

111TH CONGRESS
1ST SESSION

H. R. 3308

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

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2009

Mr. SHULER (for himself, Mr. ALTMIRE, Mr. ARCURI, Mr. BARROW, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. DAVIS of Alabama, Mr. GORDON of Tennessee, Mr. HILL, Mr. KAGEN, Mr. KANJORSKI, Mr. MARSHALL, Mr. MCINTYRE, Mr. MELANCON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPACE, Mr. STUPAK, Mr. TAYLOR, Mr. VISCLOSKY, Mr. CHILDERS, Mr. BOYD, Mr. NYE, Mr. KISSELL, Mr. KRATOVIL, Mr. GRIFFITH, Mr. BRIGHT, Mr. MINNICK, Mr. DONNELLY of Indiana, Mr. ROSS, Mr. ELLSWORTH, Mr. RODRIGUEZ, Mr. CARNEY, Mr. BARRETT of South Carolina, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMPBELL, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. DUNCAN, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. LINDER, Mr. MCCAUL, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. POE of Texas, Mr. ROHRABACHER, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. CULBERSON, Mr. OLSON, Mr. WHITFIELD, Mr. TIAHRT, Mr. LAMBORN, Mr. HUNTER, Mr. BILBRAY, Mr. MCHENRY, Mr. ROYCE, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. GOODLATTE, Mr. GRAVES, Mr. MANZULLO, Mr. LUETKEMEYER, Mrs. CAPITO, Mr. MORAN of Kansas, and Mr. DEAL of Georgia) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2009” or as the “SAVE Act of 2009”.

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.

TITLE II—ENDING UNLAWFUL EMPLOYMENT

Subtitle A—Employee Verification

- Sec. 201. Mandatory employment authorization verification.
- Sec. 202. Monitoring and compliance.
- Sec. 203. Mandatory notification of SSN mismatches and multiple uses.
- Sec. 204. Establishment of electronic birth and death registration systems.
- Sec. 205. Penalty for failure to file correct information returns.
- Sec. 206. 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 UTILIZING CURRENT INTERIOR ENFORCEMENT METHODS

- Sec. 301. Increase investigative efforts.
- Sec. 302. Increased oversight of agents.
- Sec. 303. Border relief grant program.
- Sec. 304. Authorization of Appropriations.
- Sec. 305. Regulations.
- Sec. 306. Rewards program.
- Sec. 307. Increased detention facilities for aliens apprehended for illegal entry.
- Sec. 308. Additional Immigration judgeships and law clerks.
- Sec. 309. Media campaign.

1 **TITLE I—SECURING AMERICA’S** 2 **INTERNATIONAL BORDERS** 3 **Subtitle A—Manpower, Tech-** 4 **nology, and Infrastructure Im-** 5 **provements**

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:

1 **“SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL**
2 **AGENTS.**

3 “(a) ANNUAL INCREASES.—The Secretary of Home-
4 land Security shall, subject to the availability of appropria-
5 tions for such purpose, increase the number of positions
6 for full-time active-duty Border Patrol agents within the
7 Department of Homeland Security (above the number of
8 positions for which funds were appropriated for the pre-
9 ceding fiscal year), by—

10 “(1) 2,000 in fiscal year 2010;

11 “(2) 1,500 in fiscal year 2011;

12 “(3) 1,000 in fiscal year 2012;

13 “(4) 1,000 in fiscal year 2013; and

14 “(5) 500 in fiscal year 2014.

15 “(b) ALLOCATIONS.—Of the Border Patrol agents
16 hired under subsection (a), 80 percent shall be deployed
17 along the southern border of the United States and 20
18 percent shall be deployed along the northern border of the
19 United States.

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—The
21 necessary funds are authorized to be appropriated for each
22 of fiscal years 2010 through 2014 to carry out this sec-
23 tion.”.

24 (b) INVESTIGATIVE PERSONNEL.—

25 (1) ADDITIONAL INVESTIGATIVE PERSONNEL
26 FOR ALIEN SMUGGLING.—In addition to the posi-

1 tions authorized under section 5203 of the Intel-
2 ligence Reform and Terrorism Prevention Act of
3 2004, as amended by paragraph (1), during each of
4 the fiscal years 2010 through 2014, the Secretary
5 shall, subject to the availability of appropriations, in-
6 crease by not less than 350 the number of positions
7 for personnel within the Department assigned to
8 specifically investigate alien smuggling.

9 (2) ADDITIONAL FUNDS AND PERSONNEL FOR
10 THE TUNNEL TASK FORCE.—Subject to appropria-
11 tions, the fiscal year 2010 budget of the Tunnel
12 Task Force, a joint force comprised of Immigration
13 and Customs Enforcement (ICE), Customs and Bor-
14 der Patrol (CBP), and Drug Enforcement Adminis-
15 tration (DEA) personnel tasked to pinpoint tunnels
16 that are utilized by drug lords and “coyotes” to
17 smuggle narcotics, illegal aliens, and weapons, shall
18 be increased by 50 percent above the fiscal year
19 2007 budget. Such increase shall be used to increase
20 personnel, improve communication and coordination
21 between participant agencies, upgrade technology,
22 and offer cash rewards and appropriate security to
23 individuals who provide the Tunnel Task Force with
24 accurate information on existing tunnels that breach
25 the international borders of the United States.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 The necessary funds are authorized to be appro-
3 priated to the Secretary for each of the fiscal years
4 2010 through 2014 to carry out this section.

5 (c) RECRUITMENT OF FORMER MEMBERS OF THE
6 ARMED FORCES AND MEMBERS OF RESERVE COMPO-
7 NENTS OF THE ARMED FORCES.—

8 (1) REQUIREMENT FOR PROGRAM.—The Sec-
9 retary, in conjunction with the Secretary of Defense,
10 shall establish a program to actively recruit covered
11 members (a member of a reserve component of the
12 Armed Forces) or former members of the Armed
13 Forces and National Guard to serve in United
14 States Customs and Border Protection.

15 (2) REPORT ON RECRUITMENT INCENTIVES.—
16 Not later than 90 days after the date of enactment
17 of this Act, the Secretary and the Secretary of De-
18 fense shall jointly submit to the “appropriate” com-
19 mittees of Congress a report that shall include an
20 assessment of the desirability and feasibility of offer-
21 ing an incentive to a covered member or former
22 member of the Armed Forces for the purpose of en-
23 couraging such member to serve in United States
24 Customs and Border Patrol and Immigration and
25 Customs Enforcement—

1 (A) the Secretary must provide a descrip-
2 tion of various monetary and non-monetary in-
3 centives considered for purposes of the report;
4 and

5 (B) the Secretary must provide an assess-
6 ment of the desirability and feasibility of uti-
7 lizing any such incentive.

8 (3) RECOMMENDATIONS FOR RECRUITMENT IN-
9 CENTIVES.—

10 (A) MAXIMUM STUDENT LOAN REPAY-
11 MENTS FOR UNITED STATES BORDER PATROL
12 AGENTS WITH A TWO-YEAR COMMITMENT.—

13 Section 5379(b) of title 5, United States Code,
14 is amended by adding at the end the following:

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

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

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

24 (B) RECRUITMENT AND RELOCATION BO-
25 NUSES AND RETENTION ALLOWANCES FOR PER-

1 SONNEL OF THE DEPARTMENT OF HOMELAND
2 SECURITY.—The Secretary of Homeland Secu-
3 rity shall ensure that the authority to pay re-
4 cruitment and relocation bonuses under section
5 5753 of title 5, United States Code, the author-
6 ity to pay retention bonuses under section 5754
7 of such title, and any other similar authorities
8 available under any other provision of law, rule,
9 or regulation, are exercised to the fullest extent
10 allowable in order to encourage service in the
11 Department of Homeland Security.

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

14 (A) the Committee on Appropriations, the
15 Committee on Armed Services, and the Com-
16 mittee on Homeland Security of the House of
17 Representatives; and

18 (B) the Committee on Appropriations, the
19 Committee on Armed Services, and the Com-
20 mittee on Homeland Security and Govern-
21 mental Affairs of the Senate.

22 **SEC. 102. TECHNOLOGY.**

23 (a) EQUIPMENT SHARING BETWEEN DEPARTMENT
24 OF HOMELAND SECURITY AND DEPARTMENT OF DE-
25 FENSE.—The Secretaries of these two departments shall

1 develop and implement a plan to use authorities provided
2 to the Secretary of Defense under chapter 18 of title 10,
3 United States Code, to increase the availability and use
4 of Department of Defense equipment, including unmanned
5 aerial vehicles, tethered aerostat radars, and other surveil-
6 lance equipment, to assist the Secretary in carrying out
7 surveillance activities conducted at or near the inter-
8 national land borders of the United States to prevent ille-
9 gal immigration.

10 (b) REPORT.—Not later than 6 months after the date
11 of enactment of this Act (and then annually from that
12 point), the Secretary and the Secretary of Defense shall
13 submit to Congress a report that contains—

14 (1) a description of the current use of Depart-
15 ment of Defense equipment to assist the Secretary
16 in carrying out surveillance of the international land
17 borders of the United States and assessment of the
18 potential risks to citizens of the United States and
19 key foreign policy interests associated with the use
20 of such equipment;

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

24 (3) a description of the types of equipment and
25 other support to be provided by the Secretary of De-

1 fense under such plan during the 1-year period be-
2 ginning on the date of the submission of the report.

3 (c) SECURE COMMUNICATION.—The secretary shall,
4 as expeditiously as practicable, develop and implement a
5 plan to improve the use of satellite communications and
6 other technologies to ensure clear and secure 2-way com-
7 munication capabilities—

8 (1) among all Border Patrol agents conducting
9 operations between ports of entry;

10 (2) between Border Patrol agents and their re-
11 spective Border Patrol stations; and

12 (3) between all appropriate law enforcement
13 agencies of the Department and State, local, and
14 tribal law enforcement agencies.

15 (d) OTHER TECHNOLOGY UPGRADES.—The Sec-
16 retary shall purchase and implement new technology to se-
17 cure the borders, including, but not limited to drones, in-
18 frared cameras, sensors, mobile lighting units, radar and
19 infrared heat.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—The nec-
21 essary funds are authorized to be appropriated to the Sec-
22 retary for each of the fiscal years 2010 through 2014 to
23 carry out this section.

1 **SEC. 103. INFRASTRUCTURE.**

2 (a) INFRASTRUCTURE IMPROVEMENTS.—Subject to
3 the availability of appropriations, the Secretary shall con-
4 struct or purchase—

5 (1) office facilities to accommodate additional
6 border patrol manpower;

7 (2) sport utility vehicles for officers;

8 (3) all weather roads for better vehicle access
9 and performance on remote and rugged terrain
10 (road construction should be done in consultation
11 with the owner of the land and take into account
12 any environmental or other land-use issues that are
13 relevant);

14 (4) additional fencing (and aesthetic fencing in
15 business districts) in urban areas of the border; and

16 (5) vehicle barriers, to support, not replace,
17 manpower, in rural and remote areas of the border
18 necessary to achieve operational control of the inter-
19 national borders of the United States.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—The nec-
21 essary funds are authorized to be appropriated to the Sec-
22 retary for each of the fiscal years 2010 through 2014 to
23 carry out this section.

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

25 (a) UNMANNED AERIAL VEHICLE PILOT PRO-
26 GRAM.—During the 1-year period beginning on the date

1 on which the report is submitted under section 102(b), the
2 Secretary shall conduct a pilot program to test unmanned
3 aerial vehicles for border surveillance along the inter-
4 national border between Canada and the United States.

5 (b) UNMANNED AERIAL VEHICLES AND ASSOCIATED
6 INFRASTRUCTURE.—The Secretary shall acquire and
7 maintain unmanned aerial vehicles and related equipment
8 for use to patrol the international borders of the United
9 States, including equipment such as—

- 10 (1) additional sensors;
11 (2) satellite command and control; and
12 (3) other necessary equipment for operational
13 support.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated to the Secretary for each of the fiscal
17 years 2010 and 2011 such sums as may be nec-
18 essary to carry out subsection (b).

19 (2) AVAILABILITY OF FUNDS.—Amounts appro-
20 priated pursuant to the authorization of appropria-
21 tions in paragraph (1) are authorized to remain
22 available until expended.

23 (d) AERIAL SURVEILLANCE PROGRAM.—

24 (1) IN GENERAL.—In conjunction with the bor-
25 der surveillance plan developed under section 5201

1 of the Intelligence Reform and Terrorism Prevention
2 Act of 2004 (Public Law 108–458; 8 U.S.C. 1701
3 note), the Secretary, not later than 90 days after the
4 date of enactment of this Act, shall develop and im-
5 plement a program to fully integrate and utilize aer-
6 ial surveillance technologies, including unmanned
7 aerial vehicles, to enhance the security of the inter-
8 national border between the United States and Can-
9 ada and the international border between the United
10 States and Mexico. The goal of the program shall be
11 to ensure continuous monitoring of each mile of each
12 border.

13 (2) ASSESSMENT AND CONSULTATION REQUIRE-
14 MENTS.—In developing the program under this sub-
15 section, the Secretary shall—

16 (A) consider current and proposed aerial
17 surveillance technologies;

18 (B) assess the feasibility and advisability
19 of utilizing such technologies to address border
20 threats, including an assessment of the tech-
21 nologies considered best suited to address re-
22 spective threats;

23 (C) consult with the Secretary of Defense
24 regarding any technologies or equipment, which

1 the Secretary may deploy along an international
2 border of the United States; and

3 (D) consult with the Administrator of the
4 Federal Aviation Administration regarding safe-
5 ty, airspace coordination and regulation, and
6 any other issues necessary for implementation
7 of the program.

8 (3) AUTHORIZATION OF APPROPRIATIONS.—

9 The necessary funds are authorized to be appro-
10 priated to carry out this subsection.

11 (e) INTEGRATED AND AUTOMATED SURVEILLANCE
12 PROGRAM.—

13 (1) REQUIREMENT FOR PROGRAM.—Subject to
14 the availability of appropriations, the Secretary shall
15 establish a program to procure additional unmanned
16 aerial vehicles, drones, cameras, poles, sensors, sat-
17 ellites, radar coverage, and other technologies nec-
18 essary to achieve operational control of the inter-
19 national borders of the United States and to estab-
20 lish a security perimeter known as a “virtual fence”
21 along such international borders to provide a barrier
22 to illegal immigration.

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

1 (A) the technologies utilized in the Inte-
2 grated and Automated Surveillance Program
3 are integrated and function cohesively in an
4 automated fashion, including the integration of
5 motion sensor alerts and cameras in a manner
6 where a sensor alert automatically activates a
7 corresponding camera to pan and tilt in the di-
8 rection of the triggered sensor;

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

11 (C) such camera views and positions are
12 not fixed;

13 (D) surveillance video taken by such cam-
14 eras is able to be viewed at multiple designated
15 communications centers;

16 (E) a standard process is used to collect
17 and record, catalog, and report intrusion and
18 response data collected under the Program;

19 (F) future remote surveillance technology
20 investments and upgrades for the program can
21 be integrated with existing systems;

22 (G) performance measures are developed
23 and applied that can evaluate whether the pro-
24 gram is providing desired results and increasing
25 response effectiveness in monitoring and detect-

1 ing illegal intrusions along the international
2 borders of the United States;

3 (H) plans are developed under the program
4 to streamline site selection and site validation
5 processes to minimize delays of installing sur-
6 veillance technology infrastructure;

7 (I) standards are developed under the pro-
8 gram to expand the shared use of existing pri-
9 vate and governmental structures to install re-
10 mote surveillance technology infrastructure
11 where possible;

12 (J) standards are developed under the pro-
13 gram to identify and deploy the use of non-
14 permanent or mobile surveillance platforms that
15 will increase the Secretary's mobility and ability
16 to identify illegal border intrusions; and

17 (K) Border Patrol agents respond to each
18 reported intrusion that appears to involve aliens
19 or smugglers.

20 (3) EVALUATION OF CONTRACTORS.—

21 (A) REQUIREMENT FOR STANDARDS.—The
22 Secretary shall develop appropriate standards
23 to evaluate the performance of any contractor
24 providing goods or services to carry out the In-
25 tegrated and Automated Surveillance Program.

1 (B) REVIEW BY THE COMPTROLLER GEN-
2 ERAL OF THE UNITED STATES.—

3 (i) IN GENERAL.—The Comptroller
4 General of the United States shall review
5 each new contract related to the Program
6 and should report to Congress regarding
7 contracts with a value of more than
8 \$5,000,000 in a timely manner, to deter-
9 mine whether such contract fully complies
10 with applicable cost requirements, perform-
11 ance objectives, program milestones, and
12 schedules.

13 (ii) REPORTS.—The Comptroller Gen-
14 eral of the United States shall report the
15 findings of each review carried out under
16 clause (i) to the Secretary in a timely man-
17 ner.

18 (4) AUTHORIZATION OF APPROPRIATIONS.—
19 The necessary funds are authorized to be appro-
20 priated to carry out this subsection.

1 **Subtitle B—Strategies and Prog-**
2 **ress Reports for Securing Amer-**
3 **ica’s Borders**

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

5 (a) REQUIREMENT FOR NATIONAL STRATEGY.—The
6 Secretary, in consultation with the heads of other appro-
7 priate Federal agencies, shall develop a national strategy
8 to secure the borders that describes actions to be carried
9 out to achieve operational control over all ports of entry
10 into the United States and the international land and mar-
11 itime borders of the United States by December 31, 2013.

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

14 (1) An assessment of the threats posed by ter-
15 rorists and terrorist groups that may try to infiltrate
16 the United States at locations along the inter-
17 national land and maritime borders of the United
18 States.

19 (2) A risk assessment for all United States
20 ports of entry and all portions of the international
21 land and maritime borders of the United States that
22 includes a description of activities being under-
23 taken—

24 (A) to prevent the entry of terrorists, other
25 unlawful aliens, instruments of terrorism, nar-

1 cotics, and other contraband into the United
2 States; and

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

5 (3) An assessment of the most appropriate,
6 practical, and cost-effective means of defending the
7 international land and maritime borders of the
8 United States against threats to security and illegal
9 transit, including intelligence capacities, technology,
10 equipment, personnel, and training needed to ad-
11 dress security vulnerabilities.

12 (4) An assessment of staffing needs for all bor-
13 der security functions, taking into account threat
14 and vulnerability information pertaining to the bor-
15 ders and the impact of new security programs, poli-
16 cies, and technologies.

17 (5) A description of the border security roles
18 and missions of Federal Government, State govern-
19 ment, local government, and tribal authorities, and
20 recommendations regarding actions the Secretary
21 can carry out to improve coordination with such au-
22 thorities to enable border security and enforcement
23 activities to be carried out in a more efficient and
24 effective manner.

1 (6) An assessment of existing efforts and tech-
2 nologies used for border security and the effect of
3 the use of such efforts and technologies on civil
4 rights, private property rights, privacy rights, and
5 civil liberties, including an assessment of efforts to
6 take into account asylum seekers, trafficking vic-
7 tims, unaccompanied minor aliens, refugees and
8 other vulnerable populations, as well as the effects
9 on Americans living in the border region and local,
10 State, and Federal law enforcement officers working
11 in the border region.

12 (7) A prioritized list of research and develop-
13 ment objectives to enhance the security of the inter-
14 national land and maritime borders of the United
15 States.

16 (8) A description of ways to ensure that the
17 free flow of lawful travel and commerce is not unrea-
18 sonably diminished by efforts, activities, and pro-
19 grams aimed at securing the international land and
20 maritime borders of the United States.

21 (9) An assessment of additional detention facili-
22 ties and beds that are needed to detain unlawful
23 aliens apprehended at United States ports of entry
24 or along the international land borders of the United
25 States.

1 (10) A description of the performance metrics
2 to be used to ensure accountability by the bureaus
3 of the Department in implementing such strategy.

4 (11) A schedule for the implementation of the
5 security measures described in said strategy, includ-
6 ing a prioritization of security measures, realistic
7 deadlines for addressing the security and enforce-
8 ment needs, an estimate of the resources needed to
9 carry out such measures, and a description of how
10 such resources should be allocated.

11 (c) CONSULTATION.—In developing the national
12 strategy for border security, the Secretary shall consult
13 with representatives of—

14 (1) State, local, and tribal governmental au-
15 thorities with responsibility for locations along the
16 international land and maritime borders of the
17 United States; and

18 (2) appropriate private sector entities, non-
19 governmental organizations, and affected commu-
20 nities that have expertise in areas related to border
21 security.

22 (d) COORDINATION.—The national strategy for bor-
23 der security shall be consistent with the National Strategy
24 for Maritime Security developed pursuant to Homeland

1 Security Presidential Directive 13, dated December 21,
2 2004.

3 (e) SUBMISSION TO CONGRESS.—

4 (1) STRATEGY.—Not later than December 31,
5 2010, the Secretary shall submit to Congress the na-
6 tional strategy for border security.

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

11 (f) IMMEDIATE ACTION.—Nothing in this section
12 may be construed to relieve the Secretary of the responsi-
13 bility to take all actions necessary and appropriate to
14 achieve and maintain operational control over the entire
15 international land and maritime borders of the United
16 States.

17 **SEC. 112. ACCOUNTABLE FINANCING OF A SECURE BORDER**
18 **INITIATIVE.**

19 (a) COMPTROLLER GENERAL OF THE UNITED
20 STATES.—

21 (1) ACTION.—If the Comptroller General of the
22 United States becomes aware of any improper con-
23 duct or wrongdoing in the course of conducting a
24 contract review under the Secure Border Initiative,
25 the Comptroller General of the United States shall,

1 as expeditiously as practicable, refer information re-
2 lating to such improper conduct or wrongdoing to
3 Congress and to the Secretary of Homeland Secu-
4 rity, or to another appropriate official of the Depart-
5 ment of Homeland Security, who shall determine
6 whether to temporarily suspend the contractor from
7 further participation in the Secure Border Initiative
8 or make said contract null and void.

9 (2) REPORT.—Upon the completion of each re-
10 view described in paragraph (1), the Comptroller
11 General of the United States shall submit to Con-
12 gress and to the Secretary a report containing the
13 findings of the review, including findings regard-
14 ing—

15 (A) cost overruns;

16 (B) significant delays in contract execu-
17 tion;

18 (C) lack of rigorous departmental contract
19 management;

20 (D) insufficient departmental financial
21 oversight;

22 (E) bundling that limits the ability of
23 small businesses to compete; or

24 (F) other high-risk business practices.

25 (b) REPORTS BY THE SECRETARY.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the receipt of each report required under subsection
3 (a)(2), the Secretary shall submit a report to the
4 Committee on the Judiciary and the Committee on
5 Homeland Security of the House of Representatives
6 and the Committee on the Judiciary and the Com-
7 mittee on Homeland Security and Governmental Af-
8 fairs of the Senate, that describes the steps the Sec-
9 retary has taken, or plans to take, to address the
10 problems identified in such report.

11 (2) CONTRACTS WITH FOREIGN COMPANIES.—
12 Not later than 60 days after the initiation of each
13 contract action with a company whose headquarters
14 are not based in the United States, the Secretary
15 shall submit a report to the Committee on the Judi-
16 ciary of the Senate and the Committee on the Judi-
17 ciary of the House of Representatives, regarding the
18 Secure Border Initiative.

19 (c) REPORTS ON UNITED STATES PORTS.—Not later
20 that 60 days after receiving information regarding a pro-
21 posed purchase of a contract to manage the operations of
22 a United States port by a foreign entity, the Secretary
23 of Homeland Security shall submit a report to Congress
24 that describes—

25 (1) the proposed purchase;

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

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

5 **Subtitle C—Rapid Response**
6 **Measures**

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

8 (a) EMERGENCY DEPLOYMENT OF BORDER PATROL
9 AGENTS.—

10 (1) IN GENERAL.—If the Governor of a State
11 on an international border of the United States de-
12 clares an international border security emergency
13 and requests additional agents of the Border Patrol
14 (referred to in this subtitle as “agents”) from the
15 Secretary, the Secretary, subject to paragraphs (2)
16 and (3), may provide the State with not more than
17 1,000 additional agents for the purpose of patrolling
18 and defending the international border, in order to
19 prevent individuals from crossing the international
20 border into the United States at any location other
21 than an authorized port of entry.

22 (2) CONSULTATION.—Upon receiving a request
23 for agents under paragraph (1), the Secretary, after
24 consultation with the President, shall grant such re-
25 quest to the extent that providing such agents will

1 not significantly impair the Department's ability to
2 provide border security for any other State.

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

7 (b) FLEXIBLE DEPLOYMENT OF BORDER PATROL
8 AGENTS.—The Secretary shall ensure that agents are not
9 precluded from performing patrol duties and appre-
10 hending violators of law, except in unusual circumstances
11 if the temporary use of fixed deployment positions is nec-
12 essary.

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

14 (a) CONTROL OF DEPARTMENT OF HOMELAND SE-
15 CURITY ASSETS.—The Department of Homeland Security
16 shall have exclusive administrative and operational control
17 over all the assets utilized in carrying out its mission, in-
18 cluding aircraft, watercraft, vehicles, detention space,
19 transportation, and all of the personnel associated with
20 such assets.

21 (b) HELICOPTERS AND POWER BOATS.—

22 (1) HELICOPTERS.—The Secretary shall in-
23 crease the number of helicopters under the control
24 of the Border Patrol and Immigration and Customs
25 Enforcement (ICE). The Secretary shall ensure that

1 appropriate types and quantities of helicopters are
2 procured for the various missions being performed.

3 (2) POWER BOATS.—The Secretary shall in-
4 crease the number of power boats under the control
5 of the Border Patrol. The Secretary shall ensure
6 that the types of power boats that are procured are
7 appropriate for both the waterways in which they
8 are used and the mission requirements.

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

10 (A) establish an overall policy on how the
11 helicopters and power boats procured under this
12 subsection will be used; and

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

16 (c) MOTOR VEHICLES.—

17 (1) QUANTITY.—The Secretary shall establish a
18 fleet of motor vehicles appropriate for use by the
19 Border Patrol that will permit a ratio of not less
20 than 1 police-type vehicle for every 4 agents with
21 safety glass and other protections. The Secretary
22 shall ensure that there are sufficient numbers and
23 types of other motor vehicles to support the mission
24 of the Border Patrol.

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

3 (A) be appropriate for the mission of the
4 Border Patrol; and

5 (B) have a panic button and a global posi-
6 tioning system device that is activated solely in
7 emergency situations to track the location of
8 agents in distress.

9 **SEC. 123. ELECTRONIC EQUIPMENT.**

10 (a) PORTABLE COMPUTERS.—The Secretary shall en-
11 sure that each police-type motor vehicle in the fleet of the
12 Border Patrol is equipped with a portable computer with
13 access to all necessary law enforcement databases and oth-
14 erwise suited to the unique operational requirements of
15 the Border Patrol.

16 (b) RADIO EQUIPMENT.—The Secretary shall aug-
17 ment the existing radio communications system so that all
18 law enforcement personnel, including Immigration and
19 Customs Enforcement, working in each area where Border
20 Patrol operations are conducted have clear and encrypted
21 2-way radio communication capabilities at all times. Each
22 portable communications device shall be equipped with a
23 panic button and a global positioning system device that
24 is activated solely in emergency situations to track the lo-
25 cation of agents in distress.

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

5 (d) NIGHT VISION EQUIPMENT.—The Secretary shall
6 ensure that sufficient quantities of state-of-the-art night
7 vision equipment are procured and maintained to enable
8 each Border Patrol agent working during the hours of
9 darkness to be equipped with a portable night vision de-
10 vice.

11 **SEC. 124. PERSONAL EQUIPMENT.**

12 (a) BODY ARMOR.—The Secretary shall ensure that
13 every agent on duty is issued high-quality body armor that
14 is appropriate for the climate and risks faced by the agent.
15 Enough body armor must be purchased to cover every
16 agent in the field.

17 (b) WEAPONS.—The Secretary shall ensure that
18 agents are equipped with weapons that are reliable and
19 effective to protect themselves, their fellow agents, and in-
20 nocent third parties from the threats posed by armed
21 criminals. The Secretary shall ensure that the policies of
22 the Department authorize all agents to carry weapons that
23 are suited to the potential threats that they face, and that
24 all agents receive appropriate training in the use of such
25 weapons.

1 (c) UNIFORMS.—The Secretary shall ensure that all
2 agents are provided with all necessary uniform items, in-
3 cluding outerwear suited to the climate, footwear, belts,
4 holsters, and personal protective equipment, at no cost to
5 such agents. Such items shall be replaced at no cost to
6 such agents as such items become worn or unserviceable
7 or no longer fit properly.

8 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the Sec-
10 retary such sums as may be necessary for each of the fis-
11 cal years 2010 through 2014 to carry out this subtitle.

12 **Subtitle D—Border Infrastructure**
13 **and Technology Modernization**

14 **SEC. 131. DEFINITIONS.**

15 In this subtitle:

16 (1) COMMISSIONER.—The term “Commis-
17 sioner” means the Commissioner of United States
18 Customs and Border Protection.

19 (2) NORTHERN BORDER.—The term “northern
20 border” means the international border between the
21 United States and Canada.

22 (3) SOUTHERN BORDER.—The term “southern
23 border” means the international border between the
24 United States and Mexico.

1 **SEC. 132. EXPANSION OF COMMERCE SECURITY PRO-**
2 **GRAMS.**

3 (a) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
4 RORISM.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Commis-
7 sioner, in consultation with the Secretary, shall de-
8 velop a plan to expand the programs of the Cus-
9 toms-Trade Partnership Against Terrorism estab-
10 lished pursuant to section 211 of the SAFE Port
11 Act (6 U.S.C. 961), including adding additional per-
12 sonnel for such programs, along the northern border
13 and southern border, including the following pro-
14 grams:

15 (A) The Business Anti-Smuggling Coali-
16 tion.

17 (B) The Carrier Initiative Program.

18 (C) The Americas Counter Smuggling Ini-
19 tiative.

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

23 (E) The Free and Secure Trade Initiative.

24 (F) Other industry partnership programs
25 administered by the Commissioner.

1 (b) DEMONSTRATION PROGRAM.—Not later than 180
 2 days after the date of enactment of this Act, the Commis-
 3 sioner shall establish a demonstration program to develop
 4 a cooperative trade security system to improve supply
 5 chain security.

6 **Subtitle E—Other Border Security** 7 **Initiatives**

8 **SEC. 141. ALIEN SMUGGLING AND TERRORISM PREVEN-** 9 **TION.**

10 (a) CHECKS AGAINST TERRORIST WATCHLIST.—The
 11 Secretary of Homeland Security shall, to the extent prac-
 12 ticable, check against all available terrorist watchlists
 13 those persons suspected of alien smuggling and smuggled
 14 individuals who are interdicted at the land, air, and sea
 15 borders of the United States.

16 (b) STRENGTHENING PROSECUTION AND PUNISH-
 17 MENT OF ALIEN SMUGGLERS.—Section 274(a) of the Im-
 18 migration and Nationality Act (8 U.S.C. 1324(a)) is
 19 amended—

20 (1) by amending the subsection heading to read
 21 as follows: “BRINGING IN, HARBORING, AND SMUG-
 22 GLING OF UNLAWFUL AND TERRORIST ALIENS.—”;

23 (2) by amending paragraphs (1) through (2) to
 24 read as follows:

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

5 “(i) brings that individual to the United States
6 in any manner whatsoever regardless of any future
7 official action which may be taken with respect to
8 such individual;

9 “(ii) recruits, encourages, or induces that indi-
10 vidual to come to, enter, or reside in the United
11 States;

12 “(iii) transports or moves that individual in the
13 United States, in furtherance of their unlawful pres-
14 ence; or

15 “(iv) harbors, conceals, or shields from detec-
16 tion the individual in any place in the United States,
17 including any building or any means of transpor-
18 tation;

19 or attempts or conspires to do so, shall be punished as
20 provided in subparagraph (C).

21 “(B) Whoever, knowing that an individual is an alien,
22 brings that individual to the United States in any manner
23 whatsoever at a place, other than a designated port of
24 entry or place designated by the Secretary of Homeland
25 Security, regardless of whether such individual has re-

1 ceived prior official authorization to come to, enter, or re-
2 side in the United States and regardless of any future offi-
3 cial action which may be taken with respect to such indi-
4 vidual, or attempts or conspires to do so, shall be punished
5 as provided in subparagraph (C).

6 “(C) Whoever commits an offense under this para-
7 graph shall, for each individual in respect to whom such
8 a violation occurs—

9 “(i) if the offense results in the death of any
10 person, be fined under title 18, United States Code,
11 and subject to the penalty of death or imprisonment
12 for any term of years or for life;

13 “(ii) if the offense involves kidnapping, an at-
14 tempt to kidnap, the conduct required for aggra-
15 vated sexual abuse (as defined in section 2241 of
16 title 18, United States Code, without regard to
17 where it takes place), or an attempt to commit such
18 abuse, or an attempt to kill, be fined under title 18,
19 United States Code, or imprisoned for any term of
20 years or life, or both;

21 “(iii) if the offense involves an individual who
22 the defendant knew was engaged in or intended to
23 engage in terrorist activity (as defined in section
24 212(a)(3)(B)), be fined under title 18, United States

1 Code, or imprisoned not more than 30 years, or
2 both;

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

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

21 “(vi) if the offense is a violation of paragraphs
22 (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and
23 was committed for the purpose of profit, commercial
24 advantage, or private financial gain, be fined under

1 title 18, United States Code, or imprisoned not more
2 than 10 years, or both;

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

9 “(viii) in any other case, be fined under title
10 18, United States Code, or imprisoned not more
11 than 5 years, or both.

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

14 “(B) In a prosecution for a violation of, or an attempt
15 or conspiracy to violate, subsection (a)(1)(A)(i),
16 (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas,
17 no defense based on necessity can be raised unless the de-
18 fendant—

19 “(i) as soon as practicable, reported to the
20 Coast Guard the circumstances of the necessity, and
21 if a rescue is claimed, the name, description, registry
22 number, and location of the vessel engaging in the
23 rescue; and

24 “(ii) did not bring, attempt to bring, or in any
25 manner intentionally facilitate the entry of any alien

1 into the land territory of the United States without
2 lawful authority, unless exigent circumstances ex-
3 isted that placed the life of that alien in danger, in
4 which case the reporting requirement set forth in
5 clause (i) is satisfied by notifying the Coast Guard
6 as soon as practicable after delivering the alien to
7 emergency medical or law enforcement personnel
8 ashore.

9 “(C) It is not a violation of, or an attempt or con-
10 spiracy to violate, clause (iii) or (iv) of paragraph (1)(A),
11 or paragraph (1)(A)(ii) (except if a person recruits, en-
12 courages, or induces an alien to come to or enter the
13 United States), for a religious denomination having a bona
14 fide nonprofit, religious organization in the United States,
15 or the agents or officer of such denomination or organiza-
16 tion, to encourage, invite, call, allow, or enable an alien
17 who is present in the United States to perform the voca-
18 tion of a minister or missionary for the denomination or
19 organization in the United States as a volunteer who is
20 not compensated as an employee, notwithstanding the pro-
21 vision of room, board, travel, medical assistance, and other
22 basic living expenses, provided the minister or missionary
23 has been a member of the denomination for at least one
24 year.

1 “(D) For purposes of this paragraph and paragraph
2 (1)—

3 “(i) the term ‘United States’ means the several
4 States, the District of Columbia, the Commonwealth
5 of Puerto Rico, Guam, American Samoa, the United
6 States Virgin Islands, the Commonwealth of the
7 Northern Mariana Islands, and any other territory
8 or possession of the United States; and

9 “(ii) the term ‘lawful authority’ means permis-
10 sion, authorization, or waiver that is expressly pro-
11 vided for in the immigration laws of the United
12 States or the regulations prescribed under those
13 laws and does not include any such authority se-
14 cured by fraud or otherwise obtained in violation of
15 law or authority that has been sought but not ap-
16 proved.”.

17 (c) MARITIME LAW ENFORCEMENT.—

18 (1) PENALTIES.—Subsection (b) of section
19 2237 of title 18, United States Code, is amended to
20 read as follows:

21 “(b) Whoever intentionally violates this section
22 shall—

23 “(1) if the offense results in death or involves
24 kidnapping, an attempt to kidnap, the conduct re-
25 quired for aggravated sexual abuse (as defined in

1 section 2241 without regard to where it takes place),
2 or an attempt to commit such abuse, or an attempt
3 to kill, be fined under such title or imprisoned for
4 any term of years or life, or both;

5 “(2) if the offense results in serious bodily in-
6 jury (as defined in section 1365 of this title) or
7 transportation under inhumane conditions, be fined
8 under this title, imprisoned not more than 15 years,
9 or both;

10 “(3) if the offense is committed in the course
11 of a violation of section 274 of the Immigration and
12 Nationality Act (alien smuggling); chapter 77 (peon-
13 age, slavery, and trafficking in persons), section 111
14 (shipping), 111A (interference with vessels), 113
15 (stolen property), or 117 (transportation for illegal
16 sexual activity) of this title; chapter 705 (maritime
17 drug law enforcement) of title 46, or title II of the
18 Act of June 15, 1917 (chapter 30; 40 Stat. 220), be
19 fined under this title or imprisoned for not more
20 than 10 years, or both; and

21 “(4) in any other case, be fined under this title
22 or imprisoned for not more than 5 years, or both.”.

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

1 (A) by inserting “(1)” after “(c)”;

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

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

6 “(A) as soon as practicable upon reaching
7 shore, delivered the person with respect to which the
8 necessity arose to emergency medical or law enforce-
9 ment personnel;

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

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

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

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

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

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

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

16 (d) AMENDMENT TO THE SENTENCING GUIDE-
17 LINES.—

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

1 (2) CONSIDERATIONS.—In carrying out this
2 section, the Sentencing Commission, shall—

3 (A) consider providing sentencing enhance-
4 ments or stiffening existing enhancements for
5 those convicted of offenses described in sub-
6 section (a) that—

7 (i) involve a pattern of continued and
8 flagrant violations;

9 (ii) are part of an ongoing commercial
10 organization or enterprise;

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

13 (iv) involve the transportation or
14 abandonment of aliens in a manner that
15 endangered their lives; or

16 (v) involve the facilitation of terrorist
17 activity; and

18 (B) consider cross-references to the guide-
19 lines for Criminal Sexual Abuse and Attempted
20 Murder.

21 (3) EXPEDITED PROCEDURES.—The Commis-
22 sion may promulgate the guidelines or amendments
23 under this section in accordance with the procedures
24 set forth in section 21(a) of the Sentencing Act of

1 1987, as though the authority under that Act had
2 not expired.

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

4 (a) DEFINITIONS.—In this section:

5 (1) PROTECTED LAND.—The term “protected
6 land” means land under the jurisdiction of the Sec-
7 retary concerned.

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

10 (A) with respect to land under the jurisdic-
11 tion of the Secretary of Agriculture, the Sec-
12 retary of Agriculture; and

13 (B) with respect to land under the jurisdic-
14 tion of the Secretary of the Interior, the Sec-
15 retary of the Interior.

16 (b) BORDER PROTECTION STRATEGY.—The Sec-
17 retary, the Secretary of the Interior, and the Secretary
18 of Agriculture shall jointly develop a border protection
19 strategy that supports the border security needs of the
20 United States in the manner that best protects—

21 (1) units of the National Park System;

22 (2) National Forest System land;

23 (3) land under the jurisdiction of the United
24 States Fish and Wildlife Service and Bureau of
25 Land Management; and

1 (4) other relevant land under the jurisdiction of
2 the Secretary of the Interior or the Secretary of Ag-
3 riculture.

4 (c) ADDITIONAL UNIFORMED LAW ENFORCEMENT
5 OFFICERS AND SPECIAL AGENTS OF THE DEPARTMENT
6 OF THE INTERIOR.—There are authorized to be appro-
7 priated to the Secretary of the Interior for employment
8 of uniformed law enforcement officers and special agents,
9 in addition to the number of such officers and agents em-
10 ployed immediately before the enactment of this Act, such
11 sums as may be necessary for—

12 (1) 22 such officers of the United States Fish
13 and Wildlife Service, including—

14 (A) 4 for California;

15 (B) 9 for Arizona;

16 (C) 2 for New Mexico; and

17 (D) 7 for Texas;

18 (2) 2 such agents of the United States Fish
19 and Wildlife Service, for Texas;

20 (3) 22 such officers of the National Park Serv-
21 ice, including—

22 (A) 13 for Arizona; and

23 (B) 9 for Texas;

24 (4) 2 such agents of the National Park Service,
25 for Texas;

1 (5) 19 such officers of the Bureau of Land
2 Management, including—

3 (A) 5 for California;

4 (B) 4 for Arizona;

5 (C) 4 for New Mexico; and

6 (D) 6 for Texas;

7 (6) 2 such agents of the Bureau of Land Man-
8 agement, including—

9 (A) 1 for California;

10 (B) 2 for Arizona; and

11 (C) 1 for New Mexico; and

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

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

1 **TITLE II—ENDING UNLAWFUL**
2 **EMPLOYMENT**

3 **Subtitle A—Employee Verification**

4 **SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION**
5 **VERIFICATION.**

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

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

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

1 phone line is an available option in complying with
2 the preceding sentence.

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

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

10 (B) FEDERAL CONTRACTORS.—A con-
11 tractor that—

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

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

21 (C) LARGE EMPLOYERS.—An employer
22 that employs more than 250 individuals in the
23 United States.

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

1 (A) TWO YEARS FOR EMPLOYERS OF 100
2 OR MORE.—Entities that employ 100 or more
3 individuals in the United States must satisfy
4 the requirement in paragraph (1) by not later
5 than two years after the date of the enactment
6 of this Act.

7 (B) THREE YEARS FOR EMPLOYERS WITH
8 30 OR MORE EMPLOYEES.—All entities that em-
9 ploy 30 or more individuals in the United
10 States must satisfy the requirement in para-
11 graph (1) by not later than three years after
12 the date of the enactment of this Act.

13 (C) FOUR YEARS FOR ALL EMPLOYERS.—
14 All entities that employ one or more individuals
15 in the United States must satisfy the require-
16 ment in paragraph (1) by not later than four
17 years after the date of the enactment of this
18 Act.

19 (4) VERIFYING EMPLOYMENT AUTHORIZATION
20 OF CURRENT EMPLOYEES.—Every person or other
21 entity that employs one or more persons in the
22 United States shall verify through the E-Verify pro-
23 gram by not later than four years after the date of
24 the enactment of this Act that each employee is au-
25 thorized to work in the United States.

1 (5) DEFENSE.—In accordance with section
2 274A(a)(3) of the Immigration and Nationality Act
3 (8 U.S.C. 1324a(a)(3)), a person or entity that es-
4 tablishes that it has complied in good faith with the
5 requirements of section 274A(b) of such Act with re-
6 spect to the hiring, recruiting, or referral for em-
7 ployment of an alien in the United States has estab-
8 lished an affirmative defense that the person or enti-
9 ty has not violated section 274A(a)(1)(A) of such
10 Act with respect to such hiring, recruiting or refer-
11 ral. Furthermore an employer who has complied
12 with the requirements in paragraphs (1) and (4) of
13 this Act shall not be liable for hiring an unauthor-
14 ized alien, if—

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

18 (B) the employer terminates the employ-
19 ment of the alien upon being informed of the
20 error.

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

24 (A) be treated as a violation of section
25 274A(a)(1)(B) with respect to each offense; and

1 (B) create a rebuttable presumption that
2 the employer has violated section
3 274A(a)(1)(A).

4 (7) VOLUNTARY PARTICIPATION OF EMPLOYERS
5 NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—
6 Nothing in this subsection shall be construed as pre-
7 venting a person or other entity that is not imme-
8 diately subject to the requirement of paragraph (1)
9 pursuant to paragraph (2) or (3) from voluntarily
10 using the E-Verify program to verify the employ-
11 ment authorization of new hires or current employ-
12 ees.

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

17 (9) E-VERIFY STUDY.—

18 (A) FINDINGS.—The Congress finds as fol-
19 lows:

20 (i) A majority of the 0.4 percent of
21 tentative non-confirmations that are issued
22 within E-Verify to work authorized individ-
23 uals occur due to incorrect or outdated in-
24 formation in the databases utilized by the
25 system. For instance, an individual may

1 have changed his or her name legally but
2 has not updated their Social Security in-
3 formation to account for this change. This
4 person would likely receive a tentative non-
5 confirmation if their work eligibility were
6 checked using E-Verify.

7 (ii) E-Verify already provides employ-
8 ers and employees with simple and clear
9 instructions on how inconsistencies in data
10 can be corrected in order to verify the
11 work eligibility of an employee. However,
12 giving an individual the ability to verify his
13 or her own employment eligibility in ad-
14 vance of an official E-Verify query by an
15 employer would allow that individual to
16 correct data errors at his or her conven-
17 ience. This may also serve to lessen peak
18 demand on Social Security Administration
19 field offices.

20 (B) STUDY.—The Government Account-
21 ability Office shall conduct a study to examine
22 the potential of a secure method of allowing in-
23 dividuals to check their own work eligibility, so
24 that they can address inconsistencies in their
25 personal data that might otherwise cause them

1 to be issued a tentative non-confirmation by E-
2 Verify. The study shall be published within 6
3 months after the date of enactment of this Act.

4 (10) DOCUMENT FRAUD STUDY.—The Govern-
5 ment Accountability Office shall conduct a study to
6 examine methods to combat document fraud, theft
7 and forgery in the use and expansion of the E-Verify
8 program. The report shall make recommendations to
9 the appropriate agencies on ways to reduce instances
10 of document fraud, theft and forgery. The report
11 shall be published within six months after enactment
12 of this Act.

13 **SEC. 202. MONITORING AND COMPLIANCE.**

14 (a) ENHANCING MONITORING AND COMPLIANCE OF
15 E-VERIFY.—The Secretary of the Department of Home-
16 land Security is authorized take the following actions to
17 increase the capability and effectiveness of the E-Verify
18 employer Monitoring and Compliance team within Citizen-
19 ship and Immigration Services:

20 (1) Increase by no more than 6 the number of
21 fulltime employees dedicated to the development of
22 thresholds and algorithms and quality assurance
23 procedures for the monitoring of employer adherence
24 to the conditions that are currently outlined in the
25 E-Verify Memorandum of Understanding.

1 (2) Increase as necessary the number of
2 fulltime employees dedicated to outreach to employ-
3 ers using E-Verify and the creation of informational
4 tools and corrective action procedures that will pro-
5 vide compliance assistance to these employers. These
6 employees may also be utilized in the operation of
7 the toll free compliance assistance call center.

8 (3) Establish procedures for the identification
9 of cases of potential fraud or misuse of E-Verify.

10 (4) Establish procedures for the sharing of in-
11 formation on these selected cases with Immigration
12 and Customs Enforcement for further investigation
13 as necessary.

14 (5) Report to Congress within one year of the
15 date of enactment of this Act on the activities of the
16 Office of Monitoring and Compliance which shall in-
17 clude—

18 (A) a description of the types of fraud and
19 misuse being detected by the thresholds and al-
20 gorithms used for employee monitoring within
21 the Office;

22 (B) the number and type of cases flagged
23 by the Office and referred to Immigration and
24 Customs Enforcement, as well as the outcome
25 of these cases; and

1 (C) an assessment of the number and the
2 nature of calls received by the compliance as-
3 sistance call center.

4 **SEC. 203. MANDATORY NOTIFICATION OF SSN MISMATCHES**
5 **AND MULTIPLE USES.**

6 (a) NOTIFICATION OF MULTIPLE USES OF INDI-
7 VIDUAL SOCIAL SECURITY NUMBERS.—Prior to crediting
8 any individual with concurrent earnings from more than
9 one employer, the Commissioner of Social Security shall
10 notify the individual that earnings from two or more em-
11 ployers are being reported under the individual's Social
12 Security account number (SSN). Such notice shall include,
13 at a minimum—

14 (1) the name and location of each employer re-
15 porting benefits for an individual;

16 (2) a warning that any inaccuracies in this in-
17 formation could indicate that the individual's SSN is
18 being fraudulently used by another individual;

19 (3) an explanation of any potential risk that an
20 individual is subject to if his or her SSN has been
21 used or is being used by someone else; and

22 (4) an SSA telephone number that an indi-
23 vidual may call to report inaccuracies in the use of
24 their SSN.

1 (b) INFORMATION SHARING WITH THE DEPART-
2 MENT OF HOMELAND SECURITY.—

3 (1) Not later than 180 days following the date
4 of enactment of this act, the Commissioner of Social
5 Security shall promulgate regulations in accord with
6 section 1306, title 42 (42 U.S.C. 1306), to require
7 that information regarding all multiple use notifica-
8 tions that lead to the identification of an unauthor-
9 ized user of a Social Security account number be
10 shared with the Secretary of the Department of
11 Homeland Security on a timely basis.

12 (2) Information to be shared with the Secretary
13 shall include, at a minimum, the name and mailing
14 address of all employees who are the subject of an
15 unresolved mismatch notification or who are unau-
16 thorized users of another individual's Social Security
17 account number. The names and addresses of the
18 employers of these employees must also be provided

19 (3) The Secretary shall report to Congress an-
20 nually the number of cases that the Commissioner of
21 Social Security has shared with the Department of
22 Homeland Security regarding unauthorized users of
23 a Social Security number and the actions that have
24 been taken to resolve these cases. The first report

1 shall be presented to Congress 1 year after the pas-
2 sage of this Act.

3 **SEC. 204. ESTABLISHMENT OF ELECTRONIC BIRTH AND**
4 **DEATH REGISTRATION SYSTEMS.**

5 (a) In consultation with the Secretary of Health and
6 Human Services and the Commissioner of Social Security,
7 the Secretary shall take the following actions:

8 (1) Work with the States to establish a common
9 data set and common data exchange protocol for
10 electronic birth registration systems and death reg-
11 istration systems.

12 (2) Coordinate requirements for such systems
13 to align with a national model.

14 (3) Ensure that fraud prevention is built into
15 the design of electronic vital registration systems in
16 the collection of vital event data, the issuance of
17 birth certificates, and the exchange of data among
18 government agencies.

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

24 (5) Establish uniform field requirements for
25 State birth registries.

1 (6) Not later than 1 year after the date of the
2 enactment of this Act, establish a process with the
3 Department of Defense that will result in the shar-
4 ing of data, with the States and the Social Security
5 Administration, regarding deaths of United States
6 military personnel and the birth and death of their
7 dependents.

8 (7) Not later than 1 year after the date of the
9 enactment of this Act, establish a process with the
10 Department of State to improve registration, notifi-
11 cation, and the sharing of data with the States and
12 the Social Security Administration, regarding births
13 and deaths of United States citizens abroad.

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

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

1 **SEC. 205. PENALTY FOR FAILURE TO FILE CORRECT INFOR-**
 2 **MATION RETURNS.**

3 Section 6721 of the Internal Revenue Code of 1986
 4 (26 U.S.C. 6721) is amended by adding at the end the
 5 following:

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

10 “(g) Notwithstanding any other provision in this sec-
 11 tion, in the case of a failure described in subsection (a)(2)
 12 with respect to any person employing an alien not author-
 13 ized to be so employed, the penalty under this section shall
 14 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.”.

15 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **Subtitle B—Nondeductibility of**
2 **Wages Paid to Unauthorized Aliens**

3 **SEC. 211. CLARIFICATION THAT WAGES PAID TO UNAU-**
4 **THORIZED ALIENS MAY NOT BE DEDUCTED**
5 **FROM GROSS INCOME.**

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

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

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

18 “(B) WAGES.—For the purposes of this
19 paragraph, the term wages means all remunera-
20 tion for employment, including the cash value of
21 all remuneration (including benefits) paid in
22 any medium other than cash.

23 “(C) SAFE HARBOR.—If a person or other
24 entity is participating in the basic pilot program
25 described in section 403 of the Illegal Immigra-

tion Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) and obtains confirmation of identity and employment eligibility in compliance with the terms and conditions of the program with respect to the hiring (or recruitment or referral) of an employee, subparagraph (A) shall not apply with respect to wages paid to such employee.”.

(b) SIX-YEAR LIMITATION ON ASSESSMENT AND COLLECTION.—Subsection (c) of section 6501 of such Code (relating to exceptions) is amended by adding at the end the following new paragraph:

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

(c) USE OF DOCUMENTATION FOR ENFORCEMENT PURPOSES.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

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

1 (2) in subparagraph (d)(2)(F), by inserting “,
2 section 162(c)(4) of the Internal Revenue Code of
3 1986,” after “enforcement of this Act”; and

4 (3) in subparagraph (d)(2)(G), by inserting
5 “section 162(c)(4) of the Internal Revenue Code of
6 1986 or” after “or enforcement of”.

7 (d) AVAILABILITY OF INFORMATION.—

8 (1) IN GENERAL.—The Commissioner of Social
9 Security, the Secretary of the Department of Home-
10 land Security, and the Secretary of the Treasury,
11 shall jointly establish a program to share informa-
12 tion among such agencies that may or could lead to
13 the identification of unauthorized aliens (as defined
14 under section 274A(h)(3) of the Immigration and
15 Nationality Act), including any no-match letter, any
16 information in the earnings suspense file, and any
17 information in the investigation and enforcement of
18 section 162(c)(4) of the Internal Revenue Code of
19 1986.

20 (2) DISCLOSURE BY SECRETARY OF THE
21 TREASURY.—

22 (A) IN GENERAL.—Subsection (i) of sec-
23 tion 6103 of the Internal Revenue Code of 1986
24 is amended by adding at the end the following
25 new paragraph:

1 “(9) Payment of wages to unauthorized
2 aliens.—Upon request from the Commissioner of the
3 Social Security Administration or the Secretary of
4 the Department of Homeland Security, the Sec-
5 retary shall disclose to officers and employees of
6 such Administration or Department—

7 “(A) taxpayer identity information of em-
8 ployers who paid wages with respect to which a
9 deduction was not allowed by reason of section
10 162(c)(4), and

11 “(B) taxpayer identity information of indi-
12 viduals to whom such wages were paid, for pur-
13 poses of carrying out any enforcement activities
14 of such Administration or Department with re-
15 spect to such employers or individuals.”.

16 (B) Recordkeeping.—Paragraph (4) of sec-
17 tion 6103(p) of such Code is amended—

18 (i) by striking “(5), or (7)” in the
19 matter preceding subparagraph (A) and in-
20 serting “(5), (7), or (9)”, and

21 (ii) by striking “(5) or (7)” in sub-
22 paragraph (F)(ii) and inserting “(5), (7),
23 or (9)”.

24 (e) EFFECTIVE DATE.—

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

4 (2) The amendments made by subsections (a)
5 and (b) shall apply to taxable years beginning after
6 December 31, 2007.

7 **TITLE III—ENHANCING AND UTI-**
8 **LIZING CURRENT INTERIOR**
9 **ENFORCEMENT METHODS**

10 **SEC. 301. INCREASE INVESTIGATIVE EFFORTS.**

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

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

21 (c) **STATE AND LOCAL LAW ENFORCEMENT SUP-**
22 **PORT.**—The Secretary of Homeland Security shall take
23 necessary steps to allow for the training of a minimum
24 of 250 State and local law enforcement officers in Federal

1 immigration law enforcement procedure. This would be an
2 expansion of an already active and successful program.

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

4 To ensure the ability of Immigration and Customs
5 Enforcement (ICE) and Customs and Border Patrol
6 (CBP) to enforce integrity and ethical behavior through-
7 out their expanded ranks, the Secretary of Homeland Se-
8 curity shall add no fewer than 8 Special Agents to the
9 Office of Professional Responsibility.

10 **SEC. 303. BORDER RELIEF GRANT PROGRAM.**

11 (a) IN GENERAL.—From amounts made available
12 under section 304, the Secretary of Homeland Security
13 may make grants to—

14 (1) sheriffs' offices of counties any part of
15 which is within 25 miles of the southern border of
16 the United States; and

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

23 (b) USE OF FUNDS.—

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

1 (A) To conduct law enforcement operations
2 in order to enforce criminal laws, prevent and
3 punish criminal activity, and protect the lives,
4 property, and security of the people within the
5 jurisdiction of the grant recipient.

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

10 (C) To enforce State and Federal laws re-
11 lating to controlled substance trafficking and
12 enforce other State and Federal criminal laws.

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

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

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

1 (3) DETENTION FACILITIES.—In accordance
2 with paragraph (2)(B), grant funds received under
3 subsection (a) may be used for the construction,
4 maintenance, and operation of detention facilities to
5 detain aliens who are unlawfully present in the
6 United States, except that not more than 20 percent
7 of such funds may be used for the construction or
8 renovation of detention or similar facilities.

9 (c) APPLICATION.—

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

16 (2) CONTENTS.—Each application submitted
17 pursuant to paragraph (1) shall—

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

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

1 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Sec-
3 retary of Homeland Security to carry out this Section
4 \$200,000,000 for fiscal year 2010 and each succeeding
5 fiscal year.

6 **SEC. 305. REGULATIONS.**

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

10 **SEC. 306. REWARDS PROGRAM.**

11 (a) REWARDS PROGRAM.—Section 274 (8 U.S.C.
12 1324) is amended by adding at the end the following:

13 “(e) REWARDS PROGRAM.—

14 “(1) IN GENERAL.—There is established in the
15 Department of Homeland Security a program for
16 the payment of rewards to carry out the purposes of
17 this section.

18 “(2) PURPOSE.—The rewards program shall be
19 designed to assist in the elimination of commercial
20 operations to produce or sell fraudulent documents
21 to be used for entering or remaining in the United
22 States unlawfully and to assist in the investigation,
23 prosecution, or disruption of a commercial alien
24 smuggling operation.

25 “(3) ADMINISTRATION.—The rewards program
26 shall be administered by the Secretary of Homeland

1 Security, in consultation, as appropriate, with the
2 Attorney General and the Secretary of State.

3 “(4) REWARDS AUTHORIZED.—In the sole dis-
4 cretion of the Secretary of Homeland Security, such
5 Secretary, in consultation, as appropriate, with the
6 Attorney General and the Secretary of State, may
7 pay a reward to any individual who furnishes infor-
8 mation or testimony leading to—

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

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

18 “(C) the arrest or conviction of any indi-
19 vidual aiding or abetting the commission of
20 such an act;

21 “(D) the prevention, frustration, or favor-
22 able resolution of such an act, including the dis-
23 mantling of an operation to produce or sell
24 fraudulent documents to be used for entering or
25 remaining in the United States, or commercial

1 alien smuggling operations, in whole or in sig-
2 nificant part; or

3 “(E) the identification or location of an in-
4 dividual who holds a key leadership position in
5 an operation to produce or sell fraudulent docu-
6 ments to be used for entering or remaining in
7 the United States unlawfully or a commercial
8 alien smuggling operation involving the trans-
9 portation of aliens.

10 “(5) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated such sums
12 as may be necessary to carry out this subsection.
13 Amounts appropriated under this paragraph shall
14 remain available until expended.

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

21 “(7) PROTECTION MEASURES.—If the Secretary
22 of Homeland Security, the Secretary of State, or the
23 Attorney General determines that an individual who
24 furnishes information or testimony described in
25 paragraph (4), or any spouse, child, parent, son, or

1 daughter of such an individual, must be protected,
2 such official may take such lawful action as the offi-
3 cial considers necessary to effect such protection.

4 “(8) LIMITATIONS AND CERTIFICATION.—

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

7 “(B) APPROVAL.—Any reward under this
8 subsection exceeding \$50,000 shall be person-
9 ally approved by the Secretary of Homeland Se-
10 curity.

11 “(C) CERTIFICATION FOR PAYMENT.—Any
12 reward granted under this subsection shall be
13 certified for payment by the Secretary of Home-
14 land Security.

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

20 **SEC. 307. INCREASED DETENTION FACILITIES FOR ALIENS**
21 **APPREHENDED FOR ILLEGAL ENTRY.**

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

1 (b) IMPLEMENTATION.—Efforts shall be made to—

2 (1) contract private facilities whenever possible
3 to promote efficient use and to limit the Federal
4 Government’s maintenance of and liability for addi-
5 tional infrastructure;

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

8 (3) utilize BRAC facilities or active duty facili-
9 ties.

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

13 (d) RESPONSIBILITIES.—The Secretary of Homeland
14 Security shall be responsible for providing humane condi-
15 tions, health care, nutrition, and psychological services, as
16 well as education for minors.

17 (e) AUTHORIZATION.—All funds necessary to accom-
18 plish the directives within this section are authorized to
19 be appropriated.

20 **SEC. 308. ADDITIONAL IMMIGRATION JUDGEShips AND**
21 **LAW CLERKS.**

22 (a) JUDGEShips.—The Attorney General shall create
23 and fill twenty additional Immigration Judgeships within
24 6 months after the date of enactment of this Act.

1 (b) CLERKSHIPS.—The Attorney General shall also
2 ensure that for every two Immigration Judges there shall
3 be no fewer than one law clerk dedicated to assisting Im-
4 migration Judges.

5 **SEC. 309. MEDIA CAMPAIGN.**

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

10 (b) NOTIFICATION OF CHANGES TO EMPLOYMENT
11 VERIFICATION PROCESS.—The Secretary of Labor shall
12 employ, at his or her discretion, a combination of multi-
13 lingual print, television, Internet, and radio media to no-
14 tify employers of changes to the employment verification
15 process. 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) punishment for apprehension and forced re-
4 moval of undocumented aliens; and

5 (3) legal methods of reentering the United
6 States, including temporary work visas.

7 (d) COOPERATION WITH OTHER GOVERNMENTS.—
8 The Secretary of Homeland Security shall make all rea-
9 sonable attempts to cooperate with the governments of the
10 countries from which the largest number of undocumented
11 aliens originate in the implementation of this media cam-
12 paign.

○