

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
KOLBE OF ARIZONA, OR HIS  
DESIGNEE, DEBATABLE FOR 10 MINUTES:

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RW

**AMENDMENT TO H. R. 3402, AS REPORTED  
OFFERED BY MR. KOLBE OF ARIZONA**

At the end of title III, add the following (and amend  
the table of contents accordingly):

1 **SEC. \_\_\_\_ . REAUTHORIZATION OF STATE CRIMINAL ALIEN**  
2 **ASSISTANCE PROGRAM.**

3 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
4 241(i)(5) of the Immigration and Nationality Act (8  
5 U.S.C. 1231(i)(5)) is amended by striking “appropriated”  
6 and all that follows through the period and inserting the  
7 following: “appropriated to carry out this subsection—

8 “(A) such sums as may be necessary for  
9 fiscal year 2005;

10 “(B) \$750,000,000 for fiscal year 2006;

11 “(C) \$850,000,000 for fiscal year 2007;

12 and

13 “(D) \$950,000,000 for each of the fiscal  
14 years 2008 through 2011.”.

15 (b) **LIMITATION ON USE OF FUNDS.**—Section  
16 241(i)(6) of the Immigration and Nationality Act (8  
17 U.S.C. 1231(i)(6)) is amended to read as follows:

18 “(6) Amounts appropriated pursuant to the au-  
19 thorization of appropriations in paragraph (5) that



1 are distributed to a State or political subdivision of  
2 a State, including a municipality, may be used only  
3 for correctional purposes.”

4 (c) STUDY AND REPORT ON STATE AND LOCAL AS-  
5 SISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL  
6 ALIENS.—

7 (1) IN GENERAL.—Not later than 1 year after  
8 the date of the enactment of this Act, the Inspector  
9 General of the United States Department of Justice  
10 shall perform a study, and report to the Committee  
11 on the Judiciary of the United States House of Rep-  
12 resentatives and the Committee on the Judiciary of  
13 the United States Senate on the following:

14 (A) Whether there are States, or political  
15 subdivisions of a State, that have received com-  
16 pensation under section 241(i) of the Immigra-  
17 tion and Nationality Act (8 U.S.C. 1231(i)) and  
18 are not fully cooperating in the Department of  
19 Homeland Security’s efforts to remove from the  
20 United States undocumented criminal aliens (as  
21 defined in paragraph (3) of such section).

22 (B) Whether there are States, or political  
23 subdivisions of a State, that have received com-  
24 pensation under section 241(i) of the Immigra-  
25 tion and Nationality Act (8 U.S.C. 1231(i)) and

1           that have in effect a policy that violates section  
2           642 of the Illegal Immigration Reform and Im-  
3           migrant Responsibility Act of 1996 (8 U.S.C.  
4           1373).

5           (C) The number of criminal offenses that  
6           have been committed by aliens unlawfully  
7           present in the United States after having been  
8           apprehended by States or local law enforcement  
9           officials for a criminal offense and subsequently  
10          being released without being referred to the De-  
11          partment of Homeland Security for removal  
12          from the United States.

13          (D) The number of aliens described in sub-  
14          paragraph (C) who were released because the  
15          State or political subdivision lacked space or  
16          funds for detention of the alien.

17          (2) IDENTIFICATION.—In the report submitted  
18          under paragraph (1), the Inspector General of the  
19          United States Department of Justice—

20                 (A) shall include a list identifying each  
21                 State or political subdivision of a State that is  
22                 determined to be described in subparagraph (A)  
23                 or (B) of paragraph (1); and



1 (B) shall include a copy of any written pol-  
2 icy determined to be described in subparagraph  
3 (B).

