of criminal aliens.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1993

Mr. CONDIT introduced the following bill; which was referred jointly to the Committees on the Judiciary and Armed Services

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## A BILL

To provide for Federal incarceration of undocumented criminal aliens and to provide for the transfer of closed military bases to the Justice Department for use as prison facilities for the incarceration of criminal aliens.

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. FEDERAL INCARCERATION OF UNDOCU-**  
4 **MENTED CRIMINAL ALIENS.**

5 (a) FEDERAL INCARCERATION.—Section 242 of the  
6 Immigration and Nationality Act (8 U.S.C. 1252) is  
7 amended by adding at the end the following:

1       “(j)(1) The Attorney General shall take into the cus-  
2 tody of the Federal Government, and shall incarcerate for  
3 a determinate sentence of imprisonment, an undocu-  
4 mented criminal alien if—

5           “(A) the chief State or county official exercising  
6 authority with respect to the incarceration of the un-  
7 documented criminal alien submits a written request  
8 to the Attorney General; and

9           “(B) the undocumented criminal alien is sen-  
10 tenced to a determinate term of imprisonment.

11       “(2) For purposes of this subsection, the term ‘un-  
12 documented criminal alien’ means an alien who—

13           “(A) has been convicted of a felony and sen-  
14 tenced to a term of imprisonment, and

15           “(B)(i) entered the United States without in-  
16 spection or at any time or place other than as des-  
17 ignated by the Attorney General, or

18           “(ii) was the subject of exclusion or deportation  
19 proceedings at the time he or she was taken into  
20 custody by the State or county.

21       “(3) The Attorney General shall ensure that undocu-  
22 mented criminal aliens incarcerated in Federal facilities  
23 pursuant to this subsection are held in facilities which pro-  
24 vide a level of security appropriate to the crimes for which  
25 they were convicted.”.

1 **SEC. 2. TRANSFER OF CLOSED MILITARY BASES FOR FED-**  
2 **ERAL CRIMINAL ALIEN INCARCERATION**  
3 **FACILITIES.**

4 (a) PRIORITY AVAILABILITY TO DEPARTMENT OF  
5 JUSTICE.—Notwithstanding any other provision of law, a  
6 military installation to be closed under a base closure law  
7 shall be made available, as determined by the Attorney  
8 General, to the Department of Justice for use as a facility  
9 for the incarceration of undocumented aliens convicted of  
10 Federal offenses and undocumented criminal aliens under  
11 section 242(j) of the Immigration and Nationality Act).

12 (b) DEFINITION.—For purposes of this section, the  
13 term “base closure law” means each of the following:

14 (A) The Defense Base Closure and Realignment  
15 Act of 1990 (part A of title XXIX of Public Law  
16 101–510; 10 U.S.C. 2687 note).

17 (B) Title II of the Defense Authorization  
18 Amendments and Base Closure and Realignment  
19 Act (Public Law 100–526; 10 U.S.C. 2687 note).

20 (C) Section 2687 of title 10, United States  
21 Code.

22 (D) Any other similar law enacted after the  
23 date of the enactment of this Act.

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