

110TH CONGRESS
1ST SESSION

S. 2368

To provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2007

Mr. PRYOR (for himself and Ms. LANDRIEU) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Secure America Through Verification and Enforcement
6 Act of 2007” or as the “SAVE Act of 2007”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SECURING AMERICA’S INTERNATIONAL BORDERS

Subtitle A—Manpower, Technology, and Infrastructure Improvements

- Sec. 101. Manpower.
- Sec. 102. Technology.
- Sec. 103. Infrastructure.
- Sec. 104. Aerial vehicles and surveillance systems.

Subtitle B—Strategies and Progress Reports for Securing America’s Borders

- Sec. 111. National strategy to secure the borders.
- Sec. 112. Accountable financing of a secure border initiative.

Subtitle C—Rapid Response Measures

- Sec. 121. Deployment of border patrol agents.
- Sec. 122. Border patrol major assets.
- Sec. 123. Electronic equipment.
- Sec. 124. Personal equipment.
- Sec. 125. Authorization of appropriations.

Subtitle D—Border Infrastructure and Technology Modernization

- Sec. 131. Definitions.
- Sec. 132. Expansion of commerce security programs.

Subtitle E—Other Border Security Initiatives

- Sec. 141. Alien smuggling and terrorism prevention.
- Sec. 142. Border security on certain Federal land.

Subtitle F—Border Law Enforcement

- Sec. 151. Short title.
- Sec. 152. Findings.
- Sec. 153. Border relief grant program.
- Sec. 154. Authorization of appropriations.
- Sec. 155. Regulations.

TITLE II—ENDING UNLAWFUL EMPLOYMENT

Subtitle A—Employee Verification

- Sec. 201. Mandatory employment authorization verification.
- Sec. 202. Mandatory notification of SSN mismatches and multiple uses.
- Sec. 203. Establishment of electronic birth and death registration systems.
- Sec. 204. Penalty for failure to file correct information returns.
- Sec. 205. Authorization of appropriations.

Subtitle B—Nondeductibility of Wages Paid to Unauthorized Aliens

- Sec. 211. Clarification that wages paid to unauthorized aliens may not be deducted from gross income.

TITLE III—ENHANCING AND FULLY UTILIZING CURRENT METHODS OF INTERIOR ENFORCEMENT

- Sec. 301. Increase investigative efforts.
- Sec. 302. Increased oversight of agents.

Sec. 303. Rewards program.

Sec. 304. Increased detention facilities for aliens apprehended for illegal entry.

Sec. 305. Findings and purpose.

Sec. 306. Additional district court judgeships.

Sec. 307. Media campaign.

1 **TITLE I—SECURING AMERICA’S**
 2 **INTERNATIONAL BORDERS**
 3 **Subtitle A—Manpower, Technolo-**
 4 **gy, and Infrastructure Improve-**
 5 **ments**

6 **SEC. 101. MANPOWER.**

7 (a) BORDER PATROL AGENTS.—Section 5202 of the
 8 Intelligence Reform and Terrorism Prevention Act of
 9 2004 (Public Law 108–458; 118 Stat. 3734) is amended
 10 to read as follows:

11 **“SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL**
 12 **AGENTS.**

13 “(a) ANNUAL INCREASES.—The Secretary of Home-
 14 land Security shall, subject to the availability of appropria-
 15 tions for such purpose, increase the number of positions
 16 for full-time active-duty Border Patrol agents within the
 17 Department of Homeland Security (above the number of
 18 positions for which funds were appropriated for the pre-
 19 ceding fiscal year), by—

20 “(1) 2,500 in fiscal year 2008;

21 “(2) 2,000 in fiscal year 2009;

22 “(3) 1,500 in fiscal year 2010;

23 “(4) 1,000 in fiscal year 2011; and

1 “(5) 1,000 in fiscal year 2012.

2 “(b) ALLOCATIONS.—Of the Border Patrol agents
3 hired under subsection (a), 80 percent shall be deployed
4 along the southern border of the United States and 20
5 percent shall be deployed along the northern border of the
6 United States.

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—The
8 necessary funds are authorized to be appropriated for each
9 of fiscal years 2008 through 2012 to carry out this sec-
10 tion.”.

11 (b) INVESTIGATIVE PERSONNEL.—

12 (1) ADDITIONAL INVESTIGATIVE PERSONNEL
13 FOR ALIEN SMUGGLING.—In addition to the posi-
14 tions authorized under section 5203 of the Intel-
15 ligence Reform and Terrorism Prevention Act of
16 2004, as amended by paragraph (1), during each of
17 the fiscal years 2008 through 2012, the Secretary
18 shall, subject to the availability of appropriations, in-
19 crease by not less than 350 the number of positions
20 for personnel within the Department assigned to
21 specifically investigate alien smuggling.

22 (2) ADDITIONAL FUNDS AND PERSONNEL FOR
23 THE TUNNEL TASK FORCE.—Subject to appropria-
24 tions, the fiscal year 2008 budget of the Tunnel
25 Task Force, a joint force comprised of Immigration

1 and Customs Enforcement (ICE), Customs and Bor-
2 der Patrol (CBP) and Drug Enforcement Adminis-
3 tration (DEA) personnel tasked to pinpoint tunnels
4 that are utilized by drug lords and “coyotes” to
5 smuggle narcotics, illegal aliens, and weapons of
6 mass destruction, shall be increased by 50 percent
7 above the fiscal year 2007 budget. Such increase
8 shall be used to increase personnel, improve commu-
9 nication and coordination between participant agen-
10 cies, upgrade technology, and offer cash rewards and
11 appropriate security to individuals who provide the
12 Tunnel Task Force with accurate information on ex-
13 isting tunnels that breach the international borders
14 of the United States.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—

16 The necessary funds are authorized to be appro-
17 priated to the Secretary for each of the fiscal years
18 2008 through 2012 to carry out this section.

19 (c) RECRUITMENT OF FORMER MEMBERS OF THE
20 ARMED FORCES AND MEMBERS OF RESERVE COMPO-
21 NENTS OF THE ARMED FORCES.—

22 (1) REQUIREMENT FOR PROGRAM.—The Sec-
23 retary, in conjunction with the Secretary of Defense,
24 shall establish a program to actively recruit covered
25 members (a member of a reserve component of the

1 Armed Forces) or former members of the Armed
2 Forces and National Guard to serve in United
3 States Customs and Border Protection.

4 (2) REPORT ON RECRUITMENT INCENTIVES.—

5 Not later than 90 days after the date of enactment
6 of this Act, the Secretary and the Secretary of De-
7 fense shall jointly submit to the “appropriate” com-
8 mittees of Congress a report that shall include an
9 assessment of the desirability and feasibility of offer-
10 ing an incentive to a covered member or former
11 member of the Armed Forces for the purpose of en-
12 couraging such member to serve in United States
13 Customs and Border Patrol and Immigration and
14 Customs Enforcement—

15 (A) the Secretary must provide a descrip-
16 tion of various monetary and non-monetary in-
17 centives considered for purposes of the report;
18 and

19 (B) the Secretary must provide an assess-
20 ment of the desirability and feasibility of uti-
21 lizing any such incentive.

22 (3) RECOMMENDATIONS FOR RECRUITMENT IN-
23 CENTIVES.—

24 (A) MAXIMUM STUDENT LOAN REPAY-
25 MENTS FOR UNITED STATES BORDER PATROL

1 AGENTS WITH A TWO YEAR COMMITMENT.—
2 Section 5379(b) of title 5, United States Code,
3 is amended by adding at the end the following:

4 “(4) In the case of an employee (otherwise eligi-
5 ble for benefits under this section) who is serving as
6 a full-time active-duty United States Border Patrol
7 agent within the Department of Homeland Secu-
8 rity—

9 “(A) paragraph (2)(A) shall be applied by
10 substituting ‘\$20,000’ for ‘\$10,000’; and

11 “(B) paragraph (2)(B) shall be applied by
12 substituting ‘\$80,000’ for ‘\$60,000’.”.

13 (B) RECRUITMENT AND RELOCATION BO-
14 NUSES AND RETENTION ALLOWANCES FOR PER-
15 SONNEL OF THE DEPARTMENT OF HOMELAND
16 SECURITY.—The Secretary of Homeland Secu-
17 rity shall ensure that the authority to pay re-
18 cruitment and relocation bonuses under section
19 5753 of title 5, United States Code, the author-
20 ity to pay retention bonuses under section 5754
21 of such title, and any other similar authorities
22 available under any other provision of law, rule,
23 or regulation, are exercised to the fullest extent
24 allowable in order to encourage service in the
25 Department of Homeland Security.

1 (4) DEFINITION.—The term “appropriate com-
2 mittees of Congress” means—

3 (A) the Committee on Appropriations, the
4 Committee on Armed Services, and the Com-
5 mittee on Homeland Security of the House of
6 Representatives; and

7 (B) the Committee on Appropriations, the
8 Committee on Armed Services, and the Com-
9 mittee on Homeland Security and Govern-
10 mental Affairs of the Senate.

11 **SEC. 102. TECHNOLOGY.**

12 (a) EQUIPMENT SHARING BETWEEN DEPARTMENT
13 OF HOMELAND SECURITY AND DEPARTMENT OF DE-
14 FENSE.—The Secretaries of these two departments shall
15 develop and implement a plan to use authorities provided
16 to the Secretary of Defense under chapter 18 of title 10,
17 United States Code, to increase the availability and use
18 of Department of Defense equipment, including unmanned
19 aerial vehicles, tethered aerostat radars, and other surveil-
20 lance equipment, to assist the Secretary in carrying out
21 surveillance activities conducted at or near the inter-
22 national land borders of the United States to prevent ille-
23 gal immigration.

24 (b) REPORT.—Not later than 6 months after the date
25 of enactment of this Act (and then annually from that

1 point), the Secretary and the Secretary of Defense shall
2 submit to Congress a report that contains—

3 (1) a description of the current use of Depart-
4 ment of Defense equipment to assist the Secretary
5 in carrying out surveillance of the international land
6 borders of the United States and assessment of the
7 potential risks to citizens of the United States and
8 key foreign policy interests associated with the use
9 of such equipment;

10 (2) the plan developed under subsection (a) to
11 increase the use of Department of Defense equip-
12 ment to assist such surveillance activities; and

13 (3) a description of the types of equipment and
14 other support to be provided by the Secretary of De-
15 fense under such plan during the 1-year period be-
16 ginning on the date of the submission of the report.

17 (c) SECURE COMMUNICATION.—The secretary shall,
18 as expeditiously as practicable, develop and implement a
19 plan to improve the use of satellite communications and
20 other technologies to ensure clear and secure 2-way com-
21 munication capabilities—

22 (1) among all Border Patrol agents conducting
23 operations between ports of entry;

24 (2) between Border Patrol agents and their re-
25 spective Border Patrol stations; and

1 (3) between all appropriate law enforcement
2 agencies of the Department and State, local, and
3 tribal law enforcement agencies.

4 (d) OTHER TECHNOLOGY UPGRADES.—The Sec-
5 retary shall purchase and implement new technology to se-
6 cure the borders, including, but not limited to drones, in-
7 frared cameras, sensors, mobile lighting units, radar and
8 infrared heat.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—The nec-
10 essary funds are authorized to be appropriated to the Sec-
11 retary for each of the fiscal years 2008 through 2012 to
12 carry out this section.

13 **SEC. 103. INFRASTRUCTURE.**

14 (a) INFRASTRUCTURE IMPROVEMENTS.—Subject to
15 the availability of appropriations, the Secretary shall con-
16 struct or purchase—

17 (1) office facilities to accommodate additional
18 border patrol manpower;

19 (2) sport utility vehicles for officers;

20 (3) all weather roads for better vehicle access
21 and performance on remote and rugged terrain
22 (road construction should be done in consultation
23 with the owner of the land and take into account
24 any environmental or other land-use issues that are
25 relevant);

1 (4) additional fencing (and aesthetic fencing in
2 business districts) in urban areas of the border; and
3 (5) vehicle barriers, to support, not replace,
4 manpower, in rural and remote areas of the border
5 necessary to achieve operational control of the inter-
6 national borders of the United States.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—The nec-
8 essary funds are authorized to be appropriated to the Sec-
9 retary for each of the fiscal years 2008 through 2012 to
10 carry out this section.

11 **SEC. 104. AERIAL VEHICLES AND SURVEILLANCE SYSTEMS.**

12 (a) UNMANNED AERIAL VEHICLE PILOT PRO-
13 GRAM.—During the 1-year period beginning on the date
14 on which the report is submitted under section 102(b), the
15 Secretary shall conduct a pilot program to test unmanned
16 aerial vehicles for border surveillance along the inter-
17 national border between Canada and the United States.

18 (b) UNMANNED AERIAL VEHICLES AND ASSOCIATED
19 INFRASTRUCTURE.—The Secretary shall acquire and
20 maintain unmanned aerial vehicles and related equipment
21 for use to patrol the international borders of the United
22 States, including equipment such as—

- 23 (1) additional sensors;
24 (2) satellite command and control; and

1 (3) other necessary equipment for operational
2 support.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated to the Secretary for each of the fiscal
6 years 2008 and 2009 such sums as may be nec-
7 essary to carry out subsection (b).

8 (2) AVAILABILITY OF FUNDS.—Amounts appro-
9 priated pursuant to the authorization of appropria-
10 tions in paragraph (1) are authorized to remain
11 available until expended.

12 (d) AERIAL SURVEILLANCE PROGRAM.—

13 (1) IN GENERAL.—In conjunction with the bor-
14 der surveillance plan developed under section 5201
15 of the Intelligence Reform and Terrorism Prevention
16 Act of 2004 (Public Law 108–458; 8 U.S.C. 1701
17 note), the Secretary, not later than 90 days after the
18 date of enactment of this Act, shall develop and im-
19 plement a program to fully integrate and utilize aer-
20 ial surveillance technologies, including unmanned
21 aerial vehicles, to enhance the security of the inter-
22 national border between the United States and Can-
23 ada and the international border between the United
24 States and Mexico. The goal of the program shall be

1 to ensure continuous monitoring of each mile of each
2 border.

3 (2) ASSESSMENT AND CONSULTATION REQUIRE-
4 MENTS.—In developing the program under this sub-
5 section, the Secretary shall—

6 (A) consider current and proposed aerial
7 surveillance technologies;

8 (B) assess the feasibility and advisability
9 of utilizing such technologies to address border
10 threats, including an assessment of the tech-
11 nologies considered best suited to address re-
12 spective threats;

13 (C) consult with the Secretary of Defense
14 regarding any technologies or equipment, which
15 the Secretary may deploy along an international
16 border of the United States; and

17 (D) consult with the Administrator of the
18 Federal Aviation Administration regarding safe-
19 ty, airspace coordination and regulation, and
20 any other issues necessary for implementation
21 of the program.

22 (3) AUTHORIZATION OF APPROPRIATIONS.—
23 The necessary funds are authorized to be appro-
24 priated to carry out this subsection.

1 (e) INTEGRATED AND AUTOMATED SURVEILLANCE
2 PROGRAM.—

3 (1) REQUIREMENT FOR PROGRAM.—Subject to
4 the availability of appropriations, the Secretary shall
5 establish a program to procure additional unmanned
6 aerial vehicles, drones, cameras, poles, sensors, sat-
7 ellites, radar coverage, and other technologies nec-
8 essary to achieve operational control of the inter-
9 national borders of the United States and to estab-
10 lish a security perimeter known as a “virtual fence”
11 along such international borders to provide a barrier
12 to illegal immigration.

13 (2) PROGRAM COMPONENTS.—The Secretary
14 shall ensure, to the maximum extent feasible, that—

15 (A) the technologies utilized in the Inte-
16 grated and Automated Surveillance Program
17 are integrated and function cohesively in an
18 automated fashion, including the integration of
19 motion sensor alerts and cameras in a manner
20 where a sensor alert automatically activates a
21 corresponding camera to pan and tilt in the di-
22 rection of the triggered sensor;

23 (B) cameras utilized in the program do not
24 have to be manually operated;

1 (C) such camera views and positions are
2 not fixed;

3 (D) surveillance video taken by such cam-
4 eras is able to be viewed at multiple designated
5 communications centers;

6 (E) a standard process is used to collect
7 and record, catalog, and report intrusion and
8 response data collected under the Program;

9 (F) future remote surveillance technology
10 investments and upgrades for the program can
11 be integrated with existing systems;

12 (G) performance measures are developed
13 and applied that can evaluate whether the pro-
14 gram is providing desired results and increasing
15 response effectiveness in monitoring and detect-
16 ing illegal intrusions along the international
17 borders of the United States;

18 (H) plans are developed under the program
19 to streamline site selection and site validation
20 processes to minimize delays of installing sur-
21 veillance technology infrastructure;

22 (I) standards are developed under the pro-
23 gram to expand the shared use of existing pri-
24 vate and governmental structures to install re-

1 mote surveillance technology infrastructure
2 where possible;

3 (J) standards are developed under the pro-
4 gram to identify and deploy the use of non-
5 permanent or mobile surveillance platforms that
6 will increase the Secretary's mobility and ability
7 to identify illegal border intrusions; and

8 (K) Border Patrol agents respond to each
9 reported intrusion that appears to involve aliens
10 or smugglers.

11 (3) EVALUATION OF CONTRACTORS.—

12 (A) REQUIREMENT FOR STANDARDS.—The
13 Secretary shall develop appropriate standards
14 to evaluate the performance of any contractor
15 providing goods or services to carry out the In-
16 tegrated and Automated Surveillance Program.

17 (B) REVIEW BY THE COMPTROLLER GEN-
18 ERAL OF THE UNITED STATES.—

19 (i) IN GENERAL.—The Comptroller
20 General of the United States shall review
21 each new contract related to the Program
22 and should report to Congress regarding
23 contracts with a value of more than
24 \$5,000,000 in a timely manner, to deter-
25 mine whether such contract fully complies

1 with applicable cost requirements, perform-
2 ance objectives, program milestones, and
3 schedules.

4 (ii) REPORTS.—The Comptroller Gen-
5 eral of the United States shall report the
6 findings of each review carried out under
7 clause (i) to the Secretary in a timely man-
8 ner.

9 (4) AUTHORIZATION OF APPROPRIATIONS.—
10 The necessary funds are authorized to be appro-
11 priated to carry out this subsection.

12 **Subtitle B—Strategies and Prog-**
13 **ress Reports for Securing Amer-**
14 **ica’s Borders**

15 **SEC. 111. NATIONAL STRATEGY TO SECURE THE BORDERS.**

16 (a) REQUIREMENT FOR NATIONAL STRATEGY.—The
17 Secretary, in consultation with the heads of other appro-
18 priate Federal agencies, shall develop a national strategy
19 to secure the borders that describes actions to be carried
20 out to achieve operational control over all ports of entry
21 into the United States and the international land and mar-
22 itime borders of the United States by December 31, 2010.

23 (b) CONTENT.—The national strategy to secure the
24 borders shall include the following:

1 (1) An assessment of the threats posed by ter-
2 rorists and terrorist groups that may try to infiltrate
3 the United States at locations along the inter-
4 national land and maritime borders of the United
5 States.

6 (2) A risk assessment for all United States
7 ports of entry and all portions of the international
8 land and maritime borders of the United States that
9 includes a description of activities being under-
10 taken—

11 (A) to prevent the entry of terrorists, other
12 unlawful aliens, instruments of terrorism, nar-
13 cotics, and other contraband into the United
14 States; and

15 (B) to protect critical infrastructure at or
16 near such ports of entry or borders.

17 (3) An assessment of the most appropriate,
18 practical, and cost-effective means of defending the
19 international land and maritime borders of the
20 United States against threats to security and illegal
21 transit, including intelligence capacities, technology,
22 equipment, personnel, and training needed to ad-
23 dress security vulnerabilities.

24 (4) An assessment of staffing needs for all bor-
25 der security functions, taking into account threat

1 and vulnerability information pertaining to the bor-
2 ders and the impact of new security programs, poli-
3 cies, and technologies.

4 (5) A description of the border security roles
5 and missions of Federal Government, State govern-
6 ment, local government, and tribal authorities, and
7 recommendations regarding actions the Secretary
8 can carry out to improve coordination with such au-
9 thorities to enable border security and enforcement
10 activities to be carried out in a more efficient and
11 effective manner.

12 (6) An assessment of existing efforts and tech-
13 nologies used for border security and the effect of
14 the use of such efforts and technologies on civil
15 rights, private property rights, privacy rights, and
16 civil liberties, including an assessment of efforts to
17 take into account asylum seekers, trafficking vic-
18 tims, unaccompanied minor aliens, refugees and
19 other vulnerable populations, as well as the effects
20 on Americans living in the border region and local,
21 State, and Federal law enforcement officers working
22 in the border region.

23 (7) A prioritized list of research and develop-
24 ment objectives to enhance the security of the inter-

1 national land and maritime borders of the United
2 States.

3 (8) A description of ways to ensure that the
4 free flow of lawful travel and commerce is not unrea-
5 sonably diminished by efforts, activities, and pro-
6 grams aimed at securing the international land and
7 maritime borders of the United States.

8 (9) An assessment of additional detention facili-
9 ties and beds that are needed to detain unlawful
10 aliens apprehended at United States ports of entry
11 or along the international land borders of the United
12 States.

13 (10) A description of the performance metrics
14 to be used to ensure accountability by the bureaus
15 of the Department in implementing such strategy.

16 (11) A schedule for the implementation of the
17 security measures described in said strategy, includ-
18 ing a prioritization of security measures, realistic
19 deadlines for addressing the security and enforce-
20 ment needs, an estimate of the resources needed to
21 carry out such measures, and a description of how
22 such resources should be allocated.

23 (c) CONSULTATION.—In developing the national
24 strategy for border security, the Secretary shall consult
25 with representatives of—

1 (1) State, local, and tribal governmental au-
2 thorities with responsibility for locations along the
3 international land and maritime borders of the
4 United States; and

5 (2) appropriate private sector entities, non-
6 governmental organizations, and affected commu-
7 nities that have expertise in areas related to border
8 security.

9 (d) COORDINATION.—The national strategy for bor-
10 der security shall be consistent with the National Strategy
11 for Maritime Security developed pursuant to Homeland
12 Security Presidential Directive 13, dated December 21,
13 2004.

14 (e) SUBMISSION TO CONGRESS.—

15 (1) STRATEGY.—Not later than December 31,
16 2008, the Secretary shall submit to Congress the na-
17 tional strategy for border security.

18 (2) UPDATES.—The Secretary shall submit to
19 Congress any update of such strategy that the Sec-
20 retary determines is necessary, not later than 30
21 days after such update is developed.

22 (f) IMMEDIATE ACTION.—Nothing in this section
23 may be construed to relieve the Secretary of the responsi-
24 bility to take all actions necessary and appropriate to
25 achieve and maintain operational control over the entire

1 international land and maritime borders of the United
2 States.

3 **SEC. 112. ACCOUNTABLE FINANCING OF A SECURE BORDER**
4 **INITIATIVE.**

5 (a) COMPTROLLER GENERAL OF THE UNITED
6 STATES.—

7 (1) ACTION.—If the Comptroller General of the
8 United States becomes aware of any improper con-
9 duct or wrongdoing in the course of conducting a
10 contract review under the Secure Border Initiative,
11 the Comptroller General of the United States shall,
12 as expeditiously as practicable, refer information re-
13 lating to such improper conduct or wrongdoing to
14 Congress and to the Secretary of Homeland Secu-
15 rity, or to another appropriate official of the Depart-
16 ment of Homeland Security, who shall determine
17 whether to temporarily suspend the contractor from
18 further participation in the Secure Border Initiative
19 or make said contract null and void.

20 (2) REPORT.—Upon the completion of each re-
21 view described in paragraph (1), the Comptroller
22 General of the United States shall submit to Con-
23 gress and to the Secretary a report containing the
24 findings of the review, including findings regard-
25 ing—

1 (A) cost overruns;

2 (B) significant delays in contract execu-
3 tion;

4 (C) lack of rigorous departmental contract
5 management;

6 (D) insufficient departmental financial
7 oversight;

8 (E) bundling that limits the ability of
9 small businesses to compete; or

10 (F) other high-risk business practices.

11 (b) REPORTS BY THE SECRETARY.—

12 (1) IN GENERAL.—Not later than 30 days after
13 the receipt of each report required under subsection
14 (a)(2), the Secretary shall submit a report to the
15 Committee on the Judiciary and the Committee on
16 Homeland Security of the House of Representatives
17 and the Committee on the Judiciary and the Com-
18 mittee on Homeland Security and Governmental Af-
19 fairs of the Senate, that describes the steps the Sec-
20 retary has taken, or plans to take, to address the
21 problems identified in such report.

22 (2) CONTRACTS WITH FOREIGN COMPANIES.—

23 Not later than 60 days after the initiation of each
24 contract action with a company whose headquarters
25 are not based in the United States, the Secretary

1 shall submit a report to the Committee on the Judi-
2 ciary of the Senate and the Committee on the Judi-
3 ciary of the House of Representatives, regarding the
4 Secure Border Initiative.

5 (c) REPORTS ON UNITED STATES PORTS.—Not later
6 that 60 days after receiving information regarding a pro-
7 posed purchase of a contract to manage the operations of
8 a United States port by a foreign entity, the Secretary
9 of Homeland Security shall submit a report to Congress
10 that describes—

11 (1) the proposed purchase;

12 (2) any security concerns related to the pro-
13 posed purchase; and

14 (3) the manner in which such security concerns
15 have been addressed.

16 **Subtitle C—Rapid Response**
17 **Measures**

18 **SEC. 121. DEPLOYMENT OF BORDER PATROL AGENTS.**

19 (a) EMERGENCY DEPLOYMENT OF BORDER PATROL
20 AGENTS.—

21 (1) IN GENERAL.—If the Governor of a State
22 on an international border of the United States de-
23 clares an international border security emergency
24 and requests additional agents of the Border Patrol
25 (referred to in this subtitle as “agents”) from the

1 Secretary, the Secretary, subject to paragraphs (2)
2 and (3), may provide the State with not more than
3 1,000 additional agents for the purpose of patrolling
4 and defending the international border, in order to
5 prevent individuals from crossing the international
6 border into the United States at any location other
7 than an authorized port of entry.

8 (2) CONSULTATION.—Upon receiving a request
9 for agents under paragraph (1), the Secretary, after
10 consultation with the President, shall grant such re-
11 quest to the extent that providing such agents will
12 not significantly impair the Department’s ability to
13 provide border security for any other State.

14 (3) COLLECTIVE BARGAINING.—Emergency de-
15 ployments under this subsection shall be made in ac-
16 cordance with all applicable collective bargaining
17 agreements and obligations under current law.

18 (b) FLEXIBLE DEPLOYMENT OF BORDER PATROL
19 AGENTS.—The Secretary shall ensure that agents are not
20 precluded from performing patrol duties and appre-
21 hending violators of law, except in unusual circumstances
22 if the temporary use of fixed deployment positions is nec-
23 essary.

1 **SEC. 122. BORDER PATROL MAJOR ASSETS.**

2 (a) CONTROL OF DEPARTMENT OF HOMELAND SE-
3 CURITY ASSETS.—The Department of Homeland Security
4 shall have exclusive administrative and operational control
5 over all the assets utilized in carrying out its mission, in-
6 cluding aircraft, watercraft, vehicles, detention space,
7 transportation, and all of the personnel associated with
8 such assets.

9 (b) HELICOPTERS AND POWER BOATS.—

10 (1) HELICOPTERS.—The Secretary shall in-
11 crease the number of helicopters under the control
12 of the Border Patrol and Immigration and Customs
13 Enforcement (ICE). The Secretary shall ensure that
14 appropriate types and quantities of helicopters are
15 procured for the various missions being performed.

16 (2) POWER BOATS.—The Secretary shall in-
17 crease the number of power boats under the control
18 of the Border Patrol. The Secretary shall ensure
19 that the types of power boats that are procured are
20 appropriate for both the waterways in which they
21 are used and the mission requirements.

22 (3) USE AND TRAINING.—The Secretary shall—

23 (A) establish an overall policy on how the
24 helicopters and power boats procured under this
25 subsection will be used; and

1 (B) implement training programs for the
2 agents who use such assets, including safe oper-
3 ating procedures and rescue operations.

4 (c) MOTOR VEHICLES.—

5 (1) QUANTITY.—The Secretary shall establish a
6 fleet of motor vehicles appropriate for use by the
7 Border Patrol that will permit a ratio of not less
8 than 1 police-type vehicle for every 4 agents with
9 safety glass and other protections. The Secretary
10 shall ensure that there are sufficient numbers and
11 types of other motor vehicles to support the mission
12 of the Border Patrol.

13 (2) FEATURES.—All motor vehicles purchased
14 for the Border Patrol shall—

15 (A) be appropriate for the mission of the
16 Border Patrol; and

17 (B) have a panic button and a global posi-
18 tioning system device that is activated solely in
19 emergency situations to track the location of
20 agents in distress.

21 **SEC. 123. ELECTRONIC EQUIPMENT.**

22 (a) PORTABLE COMPUTERS.—The Secretary shall en-
23 sure that each police-type motor vehicle in the fleet of the
24 Border Patrol is equipped with a portable computer with
25 access to all necessary law enforcement databases and oth-

1 erwise suited to the unique operational requirements of
2 the Border Patrol.

3 (b) RADIO EQUIPMENT.—The Secretary shall aug-
4 ment the existing radio communications system so that all
5 law enforcement personnel, including Immigration and
6 Customs Enforcement, working in each area where Border
7 Patrol operations are conducted have clear and encrypted
8 2-way radio communication capabilities at all times. Each
9 portable communications device shall be equipped with a
10 panic button and a global positioning system device that
11 is activated solely in emergency situations to track the lo-
12 cation of agents in distress.

13 (c) HANDHELD GLOBAL POSITIONING SYSTEM DE-
14 VICES.—The Secretary shall ensure that Border Patrol
15 agents are issued a state-of-the-art handheld global posi-
16 tioning system device for navigational purposes.

17 (d) NIGHT VISION EQUIPMENT.—The Secretary shall
18 ensure that sufficient quantities of state-of-the-art night
19 vision equipment are procured and maintained to enable
20 each Border Patrol agent working during the hours of
21 darkness to be equipped with a portable night vision de-
22 vice.

23 **SEC. 124. PERSONAL EQUIPMENT.**

24 (a) BODY ARMOR.—The Secretary shall ensure that
25 every agent on duty is issued high-quality body armor that

1 is appropriate for the climate and risks faced by the agent.
2 Enough body armor must be purchased to cover every
3 agent in the field.

4 (b) WEAPONS.—The Secretary shall ensure that
5 agents are equipped with weapons that are reliable and
6 effective to protect themselves, their fellow agents, and in-
7 nocent third parties from the threats posed by armed
8 criminals. The Secretary shall ensure that the policies of
9 the Department authorize all agents to carry weapons that
10 are suited to the potential threats that they face, and that
11 all agents receive appropriate training in the use of such
12 weapons.

13 (c) UNIFORMS.—The Secretary shall ensure that all
14 agents are provided with all necessary uniform items, in-
15 cluding outerwear suited to the climate, footwear, belts,
16 holsters, and personal protective equipment, at no cost to
17 such agents. Such items shall be replaced at no cost to
18 such agents as such items become worn or unserviceable
19 or no longer fit properly.

20 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Sec-
22 retary such sums as may be necessary for each of the fis-
23 cal years 2008 through 2012 to carry out this subtitle.

1 **Subtitle D—Border Infrastructure**
2 **and Technology Modernization**

3 **SEC. 131. DEFINITIONS.**

4 In this subtitle:

5 (1) COMMISSIONER.—The term “Commis-
6 sioner” means the Commissioner of United States
7 Customs and Border Protection.

8 (2) NORTHERN BORDER.—The term “northern
9 border” means the international border between the
10 United States and Canada.

11 (3) SOUTHERN BORDER.—The term “southern
12 border” means the international border between the
13 United States and Mexico.

14 **SEC. 132. EXPANSION OF COMMERCE SECURITY PRO-**
15 **GRAMS.**

16 (a) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
17 RORISM.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Commis-
20 sioner, in consultation with the Secretary, shall de-
21 velop a plan to expand the programs of the Cus-
22 toms-Trade Partnership Against Terrorism estab-
23 lished pursuant to section 211 of the SAFE Port
24 Act (6 U.S.C. 961), including adding additional per-
25 sonnel for such programs, along the northern border

1 and southern border, including the following pro-
2 grams:

3 (A) The Business Anti-Smuggling Coali-
4 tion.

5 (B) The Carrier Initiative Program.

6 (C) The Americas Counter Smuggling Ini-
7 tiative.

8 (D) The Container Security Initiative es-
9 tablished pursuant to section 205 of the SAFE
10 Port Act (6 U.S.C. 945).

11 (E) The Free and Secure Trade Initiative.

12 (F) Other industry partnership programs
13 administered by the Commissioner.

14 (b) DEMONSTRATION PROGRAM.—Not later than 180
15 days after the date of enactment of this Act, the Commis-
16 sioner shall establish a demonstration program to develop
17 a cooperative trade security system to improve supply
18 chain security.

19 **Subtitle E—Other Border Security**
20 **Initiatives**

21 **SEC. 141. ALIEN SMUGGLING AND TERRORISM PREVEN-**
22 **TION.**

23 (a) CHECKS AGAINST TERRORIST WATCHLIST.—The
24 Department of Homeland Security shall check against all
25 available terrorist watchlists those alien smugglers and

1 smuggled individuals who are interdicted at the land, air,
2 and sea borders of the United States.

3 (b) STRENGTHENING PROSECUTION AND PUNISH-
4 MENT OF ALIEN SMUGGLERS.—Section 274(a) of the Im-
5 migration and Nationality Act (8 U.S.C. 1324(a)) is
6 amended—

7 (1) by amending the subsection heading to read
8 as follows: “SMUGGLING OF UNLAWFUL AND TER-
9 RORIST ALIENS.—”;

10 (2) by redesignating clause (iv) of paragraph
11 (1)(B) as clause (vii);

12 (3) in paragraph (1), by striking “(1)(A)” and
13 all that follows through clause (iii) of subparagraph
14 (B) and inserting the following:

15 “(1)(A) Whoever, knowing or in reckless disregard of
16 the fact that an individual is an alien who lacks lawful
17 authority to come to, enter, or reside in the United States,
18 knowingly—

19 “(i) brings that individual to the United States
20 in any manner whatsoever regardless of any future
21 official action which may be taken with respect to
22 such alien;

23 “(ii) recruits, encourages, or induces that indi-
24 vidual to come to, enter, or reside in the United
25 States;

1 “(iii) transports or moves that individual in the
2 United States, in furtherance of their unlawful pres-
3 ence; or

4 “(iv) harbors, conceals, or shields from detec-
5 tion the individual in any place in the United States,
6 including any building or any means of transpor-
7 tation, or attempts or conspires to do so, shall be
8 punished as provided in subparagraph (C).

9 “(B) Whoever, knowing that an individual is an alien,
10 brings that individual to the United States in any manner
11 whatsoever at a place other than a designated port of
12 entry or place other than as designated by the Secretary
13 of Homeland Security, regardless of whether such alien
14 has received prior official authorization to come to, enter,
15 or reside in the United States and regardless of any future
16 official action which may be taken with respect to such
17 alien, or attempts or conspires to do so, shall be punished
18 as provided in subparagraph (C).

19 “(C) A violator of this paragraph shall, for each alien
20 in respect to whom such a violation occurs—

21 “(i) unless the offense is otherwise described in
22 another clause of this subparagraph, be fined under
23 title 18, United States Code or imprisoned not more
24 than 5 years, or both;

1 “(ii) if the offense involved the transit of the
2 defendant’s spouse, child, sibling, parent, grand-
3 parent, or niece or nephew, and the offense is not
4 described in any of clauses (iii) through (vii), be
5 fined under title 18, United States Code or impris-
6 oned not more than 1 year, or both;

7 “(iii) if the offense is a violation of paragraphs
8 (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and
9 was committed for the purpose of profit, commercial
10 advantage, or private financial gain, be fined under
11 title 18, United States Code or imprisoned not more
12 than 10 years, or both;

13 “(iv) if the offense is a violation of paragraph
14 (1)(A)(i) and was committed for the purpose of prof-
15 it, commercial advantage, or private financial gain,
16 or if the offense was committed with the intent or
17 reason to believe that the individual unlawfully
18 brought into the United States will commit an of-
19 fense against the United States or any State that is
20 punishable by imprisonment for more than 1 year,
21 be fined under title 18, United States Code, and im-
22 prisoned, in the case of a first or second violation,
23 not less than 3 nor more than 10 years, and for any
24 other violation, not less than 5 nor more than 15
25 years;

1 “(v) if the offense results in serious bodily in-
2 jury (as defined in section 1365 of title 18, United
3 States Code) or places in jeopardy the life of any
4 person, be fined under title 18, United States Code
5 or imprisoned not more than 20 years, or both; and

6 “(vi) if the offense involved an individual who
7 the defendant knew was engaged in or intended to
8 engage in terrorist activity (as defined in section
9 212(a)(3)(B)), be fined under title 18, United States
10 Code or imprisoned not more than 30 years, or both;
11 and”;

12 (4) in the clause (vii) so redesignated by para-
13 graph (2) of this subsection (which now becomes
14 clause (vii) of the new subparagraph (C))—

15 (A) by striking “in the case” and all that
16 follows through “(v) resulting” and inserting
17 “if the offense results”; and

18 (B) by inserting “and if the offense in-
19 volves kidnapping, an attempt to kidnap, the
20 conduct required for aggravated sexual abuse
21 (as defined in section 2241 without regard to
22 where it takes place), or an attempt to commit
23 such abuse, or an attempt to kill, be fined
24 under such title or imprisoned for any term of
25 years or life, or both” after “or both”; and

1 (5) by striking existing subparagraph (C) of
2 paragraph (1) (without affecting the new subpara-
3 graph (C) added by the amendments made by this
4 Act) and all that follows through paragraph (2) and
5 inserting the following:

6 “(2)(A) There is extraterritorial jurisdiction
7 over the offenses described in paragraph (1).

8 “(B) In a prosecution for a violation of, or an
9 attempt or conspiracy to violate subsection
10 (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs
11 on the high seas, no defense based on necessity can
12 be raised unless the defendant—

13 “(i) as soon as practicable, reported to the
14 Coast Guard the circumstances of the necessity,
15 and if a rescue is claimed, the name, descrip-
16 tion, registry number, and location of the vessel
17 engaging in the rescue; and

18 “(ii) did not bring, attempt to bring, or in
19 any manner intentionally facilitate the entry of
20 any alien into the land territory of the United
21 States without lawful authority, unless exigent
22 circumstances existed that placed the life of
23 that alien in danger, in which case the report-
24 ing requirement set forth in clause (i) of this
25 subparagraph is satisfied by notifying the Coast

1 Guard as soon as practicable after delivering
2 the alien to emergency medical or law enforce-
3 ment personnel ashore.

4 “(C) It is a defense to a violation of, or an at-
5 tempt or conspiracy to violate, clause (iii) or (iv) of
6 subsection (a)(1)(A) for a religious denomination
7 having a bona fide nonprofit, religious organization
8 in the United States, or the agents or officer of such
9 denomination or organization, to encourage, invite,
10 call, allow, or enable an alien who is present in the
11 United States to perform the vocation of a minister
12 or missionary for the denomination or organization
13 in the United States as a volunteer who is not com-
14 pensated as an employee, notwithstanding the provi-
15 sion of room, board, travel, medical assistance, and
16 other basic living expenses, provided the minister or
17 missionary has been a member of the denomination
18 for at least one year.

19 “(D) For purposes of this paragraph and para-
20 graph (1)—

21 “(i) the term ‘United States’ means the
22 several States, the District of Columbia, the
23 Commonwealth of Puerto Rico, Guam, Amer-
24 ican Samoa, the United States Virgin Islands,
25 the Commonwealth of the Northern Mariana Is-

1 lands, and any other territory or possession of
2 the United States; and

3 “(ii) the term ‘lawful authority’ means per-
4 mission, authorization, or waiver that is ex-
5 pressly provided for in the immigration laws of
6 the United States or the regulations prescribed
7 under those laws and does not include any such
8 authority secured by fraud or otherwise ob-
9 tained in violation of law or authority that has
10 been sought but not approved.”.

11 (c) MARITIME LAW ENFORCEMENT.—

12 (1) PENALTIES.—Subsection (b) of section
13 2237 of title 18, United States Code, is amended to
14 read as follows:

15 “(b)(1) Whoever intentionally violates this section
16 shall, unless the offense is described in paragraph (2), be
17 fined under this title or imprisoned for not more than 5
18 years, or both.

19 “(2) If the offense—

20 “(A) is committed in the course of a violation
21 of section 274 of the Immigration and Nationality
22 Act (alien smuggling); chapter 77 (peonage, slavery,
23 and trafficking in persons), section 111 (shipping),
24 111A (interference with vessels), 113 (stolen prop-
25 erty), or 117 (transportation for illegal sexual activ-

1 ity) of this title; chapter 705 (maritime drug law en-
 2 forcement) of title 46, or title II of the Act of June
 3 15, 1917 (Chapter 30; 40 Stat. 220), the offender
 4 shall be fined under this title or imprisoned for not
 5 more than 10 years, or both;

6 “(B) results in serious bodily injury (as defined
 7 in section 1365 of this title) or transportation under
 8 inhumane conditions, the offender shall be fined
 9 under this title, imprisoned not more than 15 years,
 10 or both; or

11 “(C) results in death or involves kidnapping, an
 12 attempt to kidnap, the conduct required for aggra-
 13 vated sexual abuse (as defined in section 2241 with-
 14 out regard to where it takes place), or an attempt
 15 to commit such abuse, or an attempt to kill, be fined
 16 under such title or imprisoned for any term of years
 17 or life, or both.”.

18 (2) LIMITATION ON NECESSITY DEFENSE.—
 19 Section 2237(c) of title 18, United States Code, is
 20 amended—

21 (A) by inserting “(1)” after “(c)”;

22 (B) by adding at the end the following:

23 “(2) In a prosecution for a violation of this section,
 24 no defense based on necessity can be raised unless the de-
 25 fendant—

1 “(A) as soon as practicable upon reaching
2 shore, delivered the person with respect to which the
3 necessity arose to emergency medical or law enforce-
4 ment personnel;

5 “(B) as soon as practicable, reported to the
6 Coast Guard the circumstances of the necessity re-
7 sulting giving rise to the defense; and

8 “(C) did not bring, attempt to bring, or in any
9 manner intentionally facilitate the entry of any alien,
10 as that term is defined in section 101(a)(3) of the
11 Immigration and Nationality Act (8 U.S.C. 1101
12 (a)(3)), into the land territory of the United States
13 without lawful authority, unless exigent cir-
14 cumstances existed that placed the life of that alien
15 in danger, in which case the reporting requirement
16 of subparagraph (B) is satisfied by notifying the
17 Coast Guard as soon as practicable after delivering
18 that person to emergency medical or law enforce-
19 ment personnel ashore.”.

20 (3) DEFINITION.—Section 2237(e) of title 18,
21 United States Code, is amended—

22 (A) by striking “and” at the end of para-
23 graph (3);

24 (B) by striking the period at the end of
25 paragraph (4) and inserting “; and”; and

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

2 “(5) the term ‘transportation under inhumane
3 conditions’ means the transportation of persons in
4 an engine compartment, storage compartment, or
5 other confined space, transportation at an excessive
6 speed, transportation of a number of persons in ex-
7 cess of the rated capacity of the means of transpor-
8 tation, or intentionally grounding a vessel in which
9 persons are being transported.”.

10 (d) AMENDMENT TO THE SENTENCING GUIDE-
11 LINES.—

12 (1) IN GENERAL.—Pursuant to its authority
13 under section 994 of title 28, United States Code,
14 and in accordance with this subsection, the United
15 States Sentencing Commission shall review and, if
16 appropriate, amend the sentencing guidelines and
17 policy statements applicable to persons convicted of
18 alien smuggling offenses and criminal failure to
19 heave to or obstruction of boarding.

20 (2) CONSIDERATIONS.—In carrying out this
21 subsection, the Sentencing Commission, shall—

22 (A) consider providing sentencing enhance-
23 ments or stiffening existing enhancements for
24 those convicted of offenses described in para-
25 graph (1) of this subsection that—

1 (i) involve a pattern of continued and
2 flagrant violations;

3 (ii) are part of an ongoing commercial
4 organization or enterprise;

5 (iii) involve aliens who were trans-
6 ported in groups of 10 or more;

7 (iv) involve the transportation or
8 abandonment of aliens in a manner that
9 endangered their lives; or

10 (v) involve the facilitation of terrorist
11 activity; and

12 (B) consider cross-references to the guide-
13 lines for Criminal Sexual Abuse and Attempted
14 Murder.

15 (3) EXPEDITED PROCEDURES.—The Commis-
16 sion may promulgate the guidelines or amendments
17 under this subsection in accordance with the proce-
18 dures set forth in section 21(a) of the Sentencing
19 Act of 1987, as though the authority under that Act
20 had not expired.

21 **SEC. 142. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

22 (a) DEFINITIONS.—In this section:

23 (1) PROTECTED LAND.—The term “protected
24 land” means land under the jurisdiction of the Sec-
25 retary concerned.

1 (2) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) with respect to land under the jurisdic-
4 tion of the Secretary of Agriculture, the Sec-
5 retary of Agriculture; and

6 (B) with respect to land under the jurisdic-
7 tion of the Secretary of the Interior, the Sec-
8 retary of the Interior.

9 (b) BORDER PROTECTION STRATEGY.—The Sec-
10 retary, the Secretary of the Interior, and the Secretary
11 of Agriculture shall jointly develop a border protection
12 strategy that supports the border security needs of the
13 United States in the manner that best protects—

14 (1) units of the National Park System;

15 (2) National Forest System land;

16 (3) land under the jurisdiction of the United
17 States Fish and Wildlife Service and Bureau of
18 Land Management; and

19 (4) other relevant land under the jurisdiction of
20 the Secretary of the Interior or the Secretary of Ag-
21 riculture.

22 (c) ADDITIONAL UNIFORMED LAW ENFORCEMENT
23 OFFICERS AND SPECIAL AGENTS OF THE DEPARTMENT
24 OF THE INTERIOR.—There are authorized to be appro-
25 priated to the Secretary of the Interior for employment

1 of uniformed law enforcement officers and special agents,
2 in addition to the number of such officers and agents em-
3 ployed immediately before the enactment of this Act, such
4 sums as may be necessary for—

5 (1) 22 such officers of the United States Fish
6 and Wildlife Service, including—

7 (A) 4 for California;

8 (B) 9 for Arizona;

9 (C) 2 for New Mexico; and

10 (D) 7 for Texas;

11 (2) 2 such agents of the United States Fish
12 and Wildlife Service, for Texas;

13 (3) 22 such officers of the National Park Serv-
14 ice, including—

15 (A) 13 for Arizona; and

16 (B) 9 for Texas;

17 (4) 2 such agents of the National Park Service,
18 for Texas;

19 (5) 19 such officers of the Bureau of Land
20 Management, including—

21 (A) 5 for California;

22 (B) 4 for Arizona;

23 (C) 4 for New Mexico; and

24 (D) 6 for Texas;

1 (6) 2 such agents of the Bureau of Land Man-
2 agement, including—

3 (A) 1 for California;

4 (B) 2 for Arizona; and

5 (C) 1 for New Mexico; and

6 (7) one such agent of the Bureau of Indian Af-
7 fairs, for Texas.

8 (d) ADDITIONAL SPECIAL ASSISTANT UNITED
9 STATES ATTORNEY.—There are authorized to be appro-
10 priated to the Attorney General such sums as may be nec-
11 essary to increase by 1 the number of special assistant
12 United States attorneys in the district of Arizona dedi-
13 cated to prosecution of cases generated by the Secretary
14 of Interior, in addition to the number of such attorneys
15 appointed immediately before the enactment of this Act.

16 **Subtitle F—Border Law**
17 **Enforcement**

18 **SEC. 151. SHORT TITLE.**

19 This Act may be cited as the “Border Law Enforce-
20 ment Act”.

21 **SEC. 152. FINDINGS.**

22 The Congress finds as follows:

23 (1) It is the obligation of the Federal Govern-
24 ment of the United States to adequately secure the

1 Nation's borders and prevent the flow of unauthor-
2 ized aliens and illegal drugs into the United States.

3 (2) Despite the fact that the United States
4 Border Patrol apprehends over 1,000,000 people
5 each year trying to illegally enter the United States,
6 according to the Congressional Research Service, the
7 net growth in the number of unauthorized aliens has
8 increased by approximately 500,000 each year. The
9 southwest border accounts for approximately 94 per-
10 cent of all migrant apprehensions each year. Cur-
11 rently, there are an estimated 11,000,000 unauthor-
12 ized aliens in the United States.

13 (3) The border region is also a major corridor
14 for the shipment of drugs. According to the El Paso
15 Intelligence Center, 65 percent of the narcotics that
16 are sold in the markets of the United States enter
17 the country through the Southwest Border.

18 (4) Border communities continue to incur sig-
19 nificant costs due to the lack of adequate border se-
20 curity. A 2001 study by the United States-Mexico
21 Border Counties Coalition found that law enforce-
22 ment and criminal justice expenses associated with
23 illegal immigration exceed \$89,000,000 annually for
24 the Southwest border counties.

1 (5) In August 2005, the States of New Mexico
2 and Arizona declared states of emergency in order to
3 provide local law enforcement immediate assistance
4 in addressing criminal activity along the Southwest
5 border.

6 (6) While the Federal Government provides
7 States and localities assistance in covering costs re-
8 lated to the detention of certain criminal aliens and
9 the prosecution of Federal drug cases, local law en-
10 forcement along the border are provided no assist-
11 ance in covering such expenses and must use their
12 limited resources to combat drug trafficking, human
13 smuggling, kidnappings, the destruction of private
14 property, and other border-related crimes.

15 (7) The United States shares 5,525 miles of
16 border with Canada and 1,989 miles with Mexico.
17 Many of the local law enforcement agencies located
18 along the border are small, rural departments
19 charged with patrolling large areas of land. Counties
20 along the Southwest United States-Mexico border
21 are some of the poorest in the country and lack the
22 financial resources to cover the additional costs asso-
23 ciated with illegal immigration, drug trafficking, and
24 other border-related crimes.

1 (8) Federal assistance is required to help local
2 law enforcement operating along the border address
3 the unique challenges that arise as a result of their
4 proximity to an international border and the lack of
5 overall border security in the region.

6 **SEC. 153. BORDER RELIEF GRANT PROGRAM.**

7 (a) IN GENERAL.—From amounts made available
8 under section 154, the Secretary of Homeland Security
9 may make grants to—

10 (1) sheriffs' offices of counties any part of
11 which is within 25 miles of the southern border of
12 the United States; and

13 (2) police departments serving a city, town, or
14 other political subdivision in a county any part of
15 which is within 25 miles of the southern border of
16 the United States (including tribal police depart-
17 ments serving a community any part of which is
18 within 25 miles of such border).

19 (b) USE OF FUNDS.—

20 (1) IN GENERAL.—Grant funds received under
21 subsection (a) may be used for the following:

22 (A) To conduct law enforcement operations
23 in order to enforce criminal laws, prevent and
24 punish criminal activity, and protect the lives,

1 property, and security of the people within the
2 jurisdiction of the grant recipient.

3 (B) To transfer aliens detained or in the
4 custody of the grant recipient who are not law-
5 fully present in the United States to appro-
6 priate Federal law enforcement officials.

7 (C) To enforce State and Federal laws re-
8 lating to controlled substance trafficking and
9 enforce other State and Federal criminal laws.

10 (2) PAYMENT OF COSTS.—Use of funds under
11 paragraph (1) shall include payment for costs of—

12 (A) hiring, equipping, training, and other-
13 wise controlling the operations and deployment
14 of, law enforcement officials engaged in duties
15 described in paragraph (1), as well as the costs
16 of paying overtime to such officials; and

17 (B) detaining, housing, and transporting
18 aliens who are not lawfully present in the
19 United States, and who are taken into custody
20 by the grant recipient, until the aliens are
21 transferred to appropriate Federal law enforce-
22 ment officials.

23 (3) DETENTION FACILITIES.—In accordance
24 with paragraph (2)(B), grant funds received under
25 subsection (a) may be used for the construction,

1 maintenance, and operation of detention facilities to
2 detain aliens who are unlawfully present in the
3 United States, except that not more than 20 percent
4 of such funds may be used for the construction or
5 renovation of detention or similar facilities.

6 (c) APPLICATION.—

7 (1) IN GENERAL.—Each eligible law enforce-
8 ment agency seeking a grant under this section shall
9 submit an application to the Secretary of Homeland
10 Security at such time, in such manner, and accom-
11 panied by such information as the Secretary of
12 Homeland Security may reasonably require.

13 (2) CONTENTS.—Each application submitted
14 pursuant to paragraph (1) shall—

15 (A) describe the activities for which assist-
16 ance under this section is sought; and

17 (B) provide such additional assurances as
18 the Secretary of Homeland Security determines
19 to be essential to ensure compliance with the re-
20 quirements of this section.

21 **SEC. 154. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to the Sec-
23 retary of Homeland Security to carry out this Act
24 \$200,000,000 for fiscal year 2008 and each succeeding
25 fiscal year.

1 **SEC. 155. REGULATIONS.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary of Homeland Security shall
4 issue regulations to carry out this Act.

5 **TITLE II—ENDING UNLAWFUL**
6 **EMPLOYMENT**

7 **Subtitle A—Employee Verification**

8 **SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION**
9 **VERIFICATION.**

10 (a) **MAKING BASIC PILOT PROGRAM PERMANENT.—**
11 Section 401(b) of the Illegal Immigration Reform and Im-
12 migrant Responsibility Act of 1996 (8 U.S.C. 1324a note)
13 is amended by adding before the period at the end of the
14 last sentence the following “, except that the basic pilot
15 program described in section 403(a) shall be a permanent
16 program”.

17 (b) **MANDATORY USE OF E-VERIFY SYSTEM.—**

18 (1) **IN GENERAL.—**Subject to paragraphs (2)
19 and (3), every person or other entity that hires one
20 or more individuals for employment in the United
21 States shall verify through the E-Verify program, es-
22 tablished as the basic pilot program by section
23 403(a) of the Illegal Immigration Reform and Immi-
24 grant Responsibility Act of 1996 (division C of Pub-
25 lic Law 104–208; 8 U.S.C. 1324a note), that each
26 such individual is authorized to work in the United

1 States. The Secretary of Homeland Security shall
2 ensure that verification by means of a toll-free tele-
3 phone line is an available option in complying with
4 the preceding sentence.

5 (2) SELECT ENTITIES REQUIRED TO USE E-
6 VERIFY PROGRAM IMMEDIATELY.—The following en-
7 tities must satisfy the requirement in paragraph (1)
8 by not later than one year after the date of the en-
9 actment of this Act:

10 (A) FEDERAL AGENCIES.—Each depart-
11 ment and agency of the Federal Government.

12 (B) FEDERAL CONTRACTORS.—A con-
13 tractor that—

14 (i) has entered into a contract with
15 the Federal Government to which section
16 2(b)(1) of the Service Contract Act of
17 1965 (41 U.S.C. 351(b)(1)) applies, and
18 any subcontractor under such contract; or

19 (ii) has entered into a contract ex-
20 empted from the application of such Act by
21 section 6 of such Act (41 U.S.C. 356), and
22 any subcontractor under such contract;
23 and

1 (C) LARGE EMPLOYERS.—An employer
2 that employs more than 250 individuals in the
3 United States.

4 (3) PHASING-IN FOR OTHER EMPLOYERS.—

5 (A) 2 YEARS FOR EMPLOYERS OF 100 OR
6 MORE.—Entities that employ 100 or more indi-
7 viduals in the United States must satisfy the
8 requirement in paragraph (1) by not later than
9 two years after the date of the enactment of
10 this Act.

11 (B) 3 YEARS FOR EMPLOYERS WITH 30 OR
12 MORE EMPLOYEES.—All entities that employ 30
13 or more individuals in the United States must
14 satisfy the requirement in paragraph (1) by not
15 later than three years after the date of the en-
16 actment of this Act.

17 (C) 4 YEARS FOR ALL EMPLOYERS.—All
18 entities that employ one or more individuals in
19 the United States must satisfy the requirement
20 in paragraph (1) by not later than four years
21 after the date of the enactment of this Act.

22 (4) VERIFYING EMPLOYMENT AUTHORIZATION
23 OF CURRENT EMPLOYEES.—Every person or other
24 entity that employs one or more persons in the
25 United States shall verify through the E-Verify pro-

1 gram by not later than four years after the date of
2 the enactment of this Act that each employee is au-
3 thorized to work in the United States.

4 (5) DEFENSE.—An employer who has complied
5 with the requirements in paragraphs (1) and (4)
6 shall not be liable for hiring an unauthorized alien,
7 if—

8 (A) such hiring occurred due to an error in
9 the E-Verify program that was unknown to the
10 employer at the time of such hiring; and

11 (B) the employer terminates the employ-
12 ment of the alien upon being informed of the
13 error.

14 (6) SANCTIONS FOR NONCOMPLIANCE.—The
15 failure of an employer to comply with the require-
16 ments in paragraphs (1) or (4) shall—

17 (A) be treated as a violation of section
18 274A(a)(1)(B) with respect to each offense; and

19 (B) create a rebuttable presumption that
20 the employer has violated section
21 274A(a)(1)(A).

22 (7) VOLUNTARY PARTICIPATION OF EMPLOYERS
23 NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—
24 Nothing in this subsection shall be construed as pre-
25 venting a person or other entity that is not imme-

1 diately subject to the requirement of paragraph (1)
2 pursuant to paragraph (2) or (3) from voluntarily
3 using the E-Verify program to verify the employ-
4 ment authorization of new hires or current employ-
5 ees.

6 (8) STATE INTERFERENCE.—No State may
7 prohibit a person or other entity from using the E-
8 verify program to verify the employment authoriza-
9 tion of new hires or current employees.

10 **SEC. 202. MANDATORY NOTIFICATION OF SSN MISMATCHES**
11 **AND MULTIPLE USES.**

12 (a) NOTIFICATION OF MISMATCHED NAME AND SO-
13 CIAL SECURITY NUMBER.—The Commissioner of Social
14 Security shall notify on an annual basis each United
15 States employer with one or more employees whose social
16 security account number does not match the employees
17 name or date of birth in the Commissioners records. Such
18 notification shall instruct employers to notify listed em-
19 ployees that they have 10 business days to correct the mis-
20 match with the Social Security Administration or the em-
21 ployer will be required to terminate their employment. The
22 notification also shall inform employers that they may not
23 terminate listed employees prior to the close of the 10-
24 day period.

1 (b) NOTIFICATION OF MULTIPLE USES OF INDI-
2 VIDUAL SOCIAL SECURITY NUMBERS.—Prior to crediting
3 any individual with concurrent earnings from more than
4 one employer, the Commissioner of Social Security shall
5 notify the individual that earnings from two or more em-
6 ployers are being reported under the individual’s social se-
7 curity account number. Such notice shall include, at a
8 minimum, the name and location of each employer and
9 shall direct the individual to contact the Social Security
10 Administration to submit proof that the individual is the
11 person to whom the social security account number was
12 issued and, if applicable, to submit, either in person or
13 via electronic transmission, a pay stub or other docu-
14 mentation showing that such individual is employed by
15 both or all employers reporting earnings to that social se-
16 curity account number.

17 (c) INFORMATION SHARING WITH THE DEPARTMENT
18 OF HOMELAND SECURITY.—

19 (1) Not later than 180 days following the date
20 of enactment of this act, the Commissioner of Social
21 Security shall promulgate regulations in accord with
22 section 1306, title 42 (42 U.S.C. 1306), to require
23 that information regarding all unresolved mismatch
24 notifications and regarding all multiple use notifica-
25 tions that lead to the identification of an unauthor-

1 ized user of a social security account number be
2 shared with the Secretary of the Department of
3 Homeland Security on a timely basis.

4 (2) Information to be shared with the Secretary
5 shall include, at a minimum, the name and mailing
6 address of all employees who are the subject of an
7 unresolved mismatch notification or who are unau-
8 thorized users of another individual's social security
9 account number.

10 **SEC. 203. ESTABLISHMENT OF ELECTRONIC BIRTH AND**
11 **DEATH REGISTRATION SYSTEMS.**

12 (a) In consultation with the Secretary of Health and
13 Human Services and the Commissioner of Social Security,
14 the Secretary shall take the following actions:

15 (1) Work with the States to establish a common
16 data set and common data exchange protocol for
17 electronic birth registration systems and death reg-
18 istration systems.

19 (2) Coordinate requirements for such systems
20 to align with a national model.

21 (3) Ensure that fraud prevention is built into
22 the design of electronic vital registration systems in
23 the collection of vital event data, the issuance of
24 birth certificates, and the exchange of data among
25 government agencies.

1 (4) Ensure that electronic systems for issuing
2 birth certificates, in the form of printed abstracts of
3 birth records or digitized images, employ a common
4 format of the certified copy, so that those requiring
5 such documents can quickly confirm their validity.

6 (5) Establish uniform field requirements for
7 State birth registries.

8 (6) Not later than 1 year after the date of the
9 enactment of this Act, establish a process with the
10 Department of Defense that will result in the shar-
11 ing of data, with the States and the Social Security
12 Administration, regarding deaths of United States
13 military personnel and the birth and death of their
14 dependents.

15 (7) Not later than 1 year after the date of the
16 enactment of this Act, establish a process with the
17 Department of State to improve registration, notifi-
18 cation, and the sharing of data with the States and
19 the Social Security Administration, regarding births
20 and deaths of United States citizens abroad.

21 (8) Not later than 3 years after the date of es-
22 tablishment of databases provided for under this sec-
23 tion, require States to record and retain electronic
24 records of pertinent identification information col-
25 lected from requestors who are not the registrants.

1 (9) Not later than 6 months after the date of
 2 the enactment of this Act, submit to Congress a re-
 3 port on whether there is a need for Federal laws to
 4 address penalties for fraud and misuse of vital
 5 records and whether violations are sufficiently en-
 6 forced.

7 **SEC. 204. PENALTY FOR FAILURE TO FILE CORRECT INFOR-**
 8 **MATION RETURNS.**

9 Section 6721 of the Internal Revenue Code of 1986
 10 (26 U.S.C. 6721) is amended by adding at the end the
 11 following:

12 “(f) The Secretary shall assess the maximum allow-
 13 able penalties on 100 percent of the employers designated
 14 in any tax year by the Social Security Administration as
 15 the most egregious noncompliant employers.

16 “(g) Notwithstanding any other provision in this sec-
 17 tion, in the case of a failure described in subsection (a)(2)
 18 with respect to any person employing an alien not author-
 19 ized to be so employed, the penalty under this section shall
 20 be determined in accordance with the following table:

In the case of—	Not less than—	Not more than—
The first offense	\$2,500	\$5,000
The second offense	\$7,500	\$10,000
The third offense	\$25,000	\$40,000.”.

1 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be required to carry out this subtitle.

4 **Subtitle B—Nondeductibility of**
5 **Wages Paid to Unauthorized Aliens**

6 **SEC. 211. CLARIFICATION THAT WAGES PAID TO UNAU-**
7 **THORIZED ALIENS MAY NOT BE DEDUCTED**
8 **FROM GROSS INCOME.**

9 (a) IN GENERAL.—Subsection (c) of section 162 of
10 the Internal Revenue Code of 1986 (relating to illegal
11 bribes, kickbacks, and other payments) is amended by
12 adding at the end the following new paragraph:

13 “(4) WAGES PAID TO OR ON BEHALF OF UNAU-
14 THORIZED ALIENS.—

15 “(A) IN GENERAL.—No deduction shall be
16 allowed under subsection (a) for any wage paid
17 to or on behalf of an unauthorized alien, as de-
18 fined under section 274A(h)(3) of the Immigra-
19 tion and Nationality Act (8 U.S.C.
20 1324a(h)(3)).

21 “(B) WAGES.—For the purposes of this
22 paragraph, the term ‘wages’ means all remu-
23 neration for employment, including the cash
24 value of all remuneration (including benefits)
25 paid in any medium other than cash.

1 “(C) SAFE HARBOR.—If a person or other
2 entity is participating in the basic pilot program
3 described in section 403 of the Illegal Immigra-
4 tion Reform and Immigrant Responsibility Act
5 of 1996 (8 U.S.C. 1324a note) and obtains con-
6 firmation of identity and employment eligibility
7 in compliance with the terms and conditions of
8 the program with respect to the hiring (or re-
9 cruitment or referral) of an employee, subpara-
10 graph (A) shall not apply with respect to wages
11 paid to such employee.”.

12 (b) 6-YEAR LIMITATION ON ASSESSMENT AND COL-
13 LECTION.—Subsection (c) of section 6501 of such Code
14 (relating to exceptions) is amended by adding at the end
15 the following new paragraph:

16 “(11) DEDUCTION CLAIMED FOR WAGES PAID
17 TO UNAUTHORIZED ALIENS.—In the case of a return
18 of tax on which a deduction is shown in violation of
19 section 162(c)(4), any tax under chapter 1 may be
20 assessed, or a proceeding in court for the collection
21 of such tax may be begun without assessment, at
22 any time within 6 years after the return was filed.”.

23 (c) USE OF DOCUMENTATION FOR ENFORCEMENT
24 PURPOSES.—Section 274A of the Immigration and Na-
25 tionality Act (8 U.S.C. 1324a) is amended—

1 (1) in subparagraph (b)(5), by inserting “, sec-
2 tion 162(c)(4) of the Internal Revenue Code of
3 1986,” after “enforcement of this Act”;

4 (2) in subparagraph (d)(2)(F), by inserting “,
5 section 162(c)(4) of the Internal Revenue Code of
6 1986,” after “enforcement of this Act”; and

7 (3) in subparagraph (d)(2)(G), by inserting
8 “section 162(c)(4) of the Internal Revenue Code of
9 1986 or” after “or enforcement of”.

10 (d) AVAILABILITY OF INFORMATION.—The Commis-
11 sioner of Social Security and the Secretary of the Depart-
12 ment of Homeland Security shall make available to the
13 Commissioner of Internal Revenue any information re-
14 lated to the investigation and enforcement of section
15 162(c)(4) of the Internal Revenue Code of 1986, including
16 any no-match letter and any information in the earnings
17 suspense file.

18 (e) EFFECTIVE DATE.—

19 (1) Except as provided in paragraph (2), this
20 Act and the amendments made by this Act shall
21 take effect on the date of the enactment of this Act.

22 (2) The amendments made by subsections (a)
23 and (b) shall apply to taxable years beginning after
24 December 31, 2007.

1 **TITLE III—ENHANCING AND**
2 **FULLY UTILIZING CURRENT**
3 **METHODS OF INTERIOR EN-**
4 **FORCEMENT**

5 **SEC. 301. INCREASE INVESTIGATIVE EFFORTS.**

6 (a) **FEDERAL AGENTS.**—An increase of personnel
7 and resources will be needed to successfully enforce U.S.
8 immigration laws and punish those who violate them. To
9 this end, sufficient funds are authorized to be appro-
10 priated to employ 1,150 additional Immigration and Cus-
11 toms Enforcement Agents.

12 (b) **CRIMINAL ALIEN PROGRAM (CAP).**—An addi-
13 tional 140 CAP officers are authorized to identify and re-
14 move criminal aliens encountered in Federal, State, and
15 local detention facilities.

16 (c) **STATE AND LOCAL LAW ENFORCEMENT SUP-**
17 **PORT.**—The Secretary of Homeland Security shall take
18 necessary steps to allow for the training of a minimum
19 of 250 State and local law enforcement officers in Federal
20 immigration law enforcement procedure. This would be an
21 expansion of an already active and successful program.

22 **SEC. 302. INCREASED OVERSIGHT OF AGENTS.**

23 To ensure the ability of Immigration and Customs
24 Enforcement (ICE) and Customs and Border Patrol
25 (CBP) to enforce integrity and ethical behavior through-

1 out their expanded ranks, an increase of 5 in the number
2 of Special Agents in the Office of Professional Responsi-
3 bility.

4 **SEC. 303. REWARDS PROGRAM.**

5 (a) REWARDS PROGRAM.—Section 274 (8 U.S.C.
6 1324) is amended by adding at the end the following:

7 “(e) REWARDS PROGRAM.—

8 “(1) IN GENERAL.—There is established in the
9 Department of Homeland Security a program for
10 the payment of rewards to carry out the purposes of
11 this section.

12 “(2) PURPOSE.—The rewards program shall be
13 designed to assist in the elimination of commercial
14 operations to produce or sell fraudulent documents
15 to be used for entering or remaining in the United
16 States unlawfully and to assist in the investigation,
17 prosecution, or disruption of a commercial alien
18 smuggling operation.

19 “(3) ADMINISTRATION.—The rewards program
20 shall be administered by the Secretary of Homeland
21 Security, in consultation, as appropriate, with the
22 Attorney General and the Secretary of State.

23 “(4) REWARDS AUTHORIZED.—In the sole dis-
24 cretion of the Secretary of Homeland Security, such
25 Secretary, in consultation, as appropriate, with the

1 Attorney General and the Secretary of State, may
2 pay a reward to any individual who furnishes infor-
3 mation or testimony leading to—

4 “(A) the arrest or conviction of any indi-
5 vidual conspiring or attempting to produce or
6 sell fraudulent documents to be used for enter-
7 ing or remaining in the United States unlaw-
8 fully or to commit an act of commercial alien
9 smuggling involving the transportation of
10 aliens;

11 “(B) the arrest or conviction of any indi-
12 vidual committing such an act;

13 “(C) the arrest or conviction of any indi-
14 vidual aiding or abetting the commission of
15 such an act;

16 “(D) the prevention, frustration, or favor-
17 able resolution of such an act, including the dis-
18 mantling of an operation to produce or sell
19 fraudulent documents to be used for entering or
20 remaining in the United States, or commercial
21 alien smuggling operations, in whole or in sig-
22 nificant part; or

23 “(E) the identification or location of an in-
24 dividual who holds a key leadership position in
25 an operation to produce or sell fraudulent docu-

1 ments to be used for entering or remaining in
2 the United States unlawfully or a commercial
3 alien smuggling operation involving the trans-
4 portation of aliens.

5 “(5) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated such sums
7 as may be necessary to carry out this subsection.
8 Amounts appropriated under this paragraph shall
9 remain available until expended.

10 “(6) INELIGIBILITY.—An officer or employee of
11 any Federal, State, local, or foreign government
12 who, while in performance of his or her official du-
13 ties, furnishes information described in paragraph
14 (4) shall not be eligible for a reward under this sub-
15 section for such furnishing.

16 “(7) PROTECTION MEASURES.—If the Secretary
17 of Homeland Security, the Secretary of State, or the
18 Attorney General determines that an individual who
19 furnishes information or testimony described in
20 paragraph (4), or any spouse, child, parent, son, or
21 daughter of such an individual, must be protected,
22 such official may take such lawful action as the offi-
23 cial considers necessary to effect such protection.

24 “(8) LIMITATIONS AND CERTIFICATION.—

1 “(A) MAXIMUM AMOUNT.—No reward
2 under this subsection may exceed \$100,000.

3 “(B) APPROVAL.—Any reward under this
4 subsection exceeding \$50,000 shall be person-
5 ally approved by the Secretary of Homeland Se-
6 curity.

7 “(C) CERTIFICATION FOR PAYMENT.—Any
8 reward granted under this subsection shall be
9 certified for payment by the Secretary of Home-
10 land Security.

11 “(9) PUBLICITY.—The Department of Home-
12 land Security shall be responsible for developing and
13 implementing an advertising strategy to make known
14 the rewards described within this section in order to
15 solicit informants.”.

16 **SEC. 304. INCREASED DETENTION FACILITIES FOR ALIENS**
17 **APPREHENDED FOR ILLEGAL ENTRY.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity shall make arrangements for the availability of 8,000
20 additional beds for detaining aliens taken into custody by
21 immigration officials.

22 (b) IMPLEMENTATION.—Efforts shall be made to—
23 (1) contract private facilities whenever possible
24 to promote efficient use and to limit the Federal

1 Government's maintenance of and liability for addi-
2 tional infrastructure;

3 (2) utilize State and local facilities for the pro-
4 vision of additional beds; and

5 (3) utilize BRAC facilities or active duty facili-
6 ties.

7 (c) CONSTRUCTION.—The Department of Homeland
8 Security shall construct facilities as necessary to meet the
9 remainder of the 8,000 new beds to be provided.

10 (d) FAMILY DETENTION FACILITY.—To further meet
11 the special needs of detained families, the Department of
12 Homeland Security shall retain or construct a family de-
13 tention facility, similar to the T. Don Hutto Family Resi-
14 dential Facility, offering no less than 500 beds.

15 (e) RESPONSIBILITIES.—The Secretary of Homeland
16 Security shall be responsible for providing humane condi-
17 tions, health care and nutrition, psychological services,
18 and education for minors.

19 (f) AUTHORIZATION.—All funds necessary to accom-
20 plish the directives within this section are authorized to
21 be appropriated.

22 **SEC. 305. FINDINGS AND PURPOSE.**

23 (a) FINDINGS.—Based on the recommendations
24 made by the 2007 Judicial Conference and the statistical
25 data provided by the 2006 Federal Court Management

1 Statistics (issued by the Administrative Office of the
2 United States Courts), the Congress finds the following:

3 (1) Federal courts along the southwest border
4 of the United States have a greater percentage of
5 their criminal caseload affected by immigration cases
6 than other Federal courts.

7 (2) The percentage of criminal immigration
8 cases in most southwest border district courts totals
9 more than 49 percent of the total criminal caseloads
10 of those districts.

11 (3) The current number of judges authorized
12 for those courts is inadequate to handle the current
13 caseload.

14 (4) Such an increase in the caseload of criminal
15 immigration filings requires a corresponding increase
16 in the number of Federal judgeships.

17 (5) The 2007 Judicial Conference recommended
18 the addition of judgeships to meet this growing bur-
19 den.

20 (6) The Congress should authorize the addi-
21 tional district court judges necessary to carry out
22 the 2007 recommendations of the Judicial Con-
23 ference for district courts in which the criminal im-
24 migration filings represented more than 49 percent

1 of all criminal filings for the 12-month period ending
2 September 30, 2006.

3 (b) PURPOSE.—The purpose of this Act is to increase
4 the number of Federal judgeships, in accordance with the
5 recommendations of the 2007 Judicial Conference, in dis-
6 trict courts that have an extraordinarily high criminal im-
7 migration caseload.

8 **SEC. 306. ADDITIONAL DISTRICT COURT JUDGESHIPS.**

9 (a) PERMANENT JUDGESHIPS.—

10 (1) IN GENERAL.—The President shall appoint,
11 by and with the advice and consent of the Senate—

12 (A) 4 additional district judges for the dis-
13 trict of Arizona;

14 (B) 5 additional district judges for the
15 southern district of California;

16 (C) 1 additional district judge for the dis-
17 trict of New Mexico;

18 (D) 2 additional district judges for the
19 southern district of Texas; and

20 (E) 1 additional district judge for the
21 western district of Texas.

22 (2) CONFORMING AMENDMENTS.—In order that
23 the table contained in section 133(a) of title 28,
24 United States Code, reflect the number of additional

1 judges authorized under paragraph (1), such table is
2 amended—

3 (A) in the item relating to Arizona, by
4 striking “12” and inserting “16”;

5 (B) in the item relating to California, by
6 striking “13” and inserting “18”;

7 (C) in the item relating to New Mexico, by
8 striking “6” and inserting “7”; and

9 (D) in the item relating to Texas—

10 (i) by striking “19” and inserting
11 “21”; and

12 (ii) by striking “13” and inserting
13 “14”.

14 (b) TEMPORARY JUDGESHIPS.—

15 (1) IN GENERAL.—The President shall appoint,
16 by and with the advice and consent of the Senate—

17 (A) 1 additional district judge for the dis-
18 trict of Arizona; and

19 (B) 1 additional district judge for the dis-
20 trict of New Mexico.

21 (2) VACANCY NOT FILLED.—For each of the ju-
22 dicial districts named in this subsection, the first va-
23 cancy arising on the district court 10 years or more
24 after a judge is first confirmed to fill the temporary

1 district judgeship created in that district by this
2 subsection shall not be filled.

3 **SEC. 307. MEDIA CAMPAIGN.**

4 (a) IN GENERAL.—The Secretary of Labor and the
5 Secretary of Homeland Security shall develop strategies
6 to inform the public of changes in immigration policies
7 created by provisions in this legislation.

8 (b) NOTIFICATION OF CHANGES TO EMPLOYMENT
9 VERIFICATION PROCESS.—The Secretary of Labor shall
10 employ, at his or her discretion, a combination of print,
11 television, internet, and radio media to notify employers
12 of changes to the employment verification process. These
13 multilingual media campaigns should be targeted toward
14 non-citizen communities and those most likely to employ
15 non-citizens. Announcements should encourage compliance
16 with new legislation and should explain penalties for non-
17 compliance with provisions within this Act.

18 (c) MULTILINGUAL MEDIA CAMPAIGN.—The Sec-
19 retary of Homeland Security shall also develop a multi-
20 lingual media campaign explaining the extent of this legis-
21 lation, the timelines therein, and the penalties for non-
22 compliance with this Act. Announcements should be tar-
23 geted toward undocumented aliens and should empha-
24 size—

1 (1) provisions in this Act that enhance border
2 security and interior enforcement;

3 (2) the benefits of voluntary removal of undocu-
4 mented aliens;

5 (3) punishment for apprehension and forced re-
6 moval of undocumented aliens; and

7 (4) legal methods of reentering the United
8 States, including temporary work visas.

9 (d) COOPERATION WITH OTHER GOVERNMENTS.—

10 The Secretary of Homeland Security shall make all rea-
11 sonable attempts to cooperate with the Governments of
12 Mexico and the countries of Central America in imple-
13 menting a media campaign that raises awareness of the
14 issues in paragraph (2).

○