

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3333

To enhance border enforcement, improve homeland security, remove incentives for illegal immigration, and establish a guest worker program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2005

Mr. TANCREDO introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Education and the Workforce, Ways and Means, International Relations, Energy and Commerce, and Government Reform, 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

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## A BILL

To enhance border enforcement, improve homeland security, remove incentives for illegal immigration, and establish a guest worker 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 “Rewarding Employers that Abide by the Law and Guar-  
6 anteeing Uniform Enforcement to Stop Terrorism Act of  
7 2005” or the “REAL GUEST Act of 2005”.

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

Sec. 1. Short title; table of contents.

TITLE I—REWARDING EMPLOYERS THAT ABIDE BY THE LAW

Subtitle A—Access; Opportunity

- Sec. 101. H nonimmigrant worker category.
- Sec. 102. Internet-based job posting system.
- Sec. 103. Requirements for prospective employers of H nonimmigrants.
- Sec. 104. Requirements for aliens seeking H nonimmigrant status.
- Sec. 105. Database of approved prospective H nonimmigrants.
- Sec. 106. Effective date.

Subtitle B—Requiring Lawful Migration

Sec. 111. Certifications.

TITLE II—GUARANTEEING UNIFORM ENFORCEMENT TO STOP  
TERRORISM

Subtitle A—No Access; No Opportunity

- Sec. 201. Sense of Congress that the military, when feasible, should conduct training exercises in supporting functions for the border patrol.
- Sec. 202. Use of army and air force to secure the borders.
- Sec. 203. Increase in full-time USCBP immigration inspectors.
- Sec. 204. Increase in full-time USICE detention and removal officers.
- Sec. 205. Functions of detention and removal officers.
- Sec. 206. Increase in USICE criminal investigators for benefits fraud.
- Sec. 207. Increase in attorneys for the USICE legal program.
- Sec. 208. Suspension of visa waiver program.
- Sec. 209. Civil and criminal penalties for unlawful presence.
- Sec. 210. Listing of immigration violators in the National Crime Information Center Database.
- Sec. 211. Civil and criminal penalties for document fraud, benefit fraud, and false claims of citizenship.
- Sec. 212. Identification standard for Federal benefits.
- Sec. 213. Fingerprinting of applicants for United States passports.
- Sec. 214. Visa term compliance bonds.
- Sec. 215. Release of aliens in removal proceedings.
- Sec. 216. Detention of aliens delivered by bondsmen.
- Sec. 217. Independent verification of birth records provided in support of applications for social security account numbers.
- Sec. 218. Birth certificates.
- Sec. 219. Maximum period of validity for State licenses and identification documents.
- Sec. 220. Establishment of immigration and customs field office in Tulsa, Oklahoma.

Subtitle B—Reversing Unlawful Migration

- Sec. 221. Mandatory employment authorization verification.
- Sec. 222. Employer sanctions.

- Sec. 223. Limited duration social security account numbers for nonimmigrants.  
 Sec. 224. Mandatory notification of social security account number mismatches and multiple uses.  
 Sec. 225. No social security credit for work performed while unlawfully present.  
 Sec. 226. Reducing individual taxpayer identification number abuse.  
 Sec. 227. Limited eligibility for tax credits and refunds.  
 Sec. 228. Penalty for failure to file correct information returns.  
 Sec. 229. Adjustment of status.  
 Sec. 230. Revocation of temporary status.  
 Sec. 231. Repeal of amnesty provision.  
 Sec. 232. Penalties for violations of Federal immigration laws by States and localities.  
 Sec. 233. Clarification of inherent authority of State and local law enforcement.  
 Sec. 234. USICE response to requests for assistance from State and local law enforcement.  
 Sec. 235. Basic immigration enforcement training for State, local, and tribal law enforcement officers.

TITLE III—REVISION OF FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH CARE SERVICES FURNISHED TO ILLEGAL ALIENS

- Sec. 301. Revision of Federal reimbursement of emergency health care services furnished to illegal aliens.

1 **TITLE I—REWARDING EMPLOY-**  
 2 **ERS THAT ABIDE BY THE LAW**  
 3 **Subtitle A—Access; Opportunity**

4 **SEC. 101. H NONIMMIGRANT WORKER CATEGORY.**

5 (a) IN GENERAL.—Section 101(a)(15)(H) of the Im-  
 6 migration and Nationality Act (8 U.S.C. 1101(a)(15)(H))  
 7 is amended to read as follows:

8 “(H) an alien having a residence in a foreign  
 9 country which the alien has no intention of aban-  
 10 doning who is coming temporarily to the United  
 11 States to perform work for which qualified and law-  
 12 fully present workers are not available and could not  
 13 be trained in a period of less than one year, and  
 14 with respect to whom the Secretary of Labor deter-

1 mines and certifies to the Secretary of Homeland  
2 Security that the intending employer has filed with  
3 the Secretary an application under section  
4 212(n)(1);”.

5 (b) ADMISSION OF NONIMMIGRANTS.—Section  
6 214(g) of the Immigration and Nationality Act (8 U.S.C.  
7 1184(g)) is amended to read as follows:

8 “(g) ADMISSION OF H NONIMMIGRANTS.—

9 “(1) In the case of a nonimmigrant described in  
10 section 101(a)(15)(H)—

11 “(A) the period of authorized admission  
12 may not exceed 365 days during any 2-year pe-  
13 riod and may be renewed only upon expiration  
14 of each 2-year period;

15 “(B) adjustment of status and change of  
16 status to any other immigrant or nonimmigrant  
17 classification or status are prohibited; and

18 “(C) spouses and children may not accom-  
19 pany or follow to join the principal aliens.”.

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect 180 days after the date on  
22 which the last of the certifications required under section  
23 111 is made.

1 **SEC. 102. INTERNET-BASED JOB POSTING SYSTEM.**

2 (a) IN GENERAL.—The Secretary of Labor shall take  
3 any steps necessary to ensure that all State employment  
4 agencies and all employers in the United States are able  
5 to acquire secure, password-protected access to the Inter-  
6 net-based job database provided jointly by the Department  
7 of Labor and State employment security agencies and  
8 known as “America’s Job Bank” in order to permit the  
9 posting of job openings throughout the United States.

10 (b) USE OF DATA.—The Secretary of Labor may use  
11 posted job announcements and resumes submitted through  
12 the job posting system to determine whether employers  
13 who petition for nonimmigrants described in section  
14 101(a)(15)(H) of the Immigration and Nationality Act (as  
15 amended by section 101 of this Act) are complying with  
16 the law.

17 (c) REPORTS; CESSATION OF LABOR CERTIFI-  
18 CATIONS.—

19 (1) REPORTS.—The Secretary of Labor shall  
20 publish quarterly reports, utilizing the data included  
21 in the job posting system, indicating unemployment  
22 and real wage trends by occupational category and  
23 geographic region. The Secretary shall make such  
24 reports available to the public on a timely basis.

25 (2) CESSATION.—If compensation, including  
26 real wages, benefits, and working conditions, in a

1 particular occupational category in a geographic re-  
2 gion has been stagnant or in decline for the 6-month  
3 period immediately preceding the filing of a petition  
4 for an H nonimmigrant worker, the Secretary shall  
5 not approve the petition until—

6 (A) compensation in that occupational cat-  
7 egory and geographic region has increased each  
8 month for at least 6 months by an amount to  
9 be determined by the Secretary; and

10 (B) the Secretary has reassessed the pre-  
11 vailing wage for that occupational category and  
12 geographic region to ensure that it reflects the  
13 rising real wage levels.

14 **SEC. 103. REQUIREMENTS FOR PROSPECTIVE EMPLOYERS**  
15 **OF H NONIMMIGRANTS.**

16 (a) IN GENERAL.—An employer seeking to hire a  
17 nonimmigrant described in section 101(a)(15)(H) of the  
18 Immigration and Nationality Act (as amended by section  
19 101 of this Act) shall post an announcement of the job  
20 for which the nonimmigrant is sought on America’s Job  
21 Bank.

22 (b) FEE.—Employers shall be required to pay a user  
23 fee of \$10 per worker sought through America’s Job  
24 Bank. Such fees shall be placed by the Secretary of Labor  
25 in a fund to be used to maintain and improve America’s

1 Job Bank. Any amounts from such fund not used for sys-  
2 tem maintenance shall be used to investigate abuses of the  
3 H nonimmigrant program.

4 (c) ANNOUNCEMENT CONTENTS.—Each job an-  
5 nouncement posted pursuant to this section shall list, at  
6 a minimum, the following:

7 (1) The name, contact information, and de-  
8 scription of the employer.

9 (2) A description of the job and the minimum  
10 skills necessary to perform it.

11 (3) A description of any additional knowledge,  
12 skills, or abilities that are preferred by the employer.

13 (4) The wage rate or salary being offered for  
14 the job, which shall be at least equal to the median  
15 national wage rate for the occupation, as determined  
16 by the Occupational Employment Statistics survey of  
17 the Bureau of Labor Statistics, or the prevailing  
18 wage, whichever is greater.

19 (5) The benefits package being offered for the  
20 job.

21 (d) MINIMUM POSTING PERIOD.—Each announce-  
22 ment shall be posted for a minimum period of 14 days,  
23 including the 7 days that end one week before the job be-  
24 gins, before an employer may seek authorization to hire  
25 an H nonimmigrant.

1           (e) REQUIRED ESCROW OF RETURN TRANSPOR-  
2 TATION COSTS.—An employer of an H nonimmigrant  
3 shall place into an escrow account at the time of hiring  
4 sufficient funds to transport the nonimmigrant back to the  
5 home country when the job ends or when the period of  
6 authorized admission expires.

7           (f) AMENDMENTS TO IMMIGRATION AND NATION-  
8 ALITY ACT.—Section 212(n) of the Immigration and Na-  
9 tionality Act (8 U.S.C. 1182(n)) is amended—

10           (1) by striking “H–1B nonimmigrants” each  
11 place it appears and inserting “H nonimmigrants”;

12           (2) in paragraph (1)—

13           (A) by amending clause (i) of subpara-  
14 graph (A) to read as follows:

15           “(i) is offering and will offer during  
16 the period of authorized employment to  
17 aliens admitted or provided status as H  
18 nonimmigrants real wages equal to the me-  
19 dian national wage rate for the occupation,  
20 as determined by the Occupational Em-  
21 ployment Statistics survey of the Bureau  
22 of Labor Statistics, or the prevailing wage,  
23 whichever is greater.”;

24           (B) by striking subparagraph (E) and in-  
25 serting the following:



1           “(E) The employer has not laid off or dis-  
2           missed (except for cause) any United States  
3           worker performing the announced job or an  
4           equivalent job in the 6 months immediately pre-  
5           ceding the date of application and that the em-  
6           ployer will not lay off or dismiss (except for  
7           cause) any such worker while employing the H  
8           nonimmigrant worker. If the employer, due to  
9           unforeseen financial or economic circumstances,  
10          must lay off a United States worker, the em-  
11          ployer shall terminate any H nonimmigrants  
12          performing equivalent jobs prior to laying off  
13          any United States workers.”;

14           (C) in subparagraph (F)—

15           (i) by striking “In the case of” and all  
16           that follows through “, the” and inserting  
17           “The”; and

18           (ii) by striking “regardless of wheth-  
19           er” and all that follows through “em-  
20           ployer”); and

21           (D) by amending subparagraph (G) to  
22          read as follows:

23           “(G) The employer, prior to filing the ap-  
24          plication—

1           “(i) has complied with the job-posting  
2 requirements described in subsections (b),  
3 (c), and (d) to recruit United States work-  
4 ers for the job for which the nonimmigrant  
5 is or nonimmigrants are sought; and

6           “(ii) has offered the job to any United  
7 States worker who applies and is equally  
8 or better qualified for such job.”;

9           (3) in paragraph (2)(C)—

10           (A) in subclause (i)(I), by striking  
11 “\$1,000” and inserting “\$2,000”;

12           (B) in subclause (ii)(I), by striking  
13 “\$5,000” and inserting “\$10,000”;

14           (C) in subclause (iii)(I), by striking  
15 “\$35,000” and inserting “\$70,000”; and

16           (D) in subclause (vi)(III), by striking  
17 “\$1,000” and inserting “\$2,000”;

18           (4) in clause (i) of paragraph (5)(E), by strik-  
19 ing “\$1,000 per violation or \$5,000” and inserting  
20 “\$2,000 per violation or \$10,000”;

21           (5) in paragraph (2)(E), by striking “a non-  
22 exempt” and inserting “an”; and

23           (6) by striking paragraph (3) and redesignating  
24 paragraphs (4) and (5) as paragraphs (3) and (4),  
25 respectively.

1 (g) EFFECTIVE DATE.—This section (and the  
2 amendments made by this section) shall take effect 180  
3 days after the date on which the last of the certifications  
4 required under section 111 is made.

5 **SEC. 104. REQUIREMENTS FOR ALIENS SEEKING H NON-**  
6 **IMMIGRANT STATUS.**

7 (a) IN GENERAL.—Section 214(g) of the Immigra-  
8 tion and Nationality Act (8 U.S.C. 1184(g)), as amended  
9 by section 101(b), is further amended by adding at the  
10 end the following:

11 “(2) Aliens seeking status under section  
12 101(a)(15)(H) shall—

13 “(A) be physically present in the country  
14 of the alien’s residence and apply at a United  
15 States embassy, consular office, or other des-  
16 ignated State Department post;

17 “(B) pay a visa processing fee in an  
18 amount determined under section 281;

19 “(C) file an application that includes edu-  
20 cational attainment, job skills, and prior em-  
21 ployment history, along with supporting docu-  
22 mentation and references;

23 “(D) sign a legally enforceable affidavit at-  
24 testing that they—

1           “(i) understand that they will not be  
2 permitted to change or adjust to any other  
3 immigrant or nonimmigrant classification  
4 or status while present in the United  
5 States;

6           “(ii) acknowledge that a child born to  
7 them during their stay in the United  
8 States will not be granted U.S. citizenship  
9 unless the other parent is a U.S. citizen or  
10 lawful permanent resident;

11           “(iii) waive eligibility for any Federal,  
12 State, or local non-emergency public assist-  
13 ance for which they might otherwise be eli-  
14 gible during their tenure as an H non-  
15 immigrant; and

16           “(iv) understand the penalties for fail-  
17 ing to abide by the terms of their admis-  
18 sion as an H nonimmigrant;

19           “(E) apply to be added to the database of  
20 prescreened, available workers described in  
21 paragraph (7), rather than applying for a par-  
22 ticular, available job;

23           “(F) remain in the foreign country of resi-  
24 dence until such time as an employer receives  
25 authorization to hire an H nonimmigrant and

1 chooses that alien from the database to fill the  
2 particular job opening; and

3 “(G) submit to fingerprinting and  
4 photographing so that the data may be added  
5 to the Chimera system, required by the En-  
6 hanced Border Security and Visa Entry Reform  
7 Act of 2002 (Public Law 107–173), and under-  
8 go criminal background and health checks to  
9 ensure admissibility under section 212(a).

10 “(3) The Secretary of State shall take reason-  
11 able steps to verify that the education and work his-  
12 tory provided by aliens seeking H nonimmigrant sta-  
13 tus are accurate prior to adding such aliens to the  
14 database described in paragraph (7).

15 “(4) Notwithstanding any prior criminal or ter-  
16 rorist background checks performed, nonimmigrants  
17 described in section 101(a)(15)(H) who are selected  
18 by employers from the database shall be checked  
19 against criminal and terrorist databases no more  
20 than one week prior to admission to the United  
21 States. Aliens who apply for renewal of non-  
22 immigrant status under section 101(a)(15)(H) shall  
23 undergo new criminal background and health checks  
24 before renewal may be granted.

1           “(5)(A) Any alien who has been listed in the  
2           database described in paragraph (7) for a contin-  
3           uous period of 24 months without being selected by  
4           an employer shall be removed from the database un-  
5           less such alien submits an updated application to be  
6           listed. The Secretary of State shall extend such  
7           alien’s listing for another 24 months, without addi-  
8           tional cost to the alien, if the updated application is  
9           timely, complete, and accurate.

10           “(B) Any alien in the database who is selected  
11           by an employer shall be removed from the database  
12           upon admission to the United States to perform the  
13           work. Such alien may submit an updated application  
14           to be relisted at the end of his or her authorized  
15           stay in the United States if the application is timely,  
16           complete, and accurate, and if the alien satisfied all  
17           the terms of the H nonimmigrant visa.

18           “(6) An alien who violates a term or condition  
19           of the alien’s admission as an H nonimmigrant, in-  
20           cluding failure to leave the United States upon the  
21           expiration of the period of authorized admission,  
22           shall be barred from receiving any immigrant or  
23           nonimmigrant visa for a period of 10 years.”.

24           (b) SPECIAL RULE ON CITIZENSHIP AT BIRTH FOR  
25           CHILDREN OF H NONIMMIGRANTS.—Notwithstanding

1 Title III of the Immigration and Nationality Act (8 U.S.C.  
2 1401 et seq.), or any other law, a child born in the United  
3 States to a parent who is a nonimmigrant described in  
4 section 101(a)(15)(H) of the Immigration and Nationality  
5 Act (as amended by section 101 of this Act) shall not be  
6 a national or citizen of the United States at birth unless  
7 the other parent is a citizen or lawful permanent resident  
8 of the United States.

9 **SEC. 105. DATABASE OF APPROVED PROSPECTIVE H NON-**  
10 **IMMIGRANTS.**

11 Section 214(g) of the Immigration and Nationality  
12 Act (8 U.S.C. 1184(g)), as amended by sections 101(b)  
13 and 104(a), is further amended by adding at the end the  
14 following:

15 “(7)(A) The Secretary of Labor shall establish  
16 and maintain a database of all aliens approved for  
17 status under section 101(a)(15)(H). Such database  
18 shall include all information regarding each alien’s  
19 job skills, education, and employment history.

20 “(B) Once the Secretary approves an employ-  
21 er’s petition under section 212(n)(1), the Secretary  
22 shall make available to the employer a list of the  
23 prescreened, available aliens who may be able to fill  
24 the open job position, as described in the announce-

1 ment posted by the employer on America’s Job  
2 Bank.

3 “(i) The Secretary shall not provide the  
4 employer with access to contact information,  
5 other than the alien’s name, about any alien  
6 listed in the database.

7 “(ii) The Secretary shall ensure that no  
8 employer is able to access any information in  
9 the database until after such employer’s labor  
10 condition application is approved.

11 “(C) Once an employer selects one or more  
12 workers in the database, the Secretary shall provide  
13 the employer with contact information for the work-  
14 er so the employer can make an offer of employ-  
15 ment. If the alien accepts the offer, the Secretary  
16 shall issue the alien an H nonimmigrant visa within  
17 3 days of such acceptance.”.

18 **SEC. 106. EFFECTIVE DATE.**

19 Except as otherwise provided, the provisions in this  
20 subtitle (and the amendments made by this subtitle) shall  
21 take effect on the date on which the last of the certifi-  
22 cations required by section 111 is made.



1           **Subtitle B—Requiring Lawful**  
2                           **Migration**

3 **SEC. 111. CERTIFICATIONS.**

4           (a) SECRETARY OF HOMELAND SECURITY.—Prior to  
5 the implementation of the program described in subtitle  
6 A, the Secretary of Homeland Security, in consultation  
7 with the Attorney General and the Secretary of State,  
8 shall certify to the Congress the following:

9                   (1) The automated entry-exit control system re-  
10                   quired under section 110 of the Illegal Immigration  
11                   Reform and Immigrant Responsibility Act of 1996  
12                   (8 U.S.C. 1221 note), as amended, is fully imple-  
13                   mented and functional, all ports of entry have func-  
14                   tional biometric machine readers, and the entry into  
15                   and departure from the United States of all nonciti-  
16                   zens is recorded.

17                   (2) All noncitizens already in the United States  
18                   legally and all aliens authorized to enter the United  
19                   States have been issued biometric, machine-readable  
20                   travel and entry documents, as required by section  
21                   303 of the Enhanced Border Security and Visa  
22                   Entry Reform Act of 2002 (8 U.S.C. 1732).

23                   (3) Neither immigrant nor nonimmigrant visas  
24                   are being issued to nationals of foreign states that

1 refuse to permit the return of their nationals who  
2 are ordered removed from the United States.

3 (4) The EASI Check system described in sec-  
4 tion 221 of this Act is fully implemented and func-  
5 tional and DHS has an enforcement plan in place  
6 that targets U.S. employers based on information  
7 from DHS, SSA, and IRS regarding the EASI-  
8 Check system, mismatched SSNs, and incorrectly  
9 filed information returns.

10 (5) All of the additional Border Patrol agents  
11 authorized under the Intelligence Reform and Ter-  
12 rorism Prevention Act of 2004 (Public Law 108-  
13 458) have been hired, trained, and deployed and, if  
14 necessary, a sufficient number of United States mili-  
15 tary personnel has been deployed to support the  
16 Border Patrol so illegal entry has been reduced to  
17 the point that it is estimated at a lower level than  
18 annual removals.

19 (6) The Chimera system required under section  
20 202(a)(2) of the Enhanced Border Security and Visa  
21 Entry Reform Act of 2002 (8 U.S.C, 1722(a)(2)) is  
22 fully implemented and functional and includes dig-  
23 ital fingerprints and photographs of all aliens grant-  
24 ed admission to the United States and all aliens or-

1       dered removed or granted voluntary departure from  
2       the United States.

3               (7) All DHS databases containing information  
4       on noncitizens and the National Crime Information  
5       Center database are interoperable.

6               (8) The absconder rate for aliens ordered re-  
7       moved from the United States is less than five per-  
8       cent for the previous 12-month period.

9               (9) Section 287(g) of the Immigration and Na-  
10       tionality Act (8 U.S.C. 1357(g)) and sections 209,  
11       232, and 233 of this Act have been fully imple-  
12       mented and United States Immigration and Cus-  
13       toms Enforcement employees respond to every re-  
14       quest for assistance from State and local law en-  
15       forcement authorities, either by taking custody of il-  
16       legal aliens located by those authorities or by reim-  
17       bursing those authorities for the costs of detaining  
18       and transporting such aliens.

19               (10) At least 80 percent of visa overstays are  
20       located and removed within one year of overstaying.

21       (b) IMPACT STUDY.—Prior to the implementation of  
22       the program described in subtitle A:

23               (1) STUDY.—The Director of the Bureau of the  
24       Census, jointly with the Secretaries of Agriculture,  
25       Education, Energy, Health and Human Services,

1 Homeland Security, Housing and Urban Develop-  
2 ment, Interior, Justice, Labor, Transportation, and  
3 Treasury and the Administrator of the Environ-  
4 mental Protection Agency shall undertake a study  
5 examining the impacts on U.S. infrastructure and  
6 quality of life of—

7 (A) current annual levels of immigrant and  
8 nonimmigrant admissions;

9 (B) illegal immigration; and

10 (C) implementation of the program estab-  
11 lished in subtitle A.

12 (2) REPORT.—The Director of the Bureau of  
13 the Census shall submit to Congress a report on the  
14 findings of the study required in paragraph (1) of  
15 this subsection, including the following information:

16 (A) An estimate of the total legal and ille-  
17 gal alien populations of the United States, as  
18 they relate to the total population.

19 (B) The projected impact of legal and ille-  
20 gal immigration on the size of the population of  
21 the United States over the next 50 years; the  
22 regions of the country that are likely to experi-  
23 ence the largest increases; and the small towns  
24 and rural counties that are likely to lose their  
25 character as a result of such growth.

1           (C) The impact of the current and pro-  
2           jected foreign-born populations on the natural  
3           environment, including the consumption of non-  
4           renewable resources, waste production, and dis-  
5           posal, the emission of pollutants, and the loss  
6           of habitat and productive farmland; an estimate  
7           of the public expenditures required to maintain  
8           current standards in each of these areas; and  
9           the degree to which current standards will dete-  
10          riorate if such expenditures are not forth-  
11          coming.

12          (D) The impact of the current and pro-  
13          jected foreign-born populations on employment  
14          and wage rates, particularly in industries in  
15          which the foreign born are concentrated; and an  
16          estimate of the associated public costs.

17          (E) The impact of the current and pro-  
18          jected foreign-born populations on the need for  
19          additions and improvements to the transpor-  
20          tation infrastructure of the United States; an  
21          estimate of the public expenditures required to  
22          meet this need; and the impact on Americans'  
23          mobility if such expenditures are not forth-  
24          coming.

1           (F) The impact of the current and pro-  
2           jected foreign-born populations on enrollment,  
3           class size, teacher-student ratios, and the qual-  
4           ity of education in public schools; an estimate  
5           of the public expenditures required to maintain  
6           current median standards; and the degree to  
7           which those standards will deteriorate if such  
8           expenditures are not forthcoming.

9           (G) The impact of the current and pro-  
10          jected foreign-born populations on homeowner-  
11          ship rates, housing prices, and the demand for  
12          low-income and subsidized housing; the public  
13          expenditures required to maintain current me-  
14          dian standards in these areas; and the degree  
15          to which those standards will deteriorate if such  
16          expenditures are not forthcoming.

17          (H) The impact of the current and pro-  
18          jected foreign-born populations on access to  
19          quality health care and on the cost of health  
20          care and health insurance; an estimate of the  
21          public expenditures required to maintain cur-  
22          rent median standards; and the degree to which  
23          those standards will deteriorate if such expendi-  
24          tures are not forthcoming.

1 (I) The impact of the current and pro-  
2 jected foreign-born populations on the criminal  
3 justice system in the United States; and an es-  
4 timate of the associated public costs.

5 **TITLE II—GUARANTEEING UNI-**  
6 **FORM ENFORCEMENT TO**  
7 **STOP TERRORISM**  
8 **Subtitle A—No Access; No**  
9 **Opportunity**

10 **SEC. 201. SENSE OF CONGRESS THAT THE MILITARY, WHEN**  
11 **FEASIBLE, SHOULD CONDUCT TRAINING EX-**  
12 **ERCISES IN SUPPORTING FUNCTIONS FOR**  
13 **THE BORDER PATROL.**

14 It is the sense of Congress that the President should  
15 deploy United States military troops, when feasible, to  
16 conduct training exercises in supporting functions for the  
17 border patrol.

18 **SEC. 202. USE OF ARMY AND AIR FORCE TO SECURE THE**  
19 **BORDERS.**

20 Section 1385 of title 18, United States Code, is  
21 amended by inserting after “execute the laws” the fol-  
22 lowing: “other than at or near a border of the United  
23 States in order to prevent aliens, terrorists, and drug  
24 smugglers from entering the United States”.

1 **SEC. 203. INCREASE IN FULL-TIME USCBP IMMIGRATION**  
2 **INSPECTORS.**

3 Subject to the availability of appropriations, the Sec-  
4 retary of Homeland Security shall increase by 2,000 above  
5 the number funded in fiscal year 2006 the number of full-  
6 time United States Customs and Border Protection immi-  
7 gration inspectors by the end of fiscal year 2008. There  
8 are authorized to be appropriated such sums as may be  
9 necessary for such additional resources for support per-  
10 sonnel and equipment for inspections as may be necessary  
11 to implement such an increase in inspectors.

12 **SEC. 204. INCREASE IN FULL-TIME USICE DETENTION AND**  
13 **REMOVAL OFFICERS.**

14 Subject to the availability of appropriations, the Sec-  
15 retary of Homeland Security shall increase by 2,000 above  
16 the number funded in fiscal year 2006 the number of full-  
17 time United States Immigration and Customs Enforce-  
18 ment detention and removal officers by the end of the fis-  
19 cal year 2008. There are authorized to be appropriated  
20 such sums as may be necessary for additional resources  
21 for support personnel and equipment for detention and re-  
22 movals to implement such increase in personnel.

23 **SEC. 205. FUNCTIONS OF DETENTION AND REMOVAL OFFI-**  
24 **CERS.**

25 Notwithstanding any other provision of law, detention  
26 and removal officers of the Department of Homeland Se-



1 curity at the GS-9 and GS-11 levels are authorized to  
2 perform interior patrol functions, including locating, de-  
3 taining, and transporting aliens who have overstayed their  
4 visas, alien absconders, and aliens apprehended by State  
5 or local authorities.

6 **SEC. 206. INCREASE IN USICE CRIMINAL INVESTIGATORS**  
7 **FOR BENEFITS FRAUD.**

8 Subject to the availability of appropriations, the Sec-  
9 retary of Homeland Security shall increase by 500 above  
10 the number funded in fiscal year 2006 the number of  
11 1811-series criminal investigators to be assigned to the  
12 benefits fraud unit in the United States Immigration and  
13 Customs Enforcement to do benefits and false claims in-  
14 vestigation by the end of fiscal year 2008. There are au-  
15 thorized to be appropriated such sums as may be nec-  
16 essary for related training and support.

17 **SEC. 207. INCREASE IN ATTORNEYS FOR THE USICE LEGAL**  
18 **PROGRAM.**

19 Subject to the availability of appropriations, the Sec-  
20 retary of Homeland Security shall increase by 300 above  
21 the number funded in fiscal year 2006 the number of at-  
22 torneys for the United States Immigration and Customs  
23 Enforcement Legal Program by the end of the fiscal year  
24 2008. There are authorized to be appropriated such sums  
25 as may be necessary for related training and support.

1 **SEC. 208. SUSPENSION OF VISA WAIVER PROGRAM.**

2 (a) Notwithstanding any other provision of law, the  
3 visa waiver program established under section 217 of the  
4 Immigration and Nationality Act is suspended until the  
5 Secretary of Homeland Security determines and certifies  
6 to the Congress that—

7 (1) the automated entry-exit control system au-  
8 thorized under section 110 of the Illegal Immigra-  
9 tion Reform and Immigrant Responsibility Act of  
10 1996 (8 U.S.C. 1221 note), as amended, is fully im-  
11 plemented and functional;

12 (2) all United States ports of entry have func-  
13 tional biometric machine readers; and

14 (3) all nonimmigrants, including Border Cross-  
15 ing Card holders, are processed through the auto-  
16 mated entry-exit system.

17 (b) Subparagraph (B) of section 217(a)(3) of the Im-  
18 migration and Nationality Act (8 U.S.C. 1187(a)(3)) is  
19 repealed.

20 **SEC. 209. CIVIL AND CRIMINAL PENALTIES FOR UNLAWFUL**  
21 **PRESENCE.**

22 (a) **ALIENS UNLAWFULLY PRESENT.**—Title II of the  
23 Immigration and Nationality Act (8 U.S.C. 1151 et seq.)  
24 is amended by inserting after section 275 the following:

1           “CRIMINAL PENALTIES AND FORFEITURE FOR  
2           UNLAWFUL PRESENCE IN THE UNITED STATES

3           “SEC. 275A. (a) In addition to any other violation,  
4 an alien present in the United States in violation of this  
5 Act shall be guilty of a felony and shall be fined under  
6 title 18, United States Code, imprisoned not less than 1  
7 year, or both. The assets of any alien present in the  
8 United States in violation of this Act shall be subject to  
9 forfeiture under title 18, United States Code.

10          “(b) It shall be an affirmative defense to a violation  
11 of subsection (a) that the alien overstayed the time allot-  
12 ted under the visa due to an exceptional and extremely  
13 unusual hardship or physical illness that prevented the  
14 alien from leaving the United States by the required  
15 date.”.

16          (b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL  
17 ENTRY.—Section 275(a) of the Immigration and Nation-  
18 ality Act (8 U.S.C. 1325(a)) is amended by striking “not  
19 more than 6 months,” and inserting “not less than 1  
20 year,”.

21 **SEC. 210. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**  
22 **TIONAL CRIME INFORMATION CENTER DATA-**  
23 **BASE.**

24          (a) PROVISION OF INFORMATION TO THE NCIC.—  
25 Not later than 180 days after the date of enactment of

1 this Act, the Under Secretary for Border and Transpor-  
2 tation Security of the Department of Homeland Security  
3 shall provide the National Crime Information Center of  
4 the Department of Justice with such information as the  
5 Director may have on any and all aliens against whom  
6 a final order of removal has been issued, any and all aliens  
7 who have signed a voluntary departure agreement, and  
8 any and all aliens who have overstayed their visa. Such  
9 information shall be provided to the National Crime Infor-  
10 mation Center regardless of whether or not the alien re-  
11 ceived notice of a final order of removal and even if the  
12 alien has already been removed.

13 (b) INCLUSION OF INFORMATION IN THE NCIC  
14 DATABASE.—Section 534(a) of title 28, United States  
15 Code, is amended—

16 (1) in paragraph (3), by striking “and” at the  
17 end;

18 (2) by redesignating paragraph (4) as para-  
19 graph (5); and

20 (3) by inserting after paragraph (3) the fol-  
21 lowing:

22 “(4) acquire, collect, classify, and preserve  
23 records of violations of the immigration laws of the  
24 United States, regardless of whether or not the alien

1 has received notice of the violation and even if the  
2 alien has already been removed; and”.

3 (c) STATE AND LOCAL LAW ENFORCEMENT PROVI-  
4 SION OF INFORMATION ABOUT APPREHENDED ILLEGAL  
5 ALIENS.—

6 (1) PROVISION OF INFORMATION.—

7 (A) IN GENERAL.—In order to receive  
8 funds under the State Criminal Alien Assist-  
9 ance Program described in section 241(i) of the  
10 Immigration and Nationality Act (8 U.S.C.  
11 1231(i)), States and localities shall provide to  
12 the Department of Homeland Security the in-  
13 formation listed in subsection (b) on each alien  
14 apprehended in the jurisdiction of the State or  
15 locality who is believed to be in violation of an  
16 immigration law of the United States.

17 (B) TIME LIMITATION.—Not later than 10  
18 days after an alien described in paragraph (1)  
19 is apprehended, information required to be pro-  
20 vided under paragraph (1) must be provided in  
21 such form and in such manner as the Secretary  
22 of Homeland Security may, by regulation or  
23 guideline, require.

24 (2) INFORMATION REQUIRED.—The information  
25 listed in this subsection is as follows:

1 (A) The alien's name.

2 (B) The alien's address or place of resi-  
3 dence.

4 (C) A physical description of the alien.

5 (D) The date, time, and location of the en-  
6 counter with the alien and reason for stopping,  
7 detaining, apprehending, or arresting the alien.

8 (E) If applicable, the alien's driver's li-  
9 cense number and the State of issuance of such  
10 license.

11 (F) If applicable, the type of any other  
12 identification document issued to the alien, any  
13 designation number contained on the identifica-  
14 tion document, and the issuing entity for the  
15 identification document.

16 (G) If applicable, the license plate number,  
17 make, and model of any automobile registered  
18 to, or driven by, the alien.

19 (H) A photo of the alien, if available or  
20 readily obtainable.

21 (I) The alien's fingerprints, if available or  
22 readily obtainable.

23 (3) REIMBURSEMENT.—The Department of  
24 Homeland Security shall reimburse States and local-  
25 ities for all reasonable costs, as determined by the

1 Secretary of Homeland Security, incurred by that  
2 State or locality as a result of providing information  
3 required by this section.

4 (4) AUTHORIZATION OF APPROPRIATIONS.—  
5 There is authorized to be appropriated such sums as  
6 necessary to carry out this Act.

7 (d) FORGERY OF FEDERAL DOCUMENTS.—

8 (1) IN GENERAL.—Chapter 25 of title 18,  
9 United States Code, is amended by adding at the  
10 end the following:

11 **“§ 515. Federal records, documents, and writings,**  
12 **generally**

13 “Any person who—

14 “(1) falsely makes, alters, forges, or counter-  
15 feits any Federal record, Federal document, Federal  
16 writing, or record, document or writing character-  
17 izing, or purporting to characterize, official Federal  
18 activity, service, contract, obligation, duty, property,  
19 or chose;

20 “(2) utters or publishes as true, or possesses  
21 with intent to utter or publish as true, any record,  
22 document, or writing described in paragraph (1),  
23 knowing, or negligently failing to know, that such  
24 record, document or writing has not been verified,

1 has been inconclusively verified, is unable to be  
2 verified, or is false, altered, forged, or counterfeited;

3 “(3) transmits to, or presents at any office, or  
4 to any officer, of the United States, any records,  
5 document, or writing described in paragraph (1),  
6 knowing, or negligently failing to know, that such  
7 record, document or writing has not been verified,  
8 has been inconclusively verified, in unable to be  
9 verified, or is false, altered, forged, or counterfeited;

10 “(4) attempts, or conspires to commit, any of  
11 the acts described in paragraphs (1) through (3); or

12 “(5) while outside of the United States, engages  
13 in any of the acts described in paragraphs (1)  
14 through (3),

15 shall be fined under this title, imprisoned not more than  
16 10 years, or both.”.

17 (2) CLERICAL AMENDMENT.—The table of con-  
18 tents for chapter 25, of title 18, United States Code,  
19 is amended by inserting after the item relating to  
20 section 415 the following:

“515. Federal records, documents, and writing, generally.”.



1 **SEC. 211. CIVIL AND CRIMINAL PENALTIES FOR DOCUMENT**  
2 **FRAUD, BENEFIT FRAUD, AND FALSE CLAIMS**  
3 **OF CITIZENSHIP.**

4 (a) PENALTIES FOR DOCUMENT FRAUD.—Section  
5 274C(d)(3) of the Immigration and Nationality Act (8  
6 U.S.C. 1324c(d)(3)) is amended—

7 (1) in subparagraph (A), by striking “\$250 and  
8 not more than \$2,000” and inserting “\$500 and not  
9 more than \$4,000”; and

10 (2) in subparagraph (B), by striking “\$2,000  
11 and not more than \$5,000” and inserting “\$4,000  
12 and not more than \$10,000”.

13 (b) FRAUD AND FALSE STATEMENTS.—Chapter 47  
14 of title 18, United States Code, is amended

15 (1) in section 1015, by striking “five years”  
16 and inserting “10 years”; and

17 (2) in section 1028(b)—

18 (A) in paragraph (1), by striking “15  
19 years” and inserting “20 years”;

20 (B) in paragraph (2), by striking “three  
21 years” and inserting “six years”;

22 (C) in paragraph (3), by striking “20  
23 years” and inserting “25 years”; and

24 (D) in paragraph (6), by striking “one  
25 year” and inserting “two years”.

1 **SEC. 212. IDENTIFICATION STANDARD FOR FEDERAL BENE-**  
2 **FITS.**

3 (a) **FEDERAL AGENCIES.**—No department, agency,  
4 commission, other entity, or employee of the Federal Gov-  
5 ernment may accept, recognize, or rely on (or authorize  
6 the acceptance or recognition of or reliance on) for the  
7 purpose of establishing identity any document except those  
8 described in subsection (c).

9 (b) **STATE AND LOCAL AGENCIES.**—No department,  
10 agency, commission, other entity, or employee of a State  
11 or local government charged with providing or approving  
12 applications for public benefits or services funded in whole  
13 or in part with Federal funds may accept, recognize, or  
14 rely on (or authorize the acceptance or recognition of or  
15 reliance on) for the purpose of establishing identity any  
16 document except those described in subsection (c).

17 (c) **DOCUMENTS DESCRIBED.**—Documents described  
18 in this subsection are limited to—

19 (1)(A) Valid, unexpired United States pass-  
20 ports, immigration documents, and other identity  
21 documents issued by a Federal authority.

22 (B) Individual taxpayer identification numbers  
23 issued by the Internal Revenue Service shall not be  
24 considered identity documents for purposes of sub-  
25 paragraph (A).

1           (2) Valid, unexpired identity documents issued  
2           by a State or local authority if—

3                   (A) the State or local authority statutorily  
4           bars issuance of such identity documents to  
5           aliens unlawfully present in the United States;  
6           and

7                   (B) the State or local authority requires  
8           independent verification of records provided by  
9           the applicant in support of the application for  
10          such identity documents.

11          (3) Valid, unexpired foreign passports, if such  
12          passports include or are accompanied by proof of  
13          lawful presence in the United States.

14 **SEC. 213. FINGERPRINTING OF APPLICANTS FOR UNITED**  
15 **STATES PASSPORTS.**

16          Section 1 of title IX of the Act of June 15, 1917  
17 (22 U.S.C. 213) is amended—

18               (1) by inserting “(a)” before “Before a pass-  
19          port”;

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

21          “(b) No new or replacement United States passport  
22 may be issued to any applicant on or after January 1,  
23 2008, unless—

24               “(1) the applicant has been fingerprinted elec-  
25          tronically; and

1           “(2) the applicant’s fingerprints have been  
2 checked against the National Crime Information  
3 Center database of the Federal Bureau of Investiga-  
4 tion.”.

5 **SEC. 214. VISA TERM COMPLIANCE BONDS.**

6           (a) DEFINITIONS.—For purposes of this section:

7           (1) VISA TERM COMPLIANCE BOND.—The term  
8 “visa term compliance bond” means a written  
9 suretyship undertaking entered into by an alien indi-  
10 vidual seeking admission to the United States on a  
11 nonimmigrant visa whose performance is guaranteed  
12 by a bail agent.

13           (2) SURETYSHIP UNDERTAKING.—The term  
14 “suretyship undertaking” means a written agree-  
15 ment, executed by a bail agent, which binds all par-  
16 ties to its certain terms and conditions and which  
17 provides obligations for the visa applicant while  
18 under the bond and penalties for forfeiture to ensure  
19 the obligations of the principal under the agreement.

20           (3) BAIL AGENT.—The term “bail agent”  
21 means any individual properly licensed, approved,  
22 and appointed by power of attorney to execute or  
23 countersign bail bonds in connection with judicial  
24 proceedings and who receives a premium.

1           (4) SURETY.—The term “surety” means an en-  
2           tity, as defined by, and that is in compliance with,  
3           sections 9304 through 9308 of title 31, United  
4           States Code, that agrees—

5                   (A) to guarantee the performance, where  
6                   appropriate, of the principal under a visa term  
7                   compliance bond;

8                   (B) to perform as required in the event of  
9                   a forfeiture; and

10                   (C) to pay over the principal (penal) sum  
11                   of the bond for failure to perform.

12           (5) SECRETARY.—The term “Secretary” means  
13           the Secretary of Homeland Security.

14           (b) ISSUANCE OF BOND.—A consular officer may re-  
15           quire an applicant for a nonimmigrant visa, as a condition  
16           for granting such application, to obtain a visa term com-  
17           pliance bond.

18           (c) VALIDITY, EXPIRATION, RENEWAL, AND CAN-  
19           CELLATION OF BONDS.—

20                   (1) VALIDITY.—A visa term compliance bond  
21                   undertaking is valid if it—

22                           (A) states the full, correct, and proper  
23                           name of the alien principal;

24                           (B) states the amount of the bond;

1           (C) is guaranteed by a surety and  
2           countersigned by an attorney-in-fact who is  
3           properly appointed;

4           (D) is an original signed document;

5           (E) is filed with the Secretary of Home-  
6           land Security along with the original application  
7           for a visa; and

8           (F) is not executed by electronic means.

9           (2) EXPIRATION.—A visa term compliance bond  
10          undertaking shall expire at the earliest of—

11           (A) 1 year after the date of issue;

12           (B) at the expiration, cancellation, or sur-  
13          render of the visa; or

14           (C) immediately upon nonpayment of the  
15          premium.

16          (3) RENEWAL.—A visa term compliance may be  
17          renewed annually with payment of proper premium  
18          at the option of the bail agent or surety, but only  
19          if there has been no breach of conditions, default,  
20          claim, or forfeiture of the bond.

21          (4) CANCELLATION.—A visa term compliance  
22          bond shall be canceled and the surety and bail agent  
23          exonerated—

24           (A) for nonrenewal;

1 (B) if the surety or bail agent provides  
2 reasonable evidence that there was misrepresenta-  
3 tion or fraud in the application for the bond;

4 (C) upon termination of the visa;

5 (D) upon death, incarceration of the prin-  
6 cipal, or the inability of the surety to produce  
7 the principal for medical reasons;

8 (E) if the principal is detained in any city,  
9 State, country, or political subdivision thereof;

10 (F) if the principal departs from the  
11 United States for any reason without permis-  
12 sion of the Secretary of Homeland Security and  
13 the surety or bail agent; or

14 (G) if the principal is surrendered by the  
15 surety.

16 (5) EFFECT OF EXPIRATION OR CANCELLA-  
17 TION.—When a visa term compliance bond expires  
18 without being immediately renewed, or is canceled,  
19 the nonimmigrant status of the alien shall be re-  
20 voked immediately.

21 (6) SURRENDER OF PRINCIPAL; FORFEITURE  
22 OF BOND PREMIUM.—

23 (A) SURRENDER.—At any time before a  
24 breach of any of the conditions of a visa term  
25 compliance bond, the surety or bail agent may

1           surrender the principal, or the principal may  
2           surrender, to any United States Immigration  
3           and Customs Enforcement or Customs and  
4           Border Protection office or facility.

5           (B) FORFEITURE OF BOND PREMIUM.—A  
6           principal may be surrendered without the re-  
7           turn of any bond premium if the visa holder—

8                   (i) changes address without notifying  
9                   the surety or bail agent and the Secretary  
10                  of Homeland Security in writing at least  
11                  60 days prior to such change;

12                  (ii) changes schools, jobs, or occupa-  
13                  tions without written permission of the  
14                  surety, bail agent, and the Secretary;

15                  (iii) conceals himself or herself;

16                  (iv) fails to report to the Secretary as  
17                  required at least annually; or

18                  (v) violates the contract with the bail  
19                  agent or surety, commits any act that may  
20                  lead to a breach of the bond, or otherwise  
21                  violates any other obligation or condition  
22                  of the visa established by the Secretary.

23           (7) CERTIFIED COPY OF UNDERTAKING OR  
24           WARRANT TO ACCOMPANY SURRENDER.—



1 (A) IN GENERAL.—A person desiring to  
2 make a surrender of the visa holder—

3 (i) shall have the right to petition any  
4 Federal court for an arrest warrant for the  
5 arrest of the visa holder;

6 (ii) shall forthwith be provided a cer-  
7 tified copy of the arrest warrant and the  
8 undertaking; and

9 (iii) shall have the right to pursue, ap-  
10 prehend, detain, and deliver the visa hold-  
11 er, together with the certified copy of the  
12 arrest warrant and the undertaking, to any  
13 official or facility of the United States Im-  
14 migration and Customs Enforcement or of  
15 Customs and Border Protection or any de-  
16 tention facility authorized to hold Federal  
17 detainees.

18 (B) EFFECTS OF DELIVERY.—Upon deliv-  
19 ery of a person under subparagraph (A)(iii)—

20 (i) the official to whom the delivery is  
21 made shall detain the visa holder in cus-  
22 tody and issue a written certificate of sur-  
23 render; and

24 (ii) the court issuing the warrant de-  
25 scribed in subparagraph (A)(i) and the

1 Secretary of Homeland Security shall im-  
2 mediately exonerate the surety and bail  
3 agent from any further liability on the  
4 bond.

5 (8) FORM OF BOND.—A visa term compliance  
6 bond shall in all cases state the following and be se-  
7 cured by a surety:

8 (A) BREACH OF BOND; PROCEDURE; FOR-  
9 FEITURE; NOTICE.—

10 (i) If a visa holder violates any condi-  
11 tions of the visa or the visa bond the Sec-  
12 retary shall—

13 (I) order the visa canceled;

14 (II) immediately obtain a war-  
15 rant for the visa holder's arrest;

16 (III) order the bail agent and  
17 surety to take the visa holder into  
18 custody and surrender the visa holder  
19 to the Secretary; and

20 (IV) mail notice to the bail agent  
21 and surety via certified mail return  
22 receipt at each of the addresses in the  
23 bond.

24 (ii) A bail agent or surety shall have  
25 full and complete access to any and all in-

1 formation, electronic or otherwise, in the  
2 care, custody, and control of the United  
3 States Government or any State or local  
4 government or any subsidiary or police  
5 agency thereof regarding the visa holder  
6 needed to comply with section 213 of the  
7 REAL GUEST Act of 2005 that the court  
8 issuing the warrant believes is crucial in lo-  
9 cating the visa holder.

10 (iii) If the visa holder is later ar-  
11 rested, detained, or otherwise located out-  
12 side the United States and the outlying  
13 possessions of the United States (as de-  
14 fined in section 101(a) of the Immigration  
15 and Nationality Act), the Secretary shall—

16 (I) order that the bail agent and  
17 surety are completely exonerated, and  
18 the bond canceled and terminated;  
19 and

20 (II) if the Secretary has issued  
21 an order under clause (i), the surety  
22 may request, by written, properly filed  
23 motion, reinstatement of the bond.

1 Subclause (II) may not be construed to  
2 prevent the Secretary from revoking or re-  
3 setting a higher bond.

4 (iv) The bail agent or surety must—

5 (I) produce the visa bond holder;

6 or

7 (II)(aa) prove within 180 days

8 that producing the bond holder was  
9 prevented—

10 (AA) by the bond holder's

11 illness or death;

12 (BB) because the bond hold-

13 er is detained in custody in any

14 city, State, country, or political

15 subdivision thereof;

16 (CC) because the bond hold-

17 er has left the United States or

18 its outlying possessions (as de-

19 fined in section 101(a) of the Im-

20 migration and Nationality Act (8

21 U.S.C. 1101(a)); or

22 (DD) because required no-

23 tice was not given to the bail

24 agent or surety; and

1 (bb) prove within 180 days that  
2 the inability to produce the bond hold-  
3 er was not with the consent or conniv-  
4 ance of the bail agent or sureties.

5 (v) If the bail agent or surety does  
6 not comply with the terms of this bond  
7 within 60 days after the mailing of the no-  
8 tice required under clause (i)(IV), a por-  
9 tion of the face value of the bond shall be  
10 assessed as a penalty against the surety.

11 (vi) If compliance occurs more than  
12 60 days but no more than 90 days after  
13 the mailing of such notice, the amount as-  
14 sessed shall be one-third of the face value  
15 of the bond.

16 (vii) If compliance occurs more than  
17 90 days, but no more than 180 days, after  
18 the mailing of such notice, the amount as-  
19 sessed shall be two-thirds of the face value  
20 of the bond.

21 (viii) If compliance does not occur  
22 within 180 days after the mailing of such  
23 notice, the amount assessed shall be 100  
24 percent of the face value of the bond.

1 (ix) All penalty fees shall be paid by  
2 the surety within 45 days after the end of  
3 such 180-day period.

4 (B) WAIVER.—The Secretary may waive  
5 the penalty fees or extend the period for pay-  
6 ment or both under subparagraph (A), if—

7 (i) a written request is filed with the  
8 Secretary; and

9 (ii) the bail agent or surety provides  
10 evidence satisfactory to the Secretary that  
11 diligent efforts were made to effect compli-  
12 ance of the visa holder.

13 (C) COMPLIANCE; EXONERATION; LIMITA-  
14 TION OF LIABILITY.—

15 (i) COMPLIANCE.—The bail agent or  
16 surety shall have the absolute right to lo-  
17 cate, apprehend, arrest, detain, and sur-  
18 render any visa holder, wherever the visa  
19 holder may be found, who violates any of  
20 the terms and conditions of the visa or  
21 bond.

22 (ii) EXONERATION.—Upon satisfying  
23 any of the requirements of the bond, the  
24 surety shall be completely exonerated.

1 (iii) LIMITATION OF LIABILITY.—The  
2 total liability on any undertaking shall not  
3 exceed the face amount of the bond.

4 **SEC. 215. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.**

5 Section 236(a)(2) of the Immigration and Nationality  
6 Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

7 “(2) subject to section 241(a)(8), may release  
8 the alien on bond of at least \$10,000, with security  
9 approved by, and containing conditions prescribed  
10 by, the Secretary of Homeland Security, but the  
11 Secretary shall not release the alien on or to the  
12 alien’s own recognizance unless an order of an immi-  
13 gration judge expressly finds that the alien is not a  
14 flight risk and is not a threat to the United States;  
15 and”.

16 **SEC. 216. DETENTION OF ALIENS DELIVERED BY BONDS-**  
17 **MEN.**

18 (a) IN GENERAL.—Section 241(a) of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1231(a)) is amended  
20 by adding at the end the following:

21 “(8) EFFECT OF PRODUCTION OF ALIEN BY  
22 BONDSMAN.—Notwithstanding any other provision  
23 of law, the Secretary of Homeland Security shall  
24 take into custody any alien subject to a final order  
25 of removal, and cancel any bond previously posted

1 for the alien, if the alien is produced within the pre-  
2 scribed time limit by the obligor on the bond. The  
3 obligor on the bond shall be deemed to have substan-  
4 tially performed all conditions imposed by the terms  
5 of the bond, and shall be released from liability on  
6 the bond, if the alien is produced within such time  
7 limit.”.

8 (b) **EFFECTIVE DATE.**—The amendment made by  
9 subsection (a) shall take effect on the date of the enact-  
10 ment of this Act and shall apply to all immigration bonds  
11 posted before, on, or after such date.

12 **SEC. 217. INDEPENDENT VERIFICATION OF BIRTH**  
13 **RECORDS PROVIDED IN SUPPORT OF APPLI-**  
14 **CATIONS FOR SOCIAL SECURITY ACCOUNT**  
15 **NUMBERS.**

16 (a) **APPLICATIONS FOR SOCIAL SECURITY ACCOUNT**  
17 **NUMBERS.**—Section 205(c)(2)(B)(ii) of the Social Secu-  
18 rity Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended

19 (1) by inserting “(I)” after “(ii)”; and

20 (2) by adding at the end the following new sub-  
21 clause:

22 “(II) With respect to an application for a social secu-  
23 rity account number for an individual, other than for pur-  
24 poses of enumeration at birth, the Commissioner of Social  
25 Security shall require independent verification of any birth



1 record provided by the applicant in support of the applica-  
2 tion.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) shall apply with respect to applications filed  
5 more than 180 days after the date of the enactment of  
6 this Act.

7 **SEC. 218. BIRTH CERTIFICATES.**

8 (a) APPLICABILITY OF MINIMUM STANDARDS TO  
9 LOCAL GOVERNMENTS.—The minimum standards in this  
10 section applicable to birth certificates issued by a State  
11 shall also apply to birth certificates issued by a local gov-  
12 ernment in the State. It shall be the responsibility of the  
13 State to ensure that local governments in the State comply  
14 with the minimum standards.

15 (b) MINIMUM STANDARDS FOR FEDERAL RECOGNI-  
16 TION.—

17 (1) MINIMUM STANDARDS FOR FEDERAL  
18 USE.—

19 (A) IN GENERAL.—Beginning 3 years after  
20 the date of the enactment of this Act, a Federal  
21 agency may not accept, for any official purpose,  
22 a birth certificate issued by a State to any per-  
23 son unless the State is meeting the require-  
24 ments of this section.

1           (B) STATE CERTIFICATIONS.—The Sec-  
2           retary of Homeland Security shall determine  
3           whether a State is meeting the requirements of  
4           this section based on certifications made by the  
5           State to the Secretary. Such certifications shall  
6           be made at such times and in such manner as  
7           the Secretary, in consultation with the Sec-  
8           retary of Health and Human Services, may pre-  
9           scribe by regulation.

10          (2) MINIMUM DOCUMENT STANDARDS.—To  
11          meet the requirements of this section, a State shall  
12          include, on each birth certificate issued to a person  
13          by the State, the use of safety paper, the seal of the  
14          issuing custodian of record, and such other features  
15          as the Secretary of Homeland Security may deter-  
16          mine necessary to prevent tampering, counterfeiting,  
17          and otherwise duplicating the birth certificate for  
18          fraudulent purposes. The Secretary may not require  
19          a single design to which birth certificates issued by  
20          all States must conform.

21          (3) MINIMUM ISSUANCE STANDARDS.—

22                (A) IN GENERAL.—To meet the require-  
23                ments of this section, a State shall require and  
24                verify the following information from the re-

1           requestor before issuing an authenticated copy of  
2           a birth certificate:

3                   (i) The name on the birth certificate.

4                   (ii) The date and location of the birth.

5                   (iii) The mother's maiden name.

6                   (iv) Substantial proof of the requestor's  
7                   identity.

8                   (B) ISSUANCE TO PERSONS NOT NAMED  
9                   ON BIRTH CERTIFICATE.—To meet the require-  
10                  ments of this section, in the case of a request  
11                  by a person who is not named on the birth cer-  
12                  tificate, a State must require the presentation  
13                  of legal authorization to request the birth cer-  
14                  tificate before issuance.

15                  (C) ISSUANCE TO FAMILY MEMBERS.—Not  
16                  later than one year after the date of the enact-  
17                  ment of this Act, the Secretary of Homeland  
18                  Security, in consultation with the Secretary of  
19                  Health and Human Services and the States,  
20                  shall establish minimum standards for issuance  
21                  of a birth certificate to specific family members,  
22                  their authorized representatives, and others who  
23                  demonstrate that the certificate is needed for  
24                  the protection of the requestor's personal or  
25                  property rights.

1           (D) WAIVERS.—A State may waive the re-  
2           quirements set forth in clauses (i) through (iii)  
3           of subparagraph (A) in exceptional cir-  
4           cumstances, such as the incapacitation of the  
5           registrant.

6           (E) APPLICATIONS BY ELECTRONIC  
7           MEANS.—To meet the requirements of this sec-  
8           tion, for applications by electronic means,  
9           through the mail or by phone or fax, a State  
10          shall employ third party verification, or equiva-  
11          lent verification, of the identity of the re-  
12          questor.

13          (F) VERIFICATION OF DOCUMENTS.—To  
14          meet the requirements of this section, a State  
15          shall verify the documents used to provide proof  
16          of identity of the requestor.

17          (4) OTHER REQUIREMENTS.—To meet the re-  
18          quirements of this section, a State shall adopt, at a  
19          minimum, the following practices in the issuance  
20          and administration of birth certificates:

21                  (A) Establish and implement minimum  
22                  building security standards for State and local  
23                  vital record offices.

24                  (B) Restrict public access to birth certifi-  
25                  cates and information gathered in the issuance

1 process to ensure that access is restricted to en-  
2 tities with which the State has a binding pri-  
3 vacy protection agreement.

4 (C) Subject all persons with access to vital  
5 records to appropriate security clearance re-  
6 quirements.

7 (D) Establish fraudulent document rec-  
8 ognition training programs for appropriate em-  
9 ployees engaged in the issuance process.

10 (E) Establish and implement internal oper-  
11 ating system standards for paper and for elec-  
12 tronic systems.

13 (F) Establish a central database that can  
14 provide interoperative data exchange with other  
15 States and with Federal agencies, subject to  
16 privacy restrictions and confirmation of the au-  
17 thority and identity of the requestor.

18 (G) Ensure that birth and death records  
19 are matched in a comprehensive and timely  
20 manner, and that all electronic birth records  
21 and paper birth certificates of decedents are  
22 marked “deceased”.

23 (H) Cooperate with the Secretary of  
24 Homeland Security in the implementation of

1           electronic verification of vital events under sub-  
2           section (d).

3           (c) ESTABLISHMENT OF ELECTRONIC BIRTH AND  
4 DEATH REGISTRATION SYSTEMS.—In consultation with  
5 the Secretary of Health and Human Services and the  
6 Commissioner of Social Security, the Secretary of Home-  
7 land Security 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 (d) ELECTRONIC VERIFICATION OF VITAL  
2 EVENTS.—

3 (1) LEAD AGENCY.—The Secretary of Home-  
4 land Security shall lead the implementation of elec-  
5 tronic verification of a person’s birth and death.

6 (2) REGULATIONS.—In carrying out paragraph  
7 (1), the Secretary shall issue regulations to establish  
8 a means by which authorized Federal and State  
9 agency users with a single interface will be able to  
10 generate an electronic query to any participating  
11 vital records jurisdiction throughout the United  
12 States to verify the contents of a paper birth certifi-  
13 cate. Pursuant to the regulations, an electronic re-  
14 sponse from the participating vital records jurisdic-  
15 tion as to whether there is a birth record in their  
16 database that matches the paper birth certificate will  
17 be returned to the user, along with an indication if  
18 the matching birth record has been flagged “de-  
19 ceased”. The regulations shall take effect not later  
20 than 5 years after the date of the enactment of this  
21 Act.

22 (e) GRANTS TO STATES.—

23 (1) IN GENERAL.—The Secretary of Homeland  
24 Security may make grants to States to assist the



1 States in conforming to the minimum standards set  
2 forth in this section.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the Sec-  
5 retary of Homeland Security for each of the fiscal  
6 years 2006 through 2009 such sums as may be nec-  
7 essary to carry out this section.

8 (f) AUTHORITY.—

9 (1) PARTICIPATION WITH FEDERAL AGENCIES  
10 AND 25 STATES.—All authority to issue regulations,  
11 certify standards, and issue grants under this sec-  
12 tion shall be carried out by the Secretary of Home-  
13 land Security, with the concurrence of the Secretary  
14 of Health and Human Services and in consultation  
15 with State vital statistics offices and appropriate  
16 Federal agencies.

17 (2) EXTENSIONS OF DEADLINES.—The Sec-  
18 retary of Homeland Security may grant to a State  
19 an extension of time to meet the requirements of  
20 subsection (b)(1)(A) if the State provides adequate  
21 justification for noncompliance.

22 (g) REPEAL.—Section 7211 of the Intelligence Re-  
23 form and Terrorism Prevention Act of 2004 (Public Law  
24 108–458) is repealed.

1 **SEC. 219. MAXIMUM PERIOD OF VALIDITY FOR STATE LI-**  
2 **CENSES AND IDENTIFICATION DOCUMENTS.**

3 Section 202(d)(10) of the REAL ID Act of 2005 (di-  
4 vision B of Public Law 109–13) is amended by striking  
5 “8 years” and inserting “5 years”.

6 **SEC. 220. ESTABLISHMENT OF IMMIGRATION AND CUS-**  
7 **TOMS FIELD OFFICE IN TULSA, OKLAHOMA.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) On July 17, 2002, 18 illegal immigrants,  
10 including 3 minors, were taken into custody by the  
11 Tulsa County Sheriff’s Department and later re-  
12 leased by the former Immigration and Naturaliza-  
13 tion Service.

14 (2) On August 13, 2002, an immigration task  
15 force meeting convened in Tulsa, Oklahoma, with  
16 the goal of bringing together local law enforcement  
17 and the Immigration and Naturalization Service to  
18 open a dialogue to find effective ways to better en-  
19 force Federal immigration laws in the first District  
20 of Oklahoma.

21 (3) On January 22, 2003, 4 new agents were  
22 hired at the Immigration and Naturalization Service  
23 office in Oklahoma City.

24 (4) On January 30, 2003, 6 new special agents  
25 were added to the staff of the Immigration and Nat-  
26 uralization Service’s Oklahoma office.

1           (5) On September 22, 2004, U.S. Immigration  
2           and Customs Enforcement authorized the release of  
3           18 possible illegal aliens that were in the custody of  
4           the City of Catoosa, Oklahoma Policy Department.  
5           Catoosa Police stopped a truck carrying 18 persons,  
6           including children, in the early morning hours. Only  
7           2 of the detainees produced identification. One adult  
8           was arrested on drug possession charges, while the  
9           remaining individuals were released.

10           (6) There is 1 U.S. Immigration and Customs  
11           Enforcement Office of Investigations in Oklahoma,  
12           which is located in Oklahoma City and has 12  
13           agents serving 3,500,000 people.

14           (7) Interstate Highways I-44 and U.S.-75 are  
15           major roads through Tulsa, Oklahoma, and serve for  
16           the transportation of illegal immigrants to all areas  
17           of the United States.

18           (8) The establishment of a U.S. Immigration  
19           and Customs Enforcement Office of Investigations  
20           field office in Tulsa, Oklahoma, will help enforce  
21           Federal immigration laws in eastern Oklahoma.

22           (9) There are 7 Drug Enforcement Administra-  
23           tion agents, and an estimated 22 Federal Bureau of  
24           Investigation agents, headquartered in Tulsa, Okla-

1       homa, while no U.S. Immigration and Customs En-  
2       forcement agents are located in Tulsa, Oklahoma.

3       (b) ESTABLISHMENT OF TULSA FIELD OFFICE.—

4 Not later than 180 days after the date of enactment of  
5 this Act, the Secretary of Homeland Security shall, subject  
6 to the availability of appropriated funds, establish a U.S.  
7 Immigration and Customs Enforcement of Investigations  
8 field office in Tulsa, Oklahoma.

9       **Subtitle B—Reversing Unlawful**  
10       **Migration**

11       **SEC. 221. MANDATORY EMPLOYMENT AUTHORIZATION**

12       **VERIFICATION.**

13       (a) RENAMING OF BASIC PILOT PROGRAM.—The  
14 basic pilot program established under section 403(a) of  
15 the Illegal Immigration Reform and Immigrant Responsi-  
16 bility Act of 1996 (division C of Public Law 104–208; 8  
17 U.S.C. 1324a note) is hereby renamed the “Employment  
18 Authorization Status Instant Check” or “EASI Check”  
19 system.

20       (b) PERMANENT OPERATION OF THE PROGRAM.—

21 The EASI Check system shall continue in operation per-  
22 manently and shall not terminate.

23       (c) MANDATORY USE OF EASI CHECK SYSTEM.—

24               (1) IN GENERAL.—Subject to paragraphs (2)

25       and (3), every person or other entity that hires one

1 or more individuals for employment in the United  
2 States shall verify through the EASI Check system  
3 that each such individual is authorized to work in  
4 the United States.

5 (2) SELECT ENTITIES REQUIRED TO USE EASI  
6 CHECK SYSTEM IMMEDIATELY.—The following enti-  
7 ties 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 (C) LARGER EMPLOYERS IN CERTAIN IN-  
24 DUSTRIES.—An employer that employs more  
25 than 50 individuals in the United States in any

1 of the following industries, as defined by the  
2 Secretary of Labor:

3 (i) Agriculture.

4 (ii) Meat packing.

5 (iii) Construction.

6 (iv) Leisure and hospitality.

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

8 (A) 2 YEARS FOR EMPLOYERS OF 20 OR  
9 MORE.—Entities that employ 20 or more indi-  
10 viduals in the United States in any industry  
11 must satisfy the requirement in paragraph (1)  
12 by not later than two years after the date of the  
13 enactment of this Act.

14 (B) 3 YEARS FOR ALL EMPLOYERS.—All  
15 entities that employ one or more individuals in  
16 the United States must satisfy the requirement  
17 in paragraph (1) by not later than three years  
18 after the date of the enactment of this 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 EASI Check  
23 system by no later than four years after enactment  
24 that each employee is authorized to work in the  
25 United States.

1           (5) DEFENSE.—An employer who establishes  
2           that the employer complied in good faith with the re-  
3           quirements in paragraphs (1) and (4) shall not be  
4           liable for hiring an unauthorized alien, if—

5                   (A) such hiring occurred due to an error in  
6                   the EASI Check system that was unknown to  
7                   the employer at the time of such hiring; and

8                   (B) the employer terminates the employ-  
9                   ment of the alien upon being informed of the  
10                  error.

11           (6) SANCTIONS FOR NONCOMPLIANCE.—The  
12           failure of an employer to comply with the require-  
13           ments in paragraph (1) or (4) shall—

14                   (A) be treated as a violation of section  
15                   274A(a)(1)(B) of the Immigration and Nation-  
16                   ality Act (8 U.S.C. 1324a(a)(1)(B)) with re-  
17                   spect to each individual whose employment au-  
18                   thorization status was not verified; and

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

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 EASI Check system to verify the employ-  
4 ment authorization of new hires, current employees,  
5 or both.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated such sums as may be  
8 required to carry out this section.

9 **SEC. 222. EMPLOYER SANCTIONS.**

10 (a) INCREASE IN PENALTY FOR VIOLATIONS.—Sub-  
11 section 274A(e)(4) of the Immigration and Nationality  
12 Act (8 U.S.C. 1324a(e)(4)) is amended—

13 (1) in subparagraph (A)(i), by striking “not  
14 less than \$250 and not more than \$2,000” and in-  
15 sserting “\$5,000”;

16 (2) in subparagraph (A)(ii), by striking “not  
17 less than \$2,000 and not more than \$5,000” and in-  
18 sserting “\$10,000”;

19 (3) in subparagraph (A)(iii), by striking “not  
20 less than \$3,000 and not more than \$10,000” and  
21 inserting “\$25,000”; and

22 (4) in subparagraph (B), by striking clause (i)  
23 and redesignating clause (ii) as clause (i).

24 (b) ENFORCEMENT THROUGH LIMITATION ON H  
25 NONIMMIGRANT PETITIONS.—Subsection 274A(e) of such



1 Act (8 U.S.C. 1324a(e)) is further amended by adding at  
2 the end the following:

3 “(10) LIMITATION ON H NONIMMIGRANT PETI-  
4 TIONS.—Any person or entity found in violation of  
5 subsection (a)(1)(A) or (a)(2) shall be ineligible for  
6 a period of 5 years following the first offense, and  
7 permanently following the second offense, to petition  
8 for a nonimmigrant described in section  
9 101(a)(15)(H).”.

10 (c) INCREASE IN CRIMINAL PENALTY.—Section  
11 274A(f)(1) of such Act (8 U.S.C. 1324a(f)(1)) is amended  
12 to read as follows:

13 “(1) CRIMINAL PENALTY.—Any person or enti-  
14 ty which engages in a pattern or practice of viola-  
15 tions of subsection (a)(1)(A) or (a)(2) shall be fined  
16 not more than \$25,000 for each unauthorized alien  
17 with respect to whom such a violation occurs, im-  
18 prisoned for not less than one year, or both, notwith-  
19 standing the provisions of any other Federal law re-  
20 lating to fine levels.”.

21 **SEC. 223. LIMITED DURATION SOCIAL SECURITY ACCOUNT**  
22 **NUMBERS FOR NONIMMIGRANTS.**

23 (a) TEMPORARY SOCIAL SECURITY CARDS FOR NON-  
24 IMMIGRANTS.—Section 205(c)(2)(G) of the Social Secu-  
25 rity Act (42 U.S.C. 405(c)(2)(G)) is amended by inserting

1 after the first sentence the following: “Social security  
2 cards issued to aliens who are not lawful permanent resi-  
3 dents, but who are authorized to engage in employment  
4 in the United States, shall bear on their face an expiration  
5 date that coincides with the expiration of the alien’s per-  
6 mission to be employed in the United States. The social  
7 security account numbers on such cards shall not be valid  
8 to prove work authorization, either through the EASI  
9 Check system or otherwise, following their expiration.”.

10 (b) TIMING OF ISSUANCE TO ALIENS.—Subclause (I)  
11 of section 205(c)(2)(B)(i) of the Social Security Act (42  
12 U.S.C. 405(c)(2)(B)(i)(I)) is amended to read as follows:

13 “(I) to aliens at the time of their lawful admis-  
14 sion to the United States for or adjustment of status  
15 to—

16 “(aa) permanent residence; or

17 “(bb) temporary or other short-term resi-  
18 dence in a category that permits them to en-  
19 gage in employment in the United States, ex-  
20 cept that these aliens shall be issued the social  
21 security cards described in the second sentence  
22 of subparagraph (G);”.

1 **SEC. 224. MANDATORY NOTIFICATION OF SOCIAL SECURITY**  
2 **ACCOUNT NUMBER MISMATCHES AND MUL-**  
3 **TIPLE USES.**

4 (a) NOTIFICATION OF MISMATCHED NAME AND SO-  
5 CIAL SECURITY ACCOUNT NUMBER.—The Commissioner  
6 of Social Security shall notify on an annual basis each  
7 United States employer with one or more employees whose  
8 social security account number does not match the em-  
9 ployee’s name or date of birth in the Commissioner’s  
10 records. Such notification shall instruct employers to no-  
11 tify listed employees that they have 10 business days to  
12 correct the mismatch with the Social Security Administra-  
13 tion or the employer will be required to terminate their  
14 employment. The notification also shall inform employers  
15 that they may not terminate listed employees prior to the  
16 close of the 10-day period.

17 (b) NOTIFICATION OF MULTIPLE USES OF INDI-  
18 VIDUAL SOCIAL SECURITY ACCOUNT NUMBERS.—Prior to  
19 crediting any individual with concurrent earnings from  
20 more than one employer, the Commissioner of Social Secu-  
21 rity shall notify the individual that earnings from two or  
22 more employers are being reported under the individual’s  
23 social security account number. Such notice shall include,  
24 at a minimum, the name and location of each employer  
25 and shall direct the individual to contact the Social Secu-  
26 rity Administration to present proof that the individual

1 is the person to whom the social security account number  
2 was issued and, if applicable, to present a pay stub or  
3 other documentation showing that such individual is em-  
4 ployed by both or all employers reporting earnings to that  
5 social security account number.

6 **SEC. 225. NO SOCIAL SECURITY CREDIT FOR WORK PER-**  
7 **FORMED WHILE UNLAWFULLY PRESENT.**

8 Sections 214(c)(1) and 223(a)(1)(C)(i) of the Social  
9 Security Act (42 U.S.C. 414(c)(1), 423(a)(1)(C)(i)), as  
10 added by section 211 of the Social Security Protection Act  
11 of 2004 (Public Law 108–203), are each amended by  
12 striking “at the time of assignment, or at any later time”  
13 and inserting “at the time any such quarters of coverage  
14 are earned”.

15 **SEC. 226. REDUCING INDIVIDUAL TAXPAYER IDENTIFICA-**  
16 **TION NUMBER ABUSE.**

17 (a) MODIFIED IT IN FORMAT AND LAWFUL PRES-  
18 ENCE REQUIREMENT.—

19 (1) IN GENERAL.—Section 6109(c) of the Inter-  
20 nal Revenue Code of 1986 is amended to read as fol-  
21 lows:

22 “(c) REQUIREMENT OF INFORMATION.—

23 “(1) IN GENERAL.—For purposes of this sec-  
24 tion, the Secretary is authorized to require such in-

1       formation as may be necessary to assign an identi-  
2       fying number of any person.

3           “(2) SEPARATE FROM SOCIAL SECURITY AC-  
4       COUNT NUMBERS.—Any identifying number assigned  
5       by the Secretary shall be comprised of a sequence of  
6       numerals and dashes that is visually distinguishable  
7       from and will not be mistaken for a social security  
8       account number.

9           “(3) VERIFICATION OF STATUS FOR ALIENS.—  
10      Prior to issuing any identifying number, the Sec-  
11      retary shall verify with the Department of Homeland  
12      Security that the applicant for such number is law-  
13      fully present in the United States.”.

14          (2) EFFECTIVE DATE.—Section 6109(c)(2) of  
15      the Internal Revenue Code of 1986, as added by  
16      paragraph (1), shall take effect no later than 30  
17      days after the date of enactment of this Act.

18          (b) INFORMATION SHARING.—

19           (1) IN GENERAL.—Section 6103(i)(3) of the In-  
20      ternal Revenue Code of 1986 is amended by adding  
21      at the end the following new subparagraph:

22           “(D) POSSIBLE VIOLATIONS OF FEDERAL  
23      IMMIGRATION LAW.—The Secretary shall dis-  
24      close in electronic format to the Secretary of  
25      Homeland Security the taxpayer identity (as de-

1            fined in subsection (b)(6)) of each taxpayer who  
2            has been assigned an individual taxpayer identi-  
3            fication number. The Secretary of Homeland  
4            Security may disclose such information to offi-  
5            cers and employees of the Department to the  
6            extent necessary to enforce Federal immigration  
7            laws.”

8            (2) **EFFECTIVE DATE.**—The Secretary of the  
9            Treasury shall disclose information under the  
10           amendment made by paragraph (1) not later than  
11           60 days after the date of the enactment of this Act.

12 **SEC. 227. LIMITED ELIGIBILITY FOR TAX CREDITS AND RE-**  
13 **FUNDS.**

14           Notwithstanding any other provision of law, an indi-  
15           vidual who submits to the Internal Revenue Service an in-  
16           come tax return that relies on an individual taxpayer iden-  
17           tification number in lieu of a social security account num-  
18           ber shall not be eligible for any tax credit or refund, in-  
19           cluding the earned income tax credit under section 32 of  
20           the Internal Revenue Code of 1986.

21 **SEC. 228. PENALTY FOR FAILURE TO FILE CORRECT INFOR-**  
22 **MATION RETURNS.**

23           (a) **MOST EGREGIOUS NONCOMPLIANT EMPLOY-**  
24 **ERS.**—Section 6721 of the Internal Revenue Code is  
25 amended—

1 (1) by striking subsections (b), (c), and (d);

2 (2) by redesignating subsection (e) as sub-  
3 section (b); and

4 (3) by adding at the end the following new sub-  
5 section:

6 “(c) PENALTY FOR EGREGIOUS NONCOMPLIANCE  
7 EMPLOYERS.—The Secretary shall assess the maximum  
8 allowable penalties on each employer designated in any  
9 taxable year by the Social Security Administration as one  
10 of the most egregious non-compliant employers.”.

11 (b) STANDARD COMPLIANCE PROGRAM.—

12 (1) IN GENERAL.—No later than 60 days after  
13 the date of enactment of this Act, the Secretary of  
14 the Treasury, in consultation with the Commissioner  
15 of Social Security and the Secretary of Homeland  
16 Security, shall implement a regularly scheduled pro-  
17 gram for proposing, assessing, and collecting pen-  
18 alties from the filers of incorrect information returns  
19 under the Internal Revenue Code of 1986.

20 (2) REPORT.—The Secretary of the Treasury  
21 shall report to Congress no later than 180 days after  
22 the date of enactment of this Act on the results of  
23 the program required in paragraph (1). Such report  
24 shall include at least the following:

1 (A) The total number of filers who sub-  
2 mitted incorrect information returns.

3 (B) The number of incorrect information  
4 returns submitted by such filers.

5 (C) The total amount of penalties pro-  
6 posed, assessed and collected through the pro-  
7 gram.

8 (D) The number of waivers granted to fil-  
9 ers of incorrect information returns.

10 **SEC. 229. ADJUSTMENT OF STATUS.**

11 Section 245 of the Immigration and Nationality Act  
12 (8 U.S.C. 1255) is amended—

13 (1) by striking subsections (a) through (i) and  
14 subsection (k);

15 (2) by redesignating subsection (j) as sub-  
16 section (b);

17 (3) in subsection (l)—

18 (A) in paragraph (1), by striking “, in the  
19 opinion of the Attorney General,”;

20 (B) in paragraph (1)(C)(ii), by striking “,  
21 or” and inserting “, and”;

22 (C) in paragraph (4), by striking “may  
23 waive” and all that follows and inserting “may  
24 waiver the application of paragraphs (1) and  
25 (4) of section 212(a)”;



1           (D) in paragraph (5), by inserting before  
2           the period at the end the following: “and the  
3           Secretary of State shall reduce by one the num-  
4           ber of visas authorized to be issued under sec-  
5           tions 201(e) and 203(c) for the fiscal year then  
6           current”; and

7           (E) by redesignating subsection (l) as sub-  
8           section (e);  
9           (4) in subsection (m)—

10           (A) by amending paragraph (1)(B) to read  
11           as follows:

12           “(B) the alien would suffer extreme hard-  
13           ship if removed from the United States.”;

14           (B) in paragraph (4), by inserting before  
15           the period at the end the following: “and the  
16           Secretary of State shall reduce by one the num-  
17           ber of visas authorized to be issued under sec-  
18           tions 201(e) and 203(a)(4) for the fiscal year  
19           then current”; and

20           (C) by redesignating subsection (m) as  
21           subsection (d);

22           (5) by striking “Attorney General” each place  
23           it appears and inserting “Secretary of Homeland Se-  
24           curity”; and

1           (6) by inserting before subsection (b) (as so re-  
2           designated) the following:

3           “(a) IN GENERAL.—The Secretary of Homeland Se-  
4           curity may not adjust the status of any alien to that of  
5           an alien lawfully admitted for permanent residence except  
6           as authorized by subsections (b), (c), and (d) of this sec-  
7           tion and by section 209.”.

8           **SEC. 230. REVOCATION OF TEMPORARY STATUS.**

9           (a) TERMINATION OF ASYLUM.—Section 208(c)(2) of  
10          the Immigration and Nationality Act (8 U.S.C.  
11          1158(c)(2)) is amended by striking “may be terminated  
12          if the Attorney General” and inserting “shall be termi-  
13          nated if the Secretary of Homeland Security”.

14          (b) ALIENS ELIGIBLE FOR TEMPORARY PROTECTED  
15          STATUS.—Section 244(c) of such Act (8 U.S.C. 1254a(c))  
16          is amended—

17                 (1) in paragraph (3)(B)—

18                         (A) by striking “except as provided in  
19                         paragraph (4) and permitted in subsection  
20                         (f)(3),”; and

21                         (B) by inserting before the comma at the  
22                         end the following: “, except where a brief trip  
23                         abroad is required by emergency and is author-  
24                         ized prior to the alien’s travel by the Secretary  
25                         of Homeland Security or is due to extenuating

1 circumstances outside the control of the alien”;  
2 and

3 (2) by striking paragraph (4) and redesignating  
4 paragraphs (5) and (6) as paragraphs (4) and (5),  
5 respectively.

6 (c) BENEFITS AND STATUS DURING PERIOD OF  
7 TEMPORARY PROTECTED STATUS.—Section 244(f) of  
8 such Act (8 U.S.C. 1254a(f)) is amended—

9 (1) by adding “and” at the end of paragraph  
10 (2);

11 (2) by striking paragraph (3); and

12 (3) by redesignating paragraph (4) as para-  
13 graph (3).

14 **SEC. 231. REPEAL OF AMNESTY PROVISION.**

15 (a) IN GENERAL.—Section 249 of the Immigration  
16 and Nationality Act (8 U.S.C. 1259) is repealed.

17 (b) CLERICAL AMENDMENT.—The table of contents  
18 for the Immigration and Nationality Act is amended by  
19 striking the item relating to section 249.

20 **SEC. 232. PENALTIES FOR VIOLATIONS OF FEDERAL IMMI-  
21 GRATION LAWS BY STATES AND LOCALITIES.**

22 (a) PREFERENTIAL TREATMENT OF ALIENS NOT  
23 LAWFULLY PRESENT FOR HIGHER EDUCATION BENE-  
24 FITS.—Section 505 of the Illegal Immigration Reform and

1 Immigrant Responsibility Act of 1996 (Pub. Law 104–  
2 208) is amended—

3 (1) in subsection (a), by inserting “or gradua-  
4 tion from a high school in the United States” after  
5 “on the basis of residence”; and

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

7 “(c) ANNUAL REPORT.—The Attorney General shall  
8 report annually to Congress on which, if any, post-sec-  
9 ondary educational institutions are providing benefits in  
10 contravention of this section.

11 “(d) LIMITATION ON FEDERAL FINANCIAL ASSIST-  
12 ANCE.—No Federal agency shall provide any grant, reim-  
13 bursement, or other financial assistance to any post-sec-  
14 ondary educational institution determined under sub-  
15 section (c) to be providing benefits in contravention of this  
16 section. Any funds withheld under this subsection shall be  
17 reallocated among qualifying educational institutions that  
18 are in compliance with subsection (a).”.

19 (b) NON-COOPERATION BY STATES AND LOCAL-  
20 ITIES.—Section 241(i) of the Immigration and Nationality  
21 Act (8 U.S.C. 1231(i)) is amended by adding at the end  
22 the following:

23 “(7) Prior to entering into a contractual ar-  
24 rangement with a State or political subdivision  
25 under paragraph (1), the Attorney General shall de-

1        termine whether such State or political subdivision  
2        has in place any formal or informal policy that vio-  
3        lates section 642 of the Illegal Immigration Reform  
4        and Immigrant Responsibility Act of 1996 (8 U.S.C.  
5        1373). The Attorney General shall not enter into a  
6        contractual arrangement with, or allocate any of the  
7        funds made available under this section to, any  
8        State or political subdivision with a policy that vio-  
9        lates such section.”.

10 **SEC. 233. CLARIFICATION OF INHERENT AUTHORITY OF**  
11 **STATE AND LOCAL LAW ENFORCEMENT.**

12        Notwithstanding any other provision of law and re-  
13        affirming the existing inherent authority of States, law en-  
14        forcement personnel of a State or a political subdivision  
15        of a State have the inherent authority of a sovereign entity  
16        to apprehend, arrest, detain, or transfer to Federal cus-  
17        tody aliens in the United States (including the transpor-  
18        tation of such aliens across State lines to detention cen-  
19        ters), in the enforcement of the immigration laws of the  
20        United States. This State authority has never been dis-  
21        placed or preempted by Congress.

1 **SEC. 234. USICE RESPONSE TO REQUESTS FOR ASSISTANCE**  
2 **FROM STATE AND LOCAL LAW ENFORCE-**  
3 **MENT.**

4 (a) IN GENERAL.—Title II of the Immigration and  
5 Nationality Act (8 U.S.C. 1151 et seq.) is amended by  
6 inserting after section 240C the following new section:

7 “CUSTODY OF ILLEGAL ALIENS

8 “SEC. 240D. (a) If the chief executive officer of a  
9 State (or, if appropriate, a political subdivision of the  
10 State) exercising authority with respect to the apprehen-  
11 sion of an illegal alien submits a request to the Secretary  
12 of Homeland Security that the alien be taken into Federal  
13 custody, the Secretary of Homeland Security—

14 “(1) shall—

15 “(A) not later than 48 hours after the con-  
16 clusion of the State charging process or dis-  
17 missal process, or if no State charging or dis-  
18 missal process is required, not later than 48  
19 hours after the illegal alien is apprehended,  
20 take the illegal alien into the custody of the  
21 Federal Government and incarcerate the alien;  
22 or

23 “(B) request that the relevant State or  
24 local law enforcement agency temporarily incar-  
25 cerate or transport the illegal alien for transfer  
26 to Federal custody; and

1           “(2) shall designate a Federal, State, or local  
2           prison or jail or a private contracted prison or deten-  
3           tion facility within each State as the central facility  
4           for that State to transfer custody of the criminal or  
5           illegal aliens to the Department of Homeland Secu-  
6           rity.

7           “(b) The Department of Homeland Security shall re-  
8           imburse States and localities for all reasonable expenses,  
9           as determined by the Secretary of Homeland Security, in-  
10          curred by a State or locality in the incarceration and  
11          transportation of an illegal alien as described in subpara-  
12          graphs (A) and (B) of subsection (a)(1). Compensation  
13          provided for costs incurred under such subparagraphs  
14          shall be the average cost of incarceration of a prisoner  
15          in the relevant State, as determined by the chief executive  
16          officer of a State (or, as appropriate, a political subdivi-  
17          sion of the State) plus the cost of transporting the crimi-  
18          nal or illegal alien from the point of apprehension, to the  
19          place of detention, and to the custody transfer point if  
20          the place of detention and place of custody are different.

21          “(c) The Secretary of Homeland Security shall en-  
22          sure that illegal aliens incarcerated in Federal facilities  
23          pursuant to this section are held in facilities which provide  
24          an appropriate level of security.

1       “(d)(1) In carrying out this section, the Secretary of  
2 Homeland Security may establish a regular circuit and  
3 schedule for the prompt transfer of apprehended illegal  
4 aliens from the custody of States and political subdivisions  
5 of States to Federal custody.

6       “(2) The Secretary of Homeland Security may enter  
7 into contracts with appropriate State and local law en-  
8 forcement and detention officials to implement this sec-  
9 tion.

10       “(e) For purposes of this section, the term ‘illegal  
11 alien’ means an alien who—

12               “(1) entered the United States without inspec-  
13 tion or at any time or place other than that des-  
14 ignated by the Secretary of Homeland Security;

15               “(2) was admitted as a nonimmigrant and who,  
16 at the time the alien was taken into custody by the  
17 State or a political subdivision of the State, had  
18 failed to—

19                       “(A) maintain the nonimmigrant status in  
20 which the alien was admitted or to which it was  
21 changed under section 248; or

22                       “(B) comply with the conditions of any  
23 such status;



1           “(3) was admitted as an immigrant and has  
2           subsequently failed to comply with the requirements  
3           of that status; or

4           “(4) failed to depart the United States under a  
5           voluntary departure agreement or under a final  
6           order of removal.”.

7           (b) AUTHORIZATION OF APPROPRIATIONS FOR THE  
8           DETENTION AND TRANSPORTATION TO FEDERAL CUS-  
9           TODY OF ALIENS NOT LAWFULLY PRESENT.—There is  
10          authorized to be appropriated \$500,000,000 for the deten-  
11          tion and removal of aliens not lawfully present in the  
12          United States under the Immigration and Nationality Act  
13          (8 U.S.C. 1101 et seq.) for fiscal year 2006 and each sub-  
14          sequent fiscal year.

15       **SEC. 235. BASIC IMMIGRATION ENFORCEMENT TRAINING**  
16                               **FOR STATE, LOCAL, AND TRIBAL LAW EN-**  
17                               **FORCEMENT OFFICERS.**

18          (a) DEMONSTRATION PROJECT.—

19               (1) IN GENERAL.—Cameron University, located  
20          in Lawton, Oklahoma, shall establish and implement  
21          a demonstration project (in this section referred to  
22          as the “demonstration project”) to assess the feasi-  
23          bility of establishing a nationwide e-learning training  
24          course, covering basic immigration law enforcement  
25          issues, to be used by State, local, and tribal law en-

1 enforcement officers in order to improve and enhance  
2 their ability, during their routine course of duties, to  
3 assist Federal immigration officers in the enforce-  
4 ment of Federal immigration laws.

5 (2) PROJECT DIRECTOR RESPONSIBILITIES.—

6 The Project Director charged with establishing and  
7 implementing the demonstration project shall do the  
8 following:

9 (A) The Project Director shall develop an  
10 on-line, e-learning website to provide State,  
11 local, and tribal law enforcement officers access  
12 to the e-learning training course. Such website  
13 shall—

14 (i) have the capability to enroll offi-  
15 cers in the e-learning training course,  
16 record officers' performance on the course,  
17 and track officers' proficiency in learning  
18 the course's concepts;

19 (ii) ensure a high level of security;

20 and

21 (iii) encrypt personal and sensitive in-  
22 formation.

23 (B) The Project Director shall develop an  
24 e-learning training course, which entails no  
25 more than four hours of training, is accessible

1 through the on-line, e-learning website under  
2 subparagraph (A), and covers both the basic  
3 principles and practices of immigration law and  
4 the policies that relate to the enforcement of  
5 immigration laws. The e-learning training  
6 course shall—

7 (i) include, but not be limited to, in-  
8 struction about employment-based and  
9 family-based immigration, the various  
10 types of nonimmigrant visas, the dif-  
11 ferences between immigrant and non-  
12 immigrant status, the differences between  
13 lawful and unlawful presence, the criminal  
14 and civil consequences of unlawful pres-  
15 ence, the various grounds for removal, the  
16 types of false identification that illegal and  
17 criminal aliens commonly use, the common  
18 methods of alien smuggling and groups  
19 that commonly participate in alien smug-  
20 gling rings, the inherent legal authority of  
21 local law enforcement officers to enforce  
22 federal immigration laws, and detention  
23 and removal procedures, including expedi-  
24 tious removal; and

1                   (ii) incorporate content similar to that  
2 covered in the four-hour training course  
3 the Immigration and Naturalization Service  
4 provided to all Alabama State Troopers  
5 in 2003 (in addition to, and separate from,  
6 the training given pursuant to the State's  
7 section 287(g) agreement).

8                   (C) The Project Director shall assess the  
9 feasibility of expanding to State, local, and trib-  
10 al law enforcement agencies throughout the na-  
11 tion the on-line, e-learning website, including  
12 the e-learning training course, by using on-line  
13 technology.

14           (b) PERIOD OF PROJECT.—The Project Director  
15 shall carry out the demonstration project for a one-year  
16 period beginning 90 days after the date of the enactment  
17 of this Act.

18           (c) LOCATION OF PROJECT.—

19                   (1) STATES COVERED.—The Project Director  
20 shall carry out the demonstration project by enroll-  
21 ing in the e-learning training course State, local, and  
22 tribal law enforcement officers from Alabama, Colo-  
23 rado, Florida, Oklahoma, and Texas, and from at  
24 least one, but not more than three, other additional  
25 States.

1           (2) NUMBER OF OFFICERS.—A total of 100,000  
2 officers shall have access to, enroll in, and complete  
3 the e-learning training course provided under the  
4 demonstration project.

5           (3) APPORTIONMENT.—The number of officers  
6 who are selected to participate in the demonstration  
7 project shall be apportioned according to the State  
8 populations of the participating States.

9           (4) SELECTION.—Participation in the dem-  
10 onstration project shall—

11                   (A) be equally apportioned between State,  
12 county, and municipal law enforcement agency  
13 officers;

14                   (B) include, when practicable, a significant  
15 subset of tribal law enforcement officers; and

16                   (C) include officers from urban, rural, and  
17 highly rural areas.

18           (5) LIMITATION ON PARTICIPATION.—Officers  
19 shall be ineligible to participate in the demonstration  
20 project if they are employed by a State, local, or  
21 tribal law enforcement agency that has in effect a  
22 statute, policy, or practice that prohibits its law en-  
23 forcement officers from cooperating with Federal im-  
24 migration enforcement agents (or if the State, local,  
25 or tribal law enforcement agency is otherwise in con-

1       travention of section 642(a) of the Illegal Immigra-  
2       tion Reform and Immigrant Responsibility Act of  
3       1996 (8 U.S.C. 1373(a)).

4       (d) DEMONSTRATION PROJECT REQUIREMENTS.—

5       (1) The e-learning training course provided under the  
6       demonstration project shall be accessible through the se-  
7       cure, encrypted on-line, e-learning website, within 90 days  
8       of the date of the enactment of this Act, and recruitment  
9       of participants shall begin immediately, and occur concur-  
10      rently, with the e-learning training course's establishment  
11      and implementation.

12      (2) The law enforcement officers selected to partici-  
13      pate in the e-learning training course provided under the  
14      demonstration project shall undergo standard vetting pro-  
15      cedures, pursuant to the Federal Law Enforcement Train-  
16      ing Center Distributed Learning Program, to ensure that  
17      each individual is a bona fide law enforcement officer.

18      (3) The law enforcement officers selected to partici-  
19      pate in the e-learning training course provided under the  
20      demonstration project shall be granted continuous access,  
21      throughout the demonstration project's one-year period, to  
22      on-line course material and to other training and reference  
23      resources accessible through the on-line, e-learning  
24      website.

25      (e) REPORT.—

1           (1) IN GENERAL.—Not later than the end of  
2 the one-year period described in subsection (b), the  
3 Project Director shall transmit to the Committees on  
4 the Judiciary and on Homeland Security of the Sen-  
5 ate and the House of Representatives a report about  
6 the e-learning training course completed by State,  
7 local, and tribal law enforcement officers through  
8 the demonstration project.

9           (2) MATTERS TO BE INCLUDED.—The report  
10 under paragraph (1) shall include the following:

11           (A) An estimate of the cost savings real-  
12 ized by offering training through the e-learning  
13 training course as opposed to offering similar  
14 training through the residential classroom  
15 method.

16           (B) An estimate of the difference between  
17 the 100,000 law enforcement officers who re-  
18 ceived training through the e-learning training  
19 course and the number of law enforcement offi-  
20 cers who could have received training through  
21 the residential classroom method in the same  
22 one-year period.

23           (C) The effectiveness of the e-learning  
24 training course with respect to student-officer  
25 performance.

1           (D) The convenience accorded to student-  
2 officers with respect to their ability to access  
3 the e-learning training course at their own con-  
4 venience and to return to the on-line, e-learning  
5 website for refresher training and reference.

6           (E) The ability of the on-line, e-learning  
7 website to safeguard the student officers' pri-  
8 vate and personal information while providing  
9 supervisors with appropriate information about  
10 student performance and course completion.

11       (f) EXPANSION OF PROGRAM.—

12           (1) IN GENERAL.—Following the completion of  
13 the demonstration project, the Department of Home-  
14 land Security shall continue to make available the  
15 on-line, e-learning website and the e-learning train-  
16 ing course, enroll in the e-learning training course  
17 100,000 new State, local, and tribal law enforcement  
18 officers annually, and consult with Congress regard-  
19 ing the addition, substitution, or removal of partici-  
20 pating States.

21           (2) LIMITATION ON PARTICIPATION.—Officers  
22 shall be ineligible to participate in the expansion of  
23 this program if they are employed by a State, local,  
24 or tribal law enforcement agency that has in effect  
25 a statute, policy, or practice that prohibits its law



1 enforcement officers from cooperating with Federal  
2 immigration enforcement agents (or if the State,  
3 local, or tribal law enforcement agency is otherwise  
4 in contravention of section 642(a) of the Illegal Im-  
5 migration Reform and Immigrant Responsibility Act  
6 of 1996 (8 U.S.C. 1373(a)).

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated \$3,000,000 in fiscal  
9 year 2006 to carry out this section. Funds appropriated  
10 under this subsection shall remain available until ex-  
11 pended. There are authorized to be appropriated in each  
12 subsequent fiscal year such sums as are necessary to con-  
13 tinue to operate, promote, and recruit participants for the  
14 demonstration project and expansion program under this  
15 section.

16 **TITLE III—REVISION OF FED-**  
17 **ERAL REIMBURSEMENT OF**  
18 **EMERGENCY HEALTH CARE**  
19 **SERVICES FURNISHED TO IL-**  
20 **LEGAL ALIENS**

21 **SEC. 301. REVISION OF FEDERAL REIMBURSEMENT OF**  
22 **EMERGENCY HEALTH CARE SERVICES FUR-**  
23 **NISHED TO ILLEGAL ALIENS.**

24 (a) ELIMINATION OF FUNDING LIMITATIONS; EX-  
25 TENSION OF APPROPRIATIONS THROUGH FISCAL YEAR

1 2011.—Subsection (a) of section 1011 of the Medicare  
2 Prescription Drug, Improvement, and Modernization Act  
3 of 2003 (Public Law 108–173) is amended—

4 (1) by striking “for each of fiscal years 2005  
5 through 2008” and inserting “for fiscal year 2005”;  
6 and

7 (2) by adding at the end the following: “Out of  
8 any funds in the Treasury not otherwise appro-  
9 priated, there are appropriated to the Secretary for  
10 each of fiscal years 2006 through 2011 such sums  
11 as may be necessary for the purpose of payments to  
12 eligible providers.”.

13 (b) ELIMINATION OF STATE ALLOTMENTS.—Such  
14 section is further amended—

15 (1) in subsection (b), by adding at the end the  
16 following new paragraph:

17 “(3) LIMITATION TO FISCAL YEAR 2005.—The  
18 preceding provisions of this subsection shall only  
19 apply to fiscal year 2005.”;

20 (2) by amending subsection (c)(1) to read as  
21 follows:

22 “(1) AUTHORITY TO MAKE PAYMENTS.—The  
23 Secretary shall pay directly to eligible providers lo-  
24 cated in a State for the provision of eligible services  
25 to aliens described in paragraph (5) the amount de-

1       scribed in paragraph (2) to the extent that the eligi-  
2       ble provider was not otherwise reimbursed (through  
3       insurance or otherwise) for such services.”;

4               (3) in subsection (c)(2)(B), by striking “If the  
5       amount” and inserting “For fiscal year 2005, if the  
6       amount”; and

7               (4) in subsection (c)(4), by striking “in a State  
8       from allotments made under subsection (b) for a fis-  
9       cal year”.

10       (c) REQUIREMENT FOR PROVISION OF INFORMATION  
11 FOR HOSPITAL QUALIFICATIONS FOR FUNDING.—Sub-  
12 section (c) of such section is amended by adding at the  
13 end the following new paragraph:

14               “(6) REQUIREMENT FOR PAYMENT.—Be-  
15       ginning with fiscal year 2006, payment shall  
16       not be made under this section to an eligible  
17       provider with respect to services furnished to an  
18       alien described in paragraph (5) unless the pro-  
19       vider obtains the citizenship information about  
20       the alien, and transmits such information and  
21       all other non-clinical information concerning the  
22       alien to Immigration and Customs Enforce-  
23       ment, not later than 72 hours after the time of  
24       discharge of the alien from the provider.”.

1           (d) ELIMINATION OF COVERAGE OF MEXICANS WITH  
2 BORDER CROSSING CARDS.—Subsection (c)(5) of such  
3 section is amended by striking subparagraph (C).

4           (e) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply beginning with fiscal year 2006.

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