To expand the authority of the Secretary of Homeland Security to transport and remove aliens unlawfully present in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Illegal Alien Transport and Removal Act of 2005”.

SEC. 2. TRANSPORT AND REMOVAL OF ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

(a) Transport.—
(1) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of the Border Patrol to detention facilities and other locations as necessary.

(2) CRITERIA FOR SELECTION.—To enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of quality, lowest cost, and security.

(b) REMOVAL.—Nothing in section 241(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(1)(C)) shall be construed as preventing the Secretary from removing an alien from the United States if the alien has failed or refused to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal subject to an order of removal.