To strengthen national security and United States borders, and for other purposes.

IN THE SENATE OF THE UNITED STATES
OCTOBER 25, 2005
Mr. HAGEL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL
To strengthen national security and United States borders, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Strengthening America’s Security Act of 2005”.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
  Sec. 1. Short title; table of contents.
  Sec. 2. Border enforcement studies.
  Sec. 3. Necessary assets for controlling United States borders.
  Sec. 4. Document fraud detection.
  Sec. 5. Report.
  Sec. 6. Biometric entry-exit system.
  Sec. 7. Expedited removal between ports of entry.
Sec. 8. Cancellation of visas.
Sec. 9. Release of aliens from noncontiguous countries.
Sec. 10. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 11. Detention space and removal capacity.
Sec. 12. Increased criminal penalties for alien smuggling, document fraud, gang violence, and drug trafficking.
Sec. 13. Removal of aliens.
Sec. 15. Automated alien records.
Sec. 16. Increase of Federal detention space.
Sec. 17. State Criminal Alien Assistance Program.
Sec. 18. Construction.
Sec. 19. State defined.

SEC. 2. BORDER ENFORCEMENT STUDIES.

(a) SUBTERRANEAN ENTRY.—

(1) STUDY.—The Secretary of Homeland Security and the head of the United States Army Corps of Engineers shall carry out a joint study on methods to prevent aliens from illegally entering the United States through subterranean tunnels along the international border between the United States and Mexico and the cost, utility, and effectiveness of employing such methods for border security.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the head of the United States Army Corps of Engineers shall submit to Congress the results of the study required by paragraph (1).

(b) BARRIERS FOR LAND CROSSINGS.—

(1) STUDY.—The Secretary of Homeland Security shall carry out a study of the feasibility and ef-
fectiveness of completing primary and secondary fences along the international border between the United States and Mexico and the cost and utility of employing such fences for border security.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress the results of the study required by paragraph (1).

SEC. 3. NECESSARY ASSETS FOR CONTROLLING UNITED STATES BORDERS.

(a) PERSONNEL.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2006 through 2010, the Secretary of Homeland Security shall increase by not less than 250 the number of positions for full-time active duty Customs and Border Protection officers.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out paragraph (1).

(B) BORDER PATROL AGENTS.—There are authorized to be appropriated such sums as
may be necessary for each of fiscal years 2006
through 2010 to carry out section 5202 of the
Intelligence Reform and Terrorism Prevention

(C) TRANSPORTATION OF ALIENS.—There
are authorized to be appropriated such sums as
may be necessary for each of fiscal years 2006
through 2010 for the transportation of aliens.

(b) TECHNOLOGICAL ASSETS.—

(1) ACQUISITION.—The Secretary of Homeland
Security shall procure unmanned aerial vehicles,
cameras, poles, sensors, and other technologies nec-
essary to achieve operational control of the borders
of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums
as may be necessary for each of fiscal years 2006
through 2010 to carry out paragraph (1).

(c) INFRASTRUCTURE.—

(1) CONSTRUCTION OF BORDER CONTROL FA-
cILITIES.—The Secretary of Homeland Security
shall construct all-weather roads and shall acquire
vehicle barriers and necessary facilities to support
its mission of achieving operational control of the
borders of the United States.
(2) **Authorization of Appropriations.**—

There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out paragraph (1).

(d) **Border Patrol Checkpoints.**—Temporary or permanent checkpoints may be maintained on roadways in border patrol sectors within 100 miles of the border between the United States and Mexico.

**SEC. 4. DOCUMENT FRAUD DETECTION.**

(a) **Training.**—The Secretary of Homeland Security shall provide all customs and border protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of Immigration and Customs Enforcement.

(b) **Forensic Document Laboratory.**—The Secretary of Homeland Security shall provide all customs and border protection officers with access to the Forensic Document Laboratory.

(c) **Report and Assessment.**—

(1) **Report.**—Not later than 1 year after the effective date of this Act, and annually through 2010, the Secretary of Homeland Security shall submit a report to the Office of the Inspector General regarding the accuracy and reliability of the Forens-
sic Document Laboratory in identifying and detecting fraudulent documents.

(2) **Assessment.**—The Office of Inspector General shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Library and submit a report to Congress on the results of such assessment.

(d) **Right to Appellate Review.**—

(1) **Establishment of Appellate Review Board.**—There is established, within Immigration and Customs Enforcement Identity and Benefits Fraud Branch of the Department of Homeland Security, the Fraud Appellate Review Board, which shall be authorized to review determinations by the Forensic Document Laboratory that a certain document is fraudulent.

(2) **Right to Appeal.**—Any alien against whom a negative determination is made by the Forensic Document Laboratory regarding the authenticity of a document may appeal such determination to the Fraud Appellate Review Board for an independent determination of the findings of the Forensic Document Laboratory.

(e) **Authorization of Appropriations.**—There are authorized to be appropriated such sums as may be
necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 5. REPORT.

Not later than October 26, 2007, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the documents that need to be machine-readable and tamper-resistant and incorporate biometric identifiers;

(2) how documents described in paragraph (1) will meet those standards;

(3) the locations at which the Department of Homeland Security will install document readers;

(4) the estimated costs for creating such documents and installing such readers; and

(5) realistic deadlines for issuing machine-readable, tamper-resistant documents that incorporate biometric documents and installing document readers.

SEC. 6. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:
“(C) Withholders of biometric data.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(e) or 235(d) is inadmissible.”; and

(2) in subsection (d), by inserting after paragraph (1) the following:

“(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) subsection (a)(7) and may waive the application of such subparagraph, for an individual alien or a class of aliens, at the discretion of the Secretary.”.

(b) Collection of Biometric Data From Aliens Departing the United States.—Section 215 of the Immigration and Nationality Act (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g); and

(2) by inserting after subsection (b) the following:

“(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.”.
(c) Inspection of Applicants for Admission.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1185(d)) is amended by adding at the end the following:

“(5) Authority to collect biometric data.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

“(A) any applicant for admission or alien seeking to transit through the United States; or

“(B) any lawful permanent resident who is entering the United States, but is not regarded as seeking admission under section 101(a)(13)(C).”.

(d) Collection of Biometric Data From Alien Crewman.—Section 252 of the Immigration and Nationality Act (8 U.S.C. 1282) is amended by inserting “Immigration officers are authorized to collect biometric data from any alien crewman seeking permission to land temporarily in the United States.” after “this title.”.

(e) Implementation.—Section 7208(l) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b(l)) is amended—

(1) by striking “There are authorized” and inserting the following:
“(1) IN GENERAL.—There are authorized”; and

(2) by adding at the end the following:

“(2) IMPLEMENTATION AT ALL LAND BORDER
PORTS OF ENTRY.—There are authorized to be ap-
propriated such sums as may be necessary for each
of fiscal years 2006 and 2007 to implement the
automated biometric entry and exit data system at
all land border ports of entry.”.

SEC. 7. EXPEDITED REMOVAL BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Section 235 of the Immigration
and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)(1)(A)(i), by striking “the
officer” and inserting “a supervisory officer”; and

(2) in subsection (c), by adding at the end the
following:

“(4) EXPANSION.—The Secretary of Homeland
Security shall make the expedited removal proce-
dures under this subsection available in all border
patrol sectors on the southern border of the United
States as soon as operationally possible.

“(5) NATIONAL SECURITY CERTIFICATION.—No
alien shall be expeditiously removed until the appro-
priate Director of Field Operations has certified in
writing that expeditious removal of the alien will
pose no security risk to the United States.
“(6) TRAINING.—The Secretary of Homeland Security shall provide employees of the Department of Homeland Security with comprehensive training of the procedures authorized under this subsection.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the amendments made by this section.

SEC. 8. CANCELLATION OF VISAS.

Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1), by inserting “and any other nonimmigrant visa issued by the United States that is in the possession of the alien except upon a showing of extraordinary circumstances or in the case of technical violations” after “such visa”; and

(2) in paragraph (2)(A), by striking “(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien’s nationality” and inserting “(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien’s nationality or foreign residence”.

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SEC. 9. RELEASE OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

(a) MINIMUM BOND.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended—

(1) by striking “on”;

(2) in subparagraph (A)—

(A) by inserting “except as provided under subparagraph (B), upon the giving of a”;

(B) by striking “or” at the end;

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following:

“(B) if the alien is a national of a non-contiguous country, has not been admitted or paroled into the United States, and was apprehended within 2 years of admission and within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security, upon the giving of a bond of at least $5,000 with security approved by, and containing conditions prescribed by, the Secretary of Homeland Security or the Attorney General,
and subject to review before the Executive Office of Immigration Review; or”.

(b) REPORT.—Not later than 2 years after the effective date of this Act, the Secretary of Homeland Security shall submit a report to Congress on the number of aliens from noncontiguous countries who are apprehended between land border ports of entry.

SEC. 10. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;
(2) health care services;
(3) environmental restoration; and
(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—
(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department of Homeland Security for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 11. DETENTION SPACE AND REMOVAL CAPACITY.

(a) In General.—Section 5204 of the Intelligence Reform and Terrorism Protection Act of 2004 (118 Stat. 3734) is amended—

(1) in subsection (a), by striking “8,000” and inserting “10,000”; and

(2) by adding at the end the following:

“(c) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may
be necessary for each of fiscal years 2006 through 2010 to carry out subsection (a).”.

(b) Legal Representation.—No person shall be detained by the Department of Homeland Security in a location that limits the person’s reasonable access to legal counsel. Upon active or constructive notice that a person is represented by an attorney, that person shall not be moved without providing the attorney reasonable notice in advance of such move.

SEC. 12. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING, DOCUMENT FRAUD, GANG VIOLENCE, AND DRUG TRAFFICKING.

(a) Alien Smuggling.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i), by striking “10 years” and inserting “15 years”;

(B) in clause (ii), by striking “5 years” and inserting “10 years”; and

(C) in clause (iii), by striking “20 years” and inserting “40 years”;

(2) in paragraph (2)—
(A) in subparagraph (A), by striking “one year, or both; or” and inserting “3 years, or both”;

(B) in subparagraph (B)—

(i) in clause (i), by adding at the end the following: “be fined under title 18, United States Code, and imprisoned not less than 5 years nor more than 25 years;”;

(ii) in clause (ii), by striking “or” at the end and inserting the following: “be fined under title 18, United States Code, and imprisoned not less than 3 years nor more than 20 years; or”; and

(iii) in clause (iii), by adding at the end the following: “be fined under title 18, United States Code, and imprisoned not more than 15 years; or”; and

(C) by striking the matter following clause (iii) and inserting the following:

“(C) in the case of a third or subsequent offense described in subparagraph (B) and for any other violation, shall be fined under title 18, United States Code, and imprisoned not less than 5 years nor more than 15 years.”;
(3) in paragraph (3)(A), by striking “5 years” and inserting “10 years”; and

(4) in paragraph (4), by striking “10 years” and inserting “20 years”.

(b) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “not more than 25 years” and inserting “not less than 25 years”;

(B) by inserting “and if the terrorism offense resulted in the death of any person, shall be imprisoned for life,” after “section 2331 of this title));’’;

(C) by striking “20 years” and inserting “imprisoned not more than 40 years”; 

(D) by striking “10 years” and inserting “imprisoned not more than 20 years”; and 

(E) by striking “15 years” and inserting “imprisoned not more than 25 years”; and

(2) in subsection (b), by striking “5 years” and inserting “10 years”.

(c) CRIMES OF VIOLENCE.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:
“CHAPTER 52—ILLEGAL ALIENS

“Sec. 1131. Enhanced penalties for certain crimes committed by illegal aliens.

“§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

“(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

“(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

“(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

“52. Illegal aliens .................................................................................. 1131”.

(d) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—
(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

“(F) ALIENS WHO ARE MEMBERS OF CRIMINAL STREET GANGS.—

“(i) IN GENERAL.—Any alien who is found by a Federal district court to be a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) is inadmissible.

“(ii) EXCEPTION.—Clause (i) shall not apply to an alien who demonstrates that he or she is no longer a member of the criminal street gang.”.

(2) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) ALIENS WHO ARE MEMBERS OF CRIMINAL STREET GANGS.—

“(i) IN GENERAL.—Any alien who is found by a Federal district court to be a member of a criminal street gang (as de-
fined in section 521(a) of title 18, United States Code) is deportable.

“(ii) EXCEPTION.—Clause (i) shall not apply to an alien who demonstrates that he or she is no longer a member of the criminal street gang.”.

(3) TEMPORARY PROTECTED STATUS.—Section 244(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)) is amended—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(iii) the alien has been found by a Federal district court to be a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) and cannot demonstrate that he or she is no longer a member of the criminal street gang.”.

SEC. 13. REMOVAL OF ALIENS.

(a) CONTINUATION OF INSTITUTIONAL REMOVAL PROGRAM.—The Secretary of Homeland Security shall
continue to operate the Institutional Removal Program or
develop and implement any other program to—

(1) identify removable criminal aliens in Fed-
eral and State correctional facilities;

(2) ensure that such aliens are not released into
the community; and

(3) remove such aliens from the United States
after the completion of their sentences.

(b) AUTHORIZATION FOR DETENTION AFTER COM-
PLETION OF STATE OR LOCAL PRISON SENTENCE.—Law
enforcement officers of a State or political subdivision of
a State are authorized to—

(1) hold an illegal alien for a period of up to
14 days after the alien has completed the alien’s
State prison sentence in order to effectuate the
transfer of the alien to Federal custody when the
alien is removable or not lawfully present in the
United States; or

(2) issue a detainer that would allow aliens who
have served a State prison sentence to be detained
by the State prison until personnel from the Bureau
of Immigration and Customs Enforcement can take
the alien into custody.

(c) REPORT TO CONGRESS.—
(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report to Congress on the participation of States in the Institutional Removal Program and in any other program under subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

SEC. 14. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, for each of fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department of Homeland Security investigating alien smuggling and immigration status violations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) TRIAL ATTORNEYS.—In each of fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropria-
tions for such purpose, increase the number of posi-
tions for attorneys in the Office of General Counsel
of the Department of Homeland Security who rep-
represent the Department in immigration matters by
not less than 100 above the number of such posi-
tions for which funds were made available during
each preceding fiscal year.

(3) Defense Attorneys.—In each of fiscal
years 2006 through 2010, the Attorney General
shall, subject to the availability of appropriations for
such purpose, increase by not less than 100 the
number of attorneys in the Federal Defenders Pro-
gram or any other federally funded program for each
Federal judicial district.

(4) Authorization of Appropriations.—
There are authorized to be appropriated to the De-
partment of Homeland Security for each of fiscal
years 2006 through 2010 such sums as may be nec-
essary to carry out this subsection.

(b) Department of Justice.—

(1) Assistant Attorney General for Immi-
gration Enforcement.—

(A) Establishment.—There is estab-
lished within the Department of Justice the po-
sition of Assistant Attorney General for Immi-
migration Enforcement, which shall coordinate
and prioritize immigration litigation and en-
forcement in the Federal courts, including—
(i) removal and deportation;
(ii) employer sanctions; and
(iii) alien smuggling and human traf-
ficking.

(B) CONFORMING AMENDMENT.—Section
506 of title 28, United States Code, is amended
by striking “ten” and inserting “11”.

(2) LITIGATION ATTORNEYS.—In each of fiscal
years 2006 through 2010, the Attorney General
shall, subject to the availability of appropriations for
such purpose, increase by not less than 50 the num-
ber of positions for attorneys in the Office of Immi-
migration Litigation of the Department of Justice.

(3) UNITED STATES ATTORNEYS.—In each of
fiscal years 2006 through 2010, the Attorney Gen-
eral shall, subject to the availability of appropri-
ations for such purpose, increase by not less than 50
the number of attorneys in the United States Attor-
neys’ office to litigate immigration cases in the Fed-
eral courts.

(4) IMMIGRATION JUDGES.—In each of fiscal
years 2006 through 2010, the Attorney General
shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges.

(5) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice for each of fiscal years 2006 through 2010 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

SEC. 15. AUTOMATED ALIEN RECORDS.

(a) In General.—Not later than 5 years after the date of enactment of this Act, the Secretary of Homeland Security shall automate the storage of alien records in an electronic format that is interoperable with the alien record keeping systems of the Department of Justice and accessible by other Federal agencies for the purposes of administering the immigration laws of the United States.

(b) Existing Records.—The Secretary of Homeland Security shall automate all alien records that were created during the 5-year period ending on the date of enactment of this Act.

(c) Oversight.—The Chief Information Officer of the Department of Homeland Security shall be responsible for oversight and management of automating the storage of alien records in an electronic format.
(d) Official Record.—The automated alien record created under this section shall constitute the official record for purposes of the National Archives and Records Administration.

(e) Reports.—The Secretary of Homeland Security shall report to the appropriate committees in Congress in 2008 and 2010 on the progress made in automating alien records under this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010 to carry out this section.

SEC. 16. INCREASE OF FEDERAL DETENTION SPACE.

(a) Construction or Acquisition of Detention Facilities.—

(1) In General.—The Secretary of Homeland Security shall construct or acquire additional detention facilities in the United States.

(2) Determination of Location.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Deputy Assistant Director of the Office of Detention and Removal Operations within the Bureau of Immigration and Customs Enforcement.
(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 17. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Transfer of Program.—

(1) In general.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

(2) Contracts.—Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

(b) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary of Homeland Security shall reimburse States and units of local government for costs associated with processing illegal aliens through the criminal justice system, including—

(1) indigent defense;
(2) criminal prosecution;
(3) autopsies;
(4) translators and interpreters; and
(5) court costs.
(c) Authorization of Appropriations.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking “appropriated” and all that follows through the period and inserting the following: “appropriated to carry out this subsection—

“(A) $750,000,000 for fiscal year 2006;

“(B) $850,000,000 for fiscal year 2007;

and

“(C) $950,000,000 for each of the fiscal years 2008 through 2011.”.

SEC. 18. CONSTRUCTION.

Nothing in this Act may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes;

(2) arrest such victim or witness for a violation of the immigration laws of the United States; or

(3) enforce the immigration laws of the United States.
SEC. 19. STATE DEFINED.

In this Act, the term “State” has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).