

118TH CONGRESS
2D SESSION

H. R. 7415

To reauthorize the State Criminal Alien Assistance Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2024

Mr. TONY GONZALES of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reauthorize the State Criminal Alien Assistance Program, 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. SHORT TITLE.**

4 This Act may be cited as the “Detain Illegals until
5 Repatriated or Expelled Act” or the “DIRE Act”.

6 **SEC. 2. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.**

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

9 (1) in paragraph (1)—

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

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

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

9 (2) by striking paragraphs (2) and (3) and in-
10 sserting the following:

11 “(2) COMPENSATION.—

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

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

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

24 “(B) CALCULATION OF COMPENSATION.—
25 Compensation under subparagraph (A) shall be

1 equal to the average cost of incarceration of a
2 prisoner in the relevant State, as determined by
3 the Attorney General.

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

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

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

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

13 “(B) INCARCERATION.—The term ‘incar-
14 ceration’ means the confining in a correctional
15 facility or county jail of an alien with unknown
16 status or an undocumented criminal alien.

17 “(C) UNDOCUMENTED CRIMINAL ALIEN.—
18 The term ‘undocumented criminal alien’ means
19 an alien who—

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

22 “(ii)(I) entered the United States
23 without inspection or at any time or place
24 other than as designated by the Secretary
25 of Homeland Security;

1 “(II) was the subject of exclusion or
2 deportation or removal proceedings at the
3 time he or she was taken into custody by
4 the State or a political subdivision of the
5 State; or

6 “(III) was admitted as a non-
7 immigrant and, at the time he or she was
8 taken into custody by the State or political
9 subdivision—

10 “(aa) failed to maintain the non-
11 immigrant status in which the alien
12 was admitted or to which it was
13 changed under section 248; or

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

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

19 (4) by striking paragraphs (5) and (6) and in-
20 serting the following:

21 “(5) AUTHORIZATION OF APPROPRIATIONS.—

22 “(A) IN GENERAL.—There are authorized
23 to be appropriated \$950,000,000 for each of
24 the fiscal years 2025 through 2029 to carry out
25 this subsection.

1 “(B) LIMITATION.—Amounts appropriated
2 pursuant to subparagraph (A) that are distrib-
3 uted to a State or a political subdivision of a
4 State, including a municipality, may be used
5 only for correctional purposes.

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

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