

110TH CONGRESS  
1ST SESSION

# H. R. 4088

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2007

Mr. SHULER (for himself, Mr. BILBRAY, Mr. RODRIGUEZ, Mr. ELLSWORTH, Mr. HOLDEN, Mr. GORDON of Tennessee, Mr. MCINTYRE, Mr. MURTHA, Mr. BISHOP of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. BARROW, Mr. ALTMIRE, Mr. SPACE, Mrs. GILLIBRAND, Mr. ROSS, Mr. TAYLOR, Mr. BOYD of Florida, Mr. DONNELLY, Mr. HILL, Mr. CRAMER, Mr. BERRY, Mr. CARNEY, Mr. TANNER, Mr. MARSHALL, Mr. COOPER, Mr. LAMPSON, Mr. RYAN of Ohio, Mr. BOSWELL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HIGGINS, Mr. BOREN, Mr. KAGEN, Mr. UDALL of Colorado, Mr. PERLMUTTER, Mr. STUPAK, Mr. KANJORSKI, Mr. MELANCON, Mr. BOUCHER, Mr. BAIRD, Mr. DAVIS of Alabama, Mrs. BOYDA of Kansas, Ms. BEAN, Mr. MCNERNEY, Mr. ARCURI, Mr. HODES, Mr. GOODLATTE, Mr. FEENEY, Mr. DEAL of Georgia, Mr. WAMP, Mr. SESSIONS, Mr. DUNCAN, Mr. RENZI, Mrs. BLACKBURN, Mr. ROYCE, Mr. MILLER of Florida, Mr. PRICE of Georgia, Mr. WALBERG, Mr. JONES of North Carolina, Mr. ROHRABACHER, Mr. ALEXANDER, Mr. COBLE, Mr. WESTMORELAND, Mr. ROSKAM, Mr. SMITH of Nebraska, Mr. CULBERSON, Mr. DOOLITTLE, Mr. POE, Mr. HAYES, Mr. HUNTER, Mrs. CAPITO, Mr. SMITH of Texas, Mr. MCCAUL of Texas, Mr. BROUN of Georgia, Mr. SHUSTER, Ms. FALLIN, Mr. DAVID DAVIS of Tennessee, Mr. LAMBORN, Mr. MCHENRY, Mr. GRAVES, Mr. TANCREDO, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. WELDON of Florida, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, Mr. BOOZMAN, Mr. INGLIS of South Carolina, Mr. GOODE, and Mr. GINGREY) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

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

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

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.

**TITLE I—SECURING AMERICA’S INTERNATIONAL BORDERS**

**Subtitle A—Manpower, Technology, and Infrastructure Improvements**

Sec. 101. Manpower.

Sec. 102. Technology.

Sec. 103. Infrastructure.

Sec. 104. Aerial vehicles and surveillance systems.

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

Sec. 111. National strategy to secure the borders.

Sec. 112. Accountable financing of a secure border initiative.

**Subtitle C—Rapid Response Measures**

Sec. 121. Deployment of border patrol agents.

Sec. 122. Border patrol major assets.

Sec. 123. Electronic equipment.

Sec. 124. Personal equipment.

Sec. 125. Authorization of appropriations.

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

Sec. 131. Definitions.

Sec. 132. Expansion of commerce security programs.

**Subtitle E—Other Border Security Initiatives**

Sec. 141. Alien smuggling and terrorism prevention.

Sec. 142. Border security on certain Federal land.

Subtitle F—Border Law Enforcement

Sec. 151. Short title.

Sec. 152. Findings.

Sec. 153. Border relief grant program.

Sec. 154. Authorization of appropriations.

Sec. 155. Regulations.

TITLE II—ENDING UNLAWFUL EMPLOYMENT

Subtitle A—Employee Verification

Sec. 201. Mandatory employment authorization verification.

Sec. 202. Mandatory notification of SSN mismatches and multiple uses.

Sec. 203. Establishment of electronic birth and death registration systems.

Sec. 204. Penalty for failure to file correct information returns.

Sec. 205. Authorization of appropriations.

Subtitle B—Nondeductibility of Wages Paid to Unauthorized Aliens

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

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

Sec. 301. Increase investigative efforts.

Sec. 302. Increased oversight of agents.

Sec. 303. Rewards program.

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

Sec. 305. Findings and purpose.

Sec. 306. Additional district court judgeships.

Sec. 307. Media campaign.

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

6 **SEC. 101. MANPOWER.**

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

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

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

10 “(1) 2,500 in fiscal year 2008;

11 “(2) 2,000 in fiscal year 2009;

12 “(3) 1,500 in fiscal year 2010;

13 “(4) 1,000 in fiscal year 2011; and

14 “(5) 1,000 in fiscal year 2012.

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

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

24 (b) INVESTIGATIVE PERSONNEL.—

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

1 tions authorized under section 5203 of the Intel-  
2 ligence Reform and Terrorism Prevention Act of  
3 2004, as amended by paragraph (1), during each of  
4 the fiscal years 2008 through 2012, the Secretary  
5 shall, subject to the availability of appropriations, in-  
6 crease by not less than 350 the number of positions  
7 for personnel within the Department assigned to  
8 specifically investigate alien smuggling.

9 (2) ADDITIONAL FUNDS AND PERSONNEL FOR  
10 THE TUNNEL TASK FORCE.—Subject to appropria-  
11 tions, the fiscal year 2008 budget of the Tunnel  
12 Task Force, a joint force comprised of Immigration  
13 and Customs Enforcement (ICE), Customs and Bor-  
14 der Patrol (CBP) and Drug Enforcement Adminis-  
15 tration (DEA) personnel tasked to pinpoint tunnels  
16 that are utilized by drug lords and “coyotes” to  
17 smuggle narcotics, illegal aliens, and weapons of  
18 mass destruction, shall be increased by 50 percent  
19 above the fiscal year 2007 budget. Such increase  
20 shall be used to increase personnel, improve commu-  
21 nication and coordination between participant agen-  
22 cies, upgrade technology, and offer cash rewards and  
23 appropriate security to individuals who provide the  
24 Tunnel Task Force with accurate information on ex-

1 isting tunnels that breach the international borders  
2 of the United States.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 The necessary funds are authorized to be appro-  
5 priated to the Secretary for each of the fiscal years  
6 2008 through 2012 to carry out this section.

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

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

17 (2) REPORT ON RECRUITMENT INCENTIVES.—

18 Not later than 90 days after the date of enactment  
19 of this Act, the Secretary and the Secretary of De-  
20 fense shall jointly submit to the “appropriate” com-  
21 mittees of Congress a report that shall include an  
22 assessment of the desirability and feasibility of offer-  
23 ing an incentive to a covered member or former  
24 member of the Armed Forces for the purpose of en-  
25 couraging such member to serve in United States

1 Customs and Border Patrol and Immigration and  
2 Customs Enforcement—

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

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

10 (3) RECOMMENDATIONS FOR RECRUITMENT IN-  
11 CENTIVES.—

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

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

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

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

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

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

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

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

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



1 **SEC. 102. TECHNOLOGY.**

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

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

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

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

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

8           (c) SECURE COMMUNICATION.—The secretary shall,  
9           as expeditiously as practicable, develop and implement a  
10          plan to improve the use of satellite communications and  
11          other technologies to ensure clear and secure 2-way com-  
12          munication capabilities—

13           (1) among all Border Patrol agents conducting  
14          operations between ports of entry;

15           (2) between Border Patrol agents and their re-  
16          spective Border Patrol stations; and

17           (3) between all appropriate law enforcement  
18          agencies of the Department and State, local, and  
19          tribal law enforcement agencies.

20          (d) OTHER TECHNOLOGY UPGRADES.—The Sec-  
21          retary shall purchase and implement new technology to se-  
22          cure the borders, including, but not limited to drones, in-  
23          frared cameras, sensors, mobile lighting units, radar and  
24          infrared heat.

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

5 **SEC. 103. INFRASTRUCTURE.**

6 (a) INFRASTRUCTURE IMPROVEMENTS.—Subject to  
7 the availability of appropriations, the Secretary shall con-  
8 struct or purchase—

9 (1) office facilities to accommodate additional  
10 border patrol manpower;

11 (2) sport utility vehicles for officers;

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

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

20 (5) vehicle barriers, to support, not replace,  
21 manpower, in rural and remote areas of the border  
22 necessary to achieve operational control of the inter-  
23 national borders of the United States.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—The nec-  
25 essary funds are authorized to be appropriated to the Sec-

1 retary for each of the fiscal years 2008 through 2012 to  
2 carry out this section.

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

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

10 (b) UNMANNED AERIAL VEHICLES AND ASSOCIATED  
11 INFRASTRUCTURE.—The Secretary shall acquire and  
12 maintain unmanned aerial vehicles and related equipment  
13 for use to patrol the international borders of the United  
14 States, including equipment such as—

- 15 (1) additional sensors;  
16 (2) satellite command and control; and  
17 (3) other necessary equipment for operational  
18 support.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—

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

24 (2) AVAILABILITY OF FUNDS.—Amounts appro-  
25 priated pursuant to the authorization of appropria-

1 tions in paragraph (1) are authorized to remain  
2 available until expended.

3 (d) AERIAL SURVEILLANCE PROGRAM.—

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

18 (2) ASSESSMENT AND CONSULTATION REQUIRE-  
19 MENTS.—In developing the program under this sub-  
20 section, the Secretary shall—

21 (A) consider current and proposed aerial  
22 surveillance technologies;

23 (B) assess the feasibility and advisability  
24 of utilizing such technologies to address border  
25 threats, including an assessment of the tech-

1           nologies considered best suited to address re-  
2           spective threats;

3           (C) consult with the Secretary of Defense  
4           regarding any technologies or equipment, which  
5           the Secretary may deploy along an international  
6           border of the United States; and

7           (D) consult with the Administrator of the  
8           Federal Aviation Administration regarding safe-  
9           ty, airspace coordination and regulation, and  
10          any other issues necessary for implementation  
11          of the program.

12          (3) AUTHORIZATION OF APPROPRIATIONS.—  
13          The necessary funds are authorized to be appro-  
14          priated to carry out this subsection.

15          (e) INTEGRATED AND AUTOMATED SURVEILLANCE  
16          PROGRAM.—

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

1 along such international borders to provide a barrier  
2 to illegal immigration.

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

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

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

15 (C) such camera views and positions are  
16 not fixed;

17 (D) surveillance video taken by such cam-  
18 eras is able to be viewed at multiple designated  
19 communications centers;

20 (E) a standard process is used to collect  
21 and record, catalog, and report intrusion and  
22 response data collected under the Program;

23 (F) future remote surveillance technology  
24 investments and upgrades for the program can  
25 be integrated with existing systems;

1           (G) performance measures are developed  
2           and applied that can evaluate whether the pro-  
3           gram is providing desired results and increasing  
4           response effectiveness in monitoring and detect-  
5           ing illegal intrusions along the international  
6           borders of the United States;

7           (H) plans are developed under the program  
8           to streamline site selection and site validation  
9           processes to minimize delays of installing sur-  
10          veillance technology infrastructure;

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

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

21          (K) Border Patrol agents respond to each  
22          reported intrusion that appears to involve aliens  
23          or smugglers.

24          (3) EVALUATION OF CONTRACTORS.—



1 (A) REQUIREMENT FOR STANDARDS.—The  
2 Secretary shall develop appropriate standards  
3 to evaluate the performance of any contractor  
4 providing goods or services to carry out the In-  
5 tegrated and Automated Surveillance Program.

6 (B) REVIEW BY THE COMPTROLLER GEN-  
7 ERAL OF THE UNITED STATES.—

8 (i) IN GENERAL.—The Comptroller  
9 General of the United States shall review  
10 each new contract related to the Program  
11 and should report to Congress regarding  
12 contracts with a value of more than  
13 \$5,000,000 in a timely manner, to deter-  
14 mine whether such contract fully complies  
15 with applicable cost requirements, perform-  
16 ance objectives, program milestones, and  
17 schedules.

18 (ii) REPORTS.—The Comptroller Gen-  
19 eral of the United States shall report the  
20 findings of each review carried out under  
21 clause (i) to the Secretary in a timely man-  
22 ner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (e) SUBMISSION TO CONGRESS.—

4 (1) STRATEGY.—Not later than December 31,  
5 2008, the Secretary shall submit to Congress the na-  
6 tional strategy for border security.

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

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

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

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

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

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

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

15 (A) cost overruns;

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

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

20 (D) insufficient departmental financial  
21 oversight;

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

24 (F) other high-risk business practices.

25 (b) REPORTS BY THE SECRETARY.—

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

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

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

25           (1) the proposed purchase;



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

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

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

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

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

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

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

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

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

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

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

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

21 (b) HELICOPTERS AND POWER BOATS.—

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

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

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

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

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

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

16 (c) MOTOR VEHICLES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **SEC. 131. DEFINITIONS.**

15 In this subtitle:

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

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

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

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

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

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

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

17 (B) The Carrier Initiative Program.

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

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

23 (E) The Free and Secure Trade Initiative.

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

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

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

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

10 (a) CHECKS AGAINST TERRORIST WATCHLIST.—The  
11 Department of Homeland Security shall check against all  
12 available terrorist watchlists those alien smugglers and  
13 smuggled individuals who are interdicted at the land, air,  
14 and sea borders of the United States.

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

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

22 (2) by redesignating clause (iv) of paragraph  
23 (1)(B) as clause (vii);



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

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

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

12               “(ii) recruits, encourages, or induces that indi-  
13                vidual to come to, enter, or reside in the United  
14                States;

15               “(iii) transports or moves that individual in the  
16                United States, in furtherance of their unlawful pres-  
17                ence; or

18               “(iv) harbors, conceals, or shields from detec-  
19                tion the individual in any place in the United States,  
20                including any building or any means of transpor-  
21                tation, or attempts or conspires to do so, shall be  
22                punished as provided in subparagraph (C).

23           “(B) Whoever, knowing that an individual is an alien,  
24           brings that individual to the United States in any manner  
25           whatsoever at a place other than a designated port of

1 entry or place other than as designated by the Secretary  
2 of Homeland Security, regardless of whether such alien  
3 has received prior official authorization to come to, enter,  
4 or reside in the United States and regardless of any future  
5 official action which may be taken with respect to such  
6 alien, or attempts or conspires to do so, shall be punished  
7 as provided in subparagraph (C).

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

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

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

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

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

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

19           “(vi) if the offense involved an individual who  
20          the defendant knew was engaged in or intended to  
21          engage in terrorist activity (as defined in section  
22          212(a)(3)(B)), be fined under title 18, United States  
23          Code or imprisoned not more than 30 years, or both;  
24          and”;

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

4 (A) by striking “in the case” and all that  
5 follows through “(v) resulting” and inserting  
6 “if the offense results”; and

7 (B) by inserting “and if the offense in-  
8 volves kidnapping, an attempt to kidnap, the  
9 conduct required for aggravated sexual abuse  
10 (as defined in section 2241 without regard to  
11 where it takes place), or an attempt to commit  
12 such abuse, or an attempt to kill, be fined  
13 under such title or imprisoned for any term of  
14 years or life, or both” after “or both”; and

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

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

22 “(B) In a prosecution for a violation of, or an  
23 attempt or conspiracy to violate subsection  
24 (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs

1 on the high seas, no defense based on necessity can  
2 be raised unless the defendant—

3 “(i) as soon as practicable, reported to the  
4 Coast Guard the circumstances of the necessity,  
5 and if a rescue is claimed, the name, descrip-  
6 tion, registry number, and location of the vessel  
7 engaging in the rescue; and

8 “(ii) did not bring, attempt to bring, or in  
9 any manner intentionally facilitate the entry of  
10 any alien into the land territory of the United  
11 States without lawful authority, unless exigent  
12 circumstances existed that placed the life of  
13 that alien in danger, in which case the report-  
14 ing requirement set forth in clause (i) of this  
15 subparagraph is satisfied by notifying the Coast  
16 Guard as soon as practicable after delivering  
17 the alien to emergency medical or law enforce-  
18 ment personnel ashore.

19 “(C) It is a defense to a violation of, or an at-  
20 tempt or conspiracy to violate, clause (iii) or (iv) of  
21 subsection (a)(1)(A) for a religious denomination  
22 having a bona fide nonprofit, religious organization  
23 in the United States, or the agents or officer of such  
24 denomination or organization, to encourage, invite,  
25 call, allow, or enable an alien who is present in the

1 United States to perform the vocation of a minister  
2 or missionary for the denomination or organization  
3 in the United States as a volunteer who is not com-  
4 pensated as an employee, notwithstanding the provi-  
5 sion of room, board, travel, medical assistance, and  
6 other basic living expenses, provided the minister or  
7 missionary has been a member of the denomination  
8 for at least one year.

9 “(D) For purposes of this paragraph and para-  
10 graph (1)—

11 “(i) the term ‘United States’ means the  
12 several States, the District of Columbia, the  
13 Commonwealth of Puerto Rico, Guam, Amer-  
14 ican Samoa, the United States Virgin Islands,  
15 the Commonwealth of the Northern Mariana Is-  
16 lands, and any other territory or possession of  
17 the United States; and

18 “(ii) the term ‘lawful authority’ means per-  
19 mission, authorization, or waiver that is ex-  
20 pressly provided for in the immigration laws of  
21 the United States or the regulations prescribed  
22 under those laws and does not include any such  
23 authority secured by fraud or otherwise ob-  
24 tained in violation of law or authority that has  
25 been sought but not approved.”.

1 (c) MARITIME LAW ENFORCEMENT.—

2 (1) PENALTIES.—Subsection (b) of section  
3 2237 of title 18, United States Code, is amended to  
4 read as follows:

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

9 “(2) If the offense—

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

21 “(B) results in serious bodily injury (as defined  
22 in section 1365 of this title) or transportation under  
23 inhumane conditions, the offender shall be fined  
24 under this title, imprisoned not more than 15 years,  
25 or both; or

1           “(C) results in death or involves kidnapping, an  
2 attempt to kidnap, the conduct required for aggra-  
3 vated sexual abuse (as defined in section 2241 with-  
4 out regard to where it takes place), or an attempt  
5 to commit such abuse, or an attempt to kill, be fined  
6 under such title or imprisoned for any term of years  
7 or life, or both.”.

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

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

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

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

16                   “(A) as soon as practicable upon reaching  
17 shore, delivered the person with respect to which the  
18 necessity arose to emergency medical or law enforce-  
19 ment personnel;

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

23                   “(C) did not bring, attempt to bring, or in any  
24 manner intentionally facilitate the entry of any alien,  
25 as that term is defined in section 101(a)(3) of the



1 Immigration and Nationality Act (8 U.S.C. 1101  
2 (a)(3)), into the land territory of the United States  
3 without lawful authority, unless exigent cir-  
4 cumstances existed that placed the life of that alien  
5 in danger, in which case the reporting requirement  
6 of subparagraph (B) is satisfied by notifying the  
7 Coast Guard as soon as practicable after delivering  
8 that person to emergency medical or law enforce-  
9 ment personnel ashore.”.

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

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

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

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

17 “(5) the term ‘transportation under inhumane  
18 conditions’ means the transportation of persons in  
19 an engine compartment, storage compartment, or  
20 other confined space, transportation at an excessive  
21 speed, transportation of a number of persons in ex-  
22 cess of the rated capacity of the means of transpor-  
23 tation, or intentionally grounding a vessel in which  
24 persons are being transported.”.

1 (d) AMENDMENT TO THE SENTENCING GUIDE-  
2 LINES.—

3 (1) IN GENERAL.—Pursuant to its authority  
4 under section 994 of title 28, United States Code,  
5 and in accordance with this subsection, the United  
6 States Sentencing Commission shall review and, if  
7 appropriate, amend the sentencing guidelines and  
8 policy statements applicable to persons convicted of  
9 alien smuggling offenses and criminal failure to  
10 heave to or obstruction of boarding.

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

13 (A) consider providing sentencing enhance-  
14 ments or stiffening existing enhancements for  
15 those convicted of offenses described in para-  
16 graph (1) of this subsection that—

17 (i) involve a pattern of continued and  
18 flagrant violations;

19 (ii) are part of an ongoing commercial  
20 organization or enterprise;

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

23 (iv) involve the transportation or  
24 abandonment of aliens in a manner that  
25 endangered their lives; or

1 (v) involve the facilitation of terrorist  
2 activity; and

3 (B) consider cross-references to the guide-  
4 lines for Criminal Sexual Abuse and Attempted  
5 Murder.

6 (3) EXPEDITED PROCEDURES.—The Commis-  
7 sion may promulgate the guidelines or amendments  
8 under this subsection in accordance with the proce-  
9 dures set forth in section 21(a) of the Sentencing  
10 Act of 1987, as though the authority under that Act  
11 had not expired.

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

13 (a) DEFINITIONS.—In this section:

14 (1) PROTECTED LAND.—The term “protected  
15 land” means land under the jurisdiction of the Sec-  
16 retary concerned.

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

19 (A) with respect to land under the jurisdic-  
20 tion of the Secretary of Agriculture, the Sec-  
21 retary of Agriculture; and

22 (B) with respect to land under the jurisdic-  
23 tion of the Secretary of the Interior, the Sec-  
24 retary of the Interior.

1           (b) BORDER PROTECTION STRATEGY.—The Sec-  
2 retary, the Secretary of the Interior, and the Secretary  
3 of Agriculture shall jointly develop a border protection  
4 strategy that supports the border security needs of the  
5 United States in the manner that best protects—

6           (1) units of the National Park System;

7           (2) National Forest System land;

8           (3) land under the jurisdiction of the United  
9 States Fish and Wildlife Service and Bureau of  
10 Land Management; and

11           (4) other relevant land under the jurisdiction of  
12 the Secretary of the Interior or the Secretary of Ag-  
13 riculture.

14           (c) ADDITIONAL UNIFORMED LAW ENFORCEMENT  
15 OFFICERS AND SPECIAL AGENTS OF THE DEPARTMENT  
16 OF THE INTERIOR.—There are authorized to be appro-  
17 priated to the Secretary of the Interior for employment  
18 of uniformed law enforcement officers and special agents,  
19 in addition to the number of such officers and agents em-  
20 ployed immediately before the enactment of this Act, such  
21 sums as may be necessary for—

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

24                   (A) 4 for California;

25                   (B) 9 for Arizona;

1 (C) 2 for New Mexico; and

2 (D) 7 for Texas;

3 (2) 2 such agents of the United States Fish  
4 and Wildlife Service, for Texas;

5 (3) 22 such officers of the National Park Serv-  
6 ice, including—

7 (A) 13 for Arizona; and

8 (B) 9 for Texas;

9 (4) 2 such agents of the National Park Service,  
10 for Texas;

11 (5) 19 such officers of the Bureau of Land  
12 Management, including—

13 (A) 5 for California;

14 (B) 4 for Arizona;

15 (C) 4 for New Mexico; and

16 (D) 6 for Texas;

17 (6) 2 such agents of the Bureau of Land Man-  
18 agement, including—

19 (A) 1 for California;

20 (B) 2 for Arizona; and

21 (C) 1 for New Mexico; and

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

24 (d) ADDITIONAL SPECIAL ASSISTANT UNITED  
25 STATES ATTORNEY.—There are authorized to be appro-

1 priated to the Attorney General such sums as may be nec-  
2 essary to increase by 1 the number of special assistant  
3 United States attorneys in the district of Arizona dedi-  
4 cated to prosecution of cases generated by the Secretary  
5 of Interior, in addition to the number of such attorneys  
6 appointed immediately before the enactment of this Act.

## 7 **Subtitle F—Border Law** 8 **Enforcement**

### 9 **SEC. 151. SHORT TITLE.**

10 This Act may be cited as the “Border Law Enforce-  
11 ment Act”.

### 12 **SEC. 152. FINDINGS.**

13 The Congress finds as follows:

14 (1) It is the obligation of the Federal Govern-  
15 ment of the United States to adequately secure the  
16 Nation’s borders and prevent the flow of unauthor-  
17 ized aliens and illegal drugs into the United States.

18 (2) Despite the fact that the United States  
19 Border Patrol apprehends over 1,000,000 people  
20 each year trying to illegally enter the United States,  
21 according to the Congressional Research Service, the  
22 net growth in the number of unauthorized aliens has  
23 increased by approximately 500,000 each year. The  
24 southwest border accounts for approximately 94 per-  
25 cent of all migrant apprehensions each year. Cur-

1       rently, there are an estimated 11,000,000 unauthor-  
2       ized aliens in the United States.

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

8           (4) Border communities continue to incur sig-  
9       nificant costs due to the lack of adequate border se-  
10      curity. A 2001 study by the United States-Mexico  
11      Border Counties Coalition found that law enforce-  
12      ment and criminal justice expenses associated with  
13      illegal immigration exceed \$89,000,000 annually for  
14      the Southwest border counties.

15          (5) In August 2005, the States of New Mexico  
16      and Arizona declared states of emergency in order to  
17      provide local law enforcement immediate assistance  
18      in addressing criminal activity along the Southwest  
19      border.

20          (6) While the Federal Government provides  
21      States and localities assistance in covering costs re-  
22      lated to the detention of certain criminal aliens and  
23      the prosecution of Federal drug cases, local law en-  
24      forcement along the border are provided no assist-  
25      ance in covering such expenses and must use their

1 limited resources to combat drug trafficking, human  
2 smuggling, kidnappings, the destruction of private  
3 property, and other border-related crimes.

4 (7) The United States shares 5,525 miles of  
5 border with Canada and 1,989 miles with Mexico.  
6 Many of the local law enforcement agencies located  
7 along the border are small, rural departments  
8 charged with patrolling large areas of land. Counties  
9 along the Southwest United States-Mexico border  
10 are some of the poorest in the country and lack the  
11 financial resources to cover the additional costs asso-  
12 ciated with illegal immigration, drug trafficking, and  
13 other border-related crimes.

14 (8) Federal assistance is required to help local  
15 law enforcement operating along the border address  
16 the unique challenges that arise as a result of their  
17 proximity to an international border and the lack of  
18 overall border security in the region.

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

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

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



1           (2) police departments serving a city, town, or  
2 other political subdivision in a county any part of  
3 which is within 25 miles of the southern border of  
4 the United States (including tribal police depart-  
5 ments serving a community any part of which is  
6 within 25 miles of such border).

7           (b) USE OF FUNDS.—

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

10           (A) To conduct law enforcement operations  
11 in order to enforce criminal laws, prevent and  
12 punish criminal activity, and protect the lives,  
13 property, and security of the people within the  
14 jurisdiction of the grant recipient.

15           (B) To transfer aliens detained or in the  
16 custody of the grant recipient who are not law-  
17 fully present in the United States to appro-  
18 priate Federal law enforcement officials.

19           (C) To enforce State and Federal laws re-  
20 lating to controlled substance trafficking and  
21 enforce other State and Federal criminal laws.

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

24           (A) hiring, equipping, training, and other-  
25 wise controlling the operations and deployment

1 of, law enforcement officials engaged in duties  
2 described in paragraph (1), as well as the costs  
3 of paying overtime to such officials; and

4 (B) detaining, housing, and transporting  
5 aliens who are not lawfully present in the  
6 United States, and who are taken into custody  
7 by the grant recipient, until the aliens are  
8 transferred to appropriate Federal law enforce-  
9 ment officials.

10 (3) DETENTION FACILITIES.—In accordance  
11 with paragraph (2)(B), grant funds received under  
12 subsection (a) may be used for the construction,  
13 maintenance, and operation of detention facilities to  
14 detain aliens who are unlawfully present in the  
15 United States, except that not more than 20 percent  
16 of such funds may be used for the construction or  
17 renovation of detention or similar facilities.

18 (c) APPLICATION.—

19 (1) IN GENERAL.—Each eligible law enforce-  
20 ment agency seeking a grant under this section shall  
21 submit an application to the Secretary of Homeland  
22 Security at such time, in such manner, and accom-  
23 panied by such information as the Secretary of  
24 Homeland Security may reasonably require.

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

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

5           (B) provide such additional assurances as  
6 the Secretary of Homeland Security determines  
7 to be essential to ensure compliance with the re-  
8 quirements of this section.

9 **SEC. 154. AUTHORIZATION OF APPROPRIATIONS.**

10         There are authorized to be appropriated to the Sec-  
11 retary of Homeland Security to carry out this Act  
12 \$200,000,000 for fiscal year 2008 and each succeeding  
13 fiscal year.

14 **SEC. 155. REGULATIONS.**

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

18         **TITLE II—ENDING UNLAWFUL**  
19                 **EMPLOYMENT**

20         **Subtitle A—Employee Verification**

21 **SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION**  
22                 **VERIFICATION.**

23         (a) MAKING BASIC PILOT PROGRAM PERMANENT.—  
24 Section 401(b) of the Illegal Immigration Reform and Im-  
25 migrant Responsibility Act of 1996 (8 U.S.C. 1324a note)

1 is amended by adding before the period at the end of the  
2 last sentence the following “, except that the basic pilot  
3 program described in section 403(a) shall be a permanent  
4 program”.

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

6 (1) IN GENERAL.—Subject to paragraphs (2)  
7 and (3), every person or other entity that hires one  
8 or more individuals for employment in the United  
9 States shall verify through the E-Verify program, es-  
10 tablished as the basic pilot program by section  
11 403(a) of the Illegal Immigration Reform and Immig-  
12 rant Responsibility Act of 1996 (division C of Pub-  
13 lic Law 104–208; 8 U.S.C. 1324a note), that each  
14 such individual is authorized to work in the United  
15 States. The Secretary of Homeland Security shall  
16 ensure that verification by means of a toll-free tele-  
17 phone line is an available option in complying with  
18 the preceding sentence.

19 (2) SELECT ENTITIES REQUIRED TO USE E-  
20 VERIFY PROGRAM IMMEDIATELY.—The following en-  
21 tities must satisfy the requirement in paragraph (1)  
22 by not later than one year after the date of the en-  
23 actment of this Act:

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

1 (B) FEDERAL CONTRACTORS.—A con-  
2 tractor that—

3 (i) has entered into a contract with  
4 the Federal Government to which section  
5 2(b)(1) of the Service Contract Act of  
6 1965 (41 U.S.C. 351(b)(1)) applies, and  
7 any subcontractor under such contract; or

8 (ii) has entered into a contract ex-  
9 empted from the application of such Act by  
10 section 6 of such Act (41 U.S.C. 356), and  
11 any subcontractor under such contract;  
12 and

13 (C) LARGE EMPLOYERS.—An employer  
14 that employs more than 250 individuals in the  
15 United States.

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

17 (A) 2 YEARS FOR EMPLOYERS OF 100 OR  
18 MORE.—Entities that employ 100 or more indi-  
19 viduals in the United States must satisfy the  
20 requirement in paragraph (1) by not later than  
21 two years after the date of the enactment of  
22 this Act.

23 (B) 3 YEARS FOR EMPLOYERS WITH 30 OR  
24 MORE EMPLOYEES.—All entities that employ 30  
25 or more individuals in the United States must

1           satisfy the requirement in paragraph (1) by not  
2           later than three years after the date of the en-  
3           actment of this Act.

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

9           (4) VERIFYING EMPLOYMENT AUTHORIZATION  
10          OF CURRENT EMPLOYEES.—Every person or other  
11          entity that employs one or more persons in the  
12          United States shall verify through the E-Verify pro-  
13          gram by not later than four years after the date of  
14          the enactment of this Act that each employee is au-  
15          thorized to work in the United States.

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

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

23                 (B) the employer terminates the employ-  
24                 ment of the alien upon being informed of the  
25                 error.

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

4           (A) be treated as a violation of section  
5 274A(a)(1)(B) with respect to each offense; and

6           (B) create a rebuttable presumption that  
7 the employer has violated section  
8 274A(a)(1)(A).

9           (7) VOLUNTARY PARTICIPATION OF EMPLOYERS  
10 NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—

11 Nothing in this subsection shall be construed as pre-  
12 venting a person or other entity that is not imme-  
13 diately subject to the requirement of paragraph (1)  
14 pursuant to paragraph (2) or (3) from voluntarily  
15 using the E-Verify program to verify the employ-  
16 ment authorization of new hires or current employ-  
17 ees.

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

22 **SEC. 202. MANDATORY NOTIFICATION OF SSN MISMATCHES**  
23 **AND MULTIPLE USES.**

24           (a) NOTIFICATION OF MISMATCHED NAME AND SO-  
25 CIAL SECURITY NUMBER.—The Commissioner of Social

1 Security shall notify on an annual basis each United  
2 States employer with one or more employees whose social  
3 security account number does not match the employees  
4 name or date of birth in the Commissioners records. Such  
5 notification shall instruct employers to notify listed em-  
6 ployees that they have 10 business days to correct the mis-  
7 match with the Social Security Administration or the em-  
8 ployer will be required to terminate their employment. The  
9 notification also shall inform employers that they may not  
10 terminate listed employees prior to the close of the 10-  
11 day period.

12 (b) NOTIFICATION OF MULTIPLE USES OF INDI-  
13 VIDUAL SOCIAL SECURITY NUMBERS.—Prior to crediting  
14 any individual with concurrent earnings from more than  
15 one employer, the Commissioner of Social Security shall  
16 notify the individual that earnings from two or more em-  
17 ployers are being reported under the individual’s social se-  
18 curity account number. Such notice shall include, at a  
19 minimum, the name and location of each employer and  
20 shall direct the individual to contact the Social Security  
21 Administration to submit proof that the individual is the  
22 person to whom the social security account number was  
23 issued and, if applicable, to submit, either in person or  
24 via electronic transmission, a pay stub or other docu-  
25 mentation showing that such individual is employed by



1 both or all employers reporting earnings to that social se-  
2 curity account number.

3 (c) INFORMATION SHARING WITH THE DEPARTMENT  
4 OF HOMELAND SECURITY.—

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

15 (2) Information to be shared with the Secretary  
16 shall include, at a minimum, the name and mailing  
17 address of all employees who are the subject of an  
18 unresolved mismatch notification or who are unau-  
19 thorized users of another individual's social security  
20 account number.

21 **SEC. 203. ESTABLISHMENT OF ELECTRONIC BIRTH AND**  
22 **DEATH REGISTRATION SYSTEMS.**

23 (a) In consultation with the Secretary of Health and  
24 Human Services and the Commissioner of Social Security,  
25 the Secretary shall take the following actions:

1           (1) Work with the States to establish a common  
2 data set and common data exchange protocol for  
3 electronic birth registration systems and death reg-  
4 istration systems.

5           (2) Coordinate requirements for such systems  
6 to align with a national model.

7           (3) Ensure that fraud prevention is built into  
8 the design of electronic vital registration systems in  
9 the collection of vital event data, the issuance of  
10 birth certificates, and the exchange of data among  
11 government agencies.

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

17          (5) Establish uniform field requirements for  
18 State birth registries.

19          (6) Not later than 1 year after the date of the  
20 enactment of this Act, establish a process with the  
21 Department of Defense that will result in the shar-  
22 ing of data, with the States and the Social Security  
23 Administration, regarding deaths of United States  
24 military personnel and the birth and death of their  
25 dependents.

1           (7) Not later than 1 year after the date of the  
2 enactment of this Act, establish a process with the  
3 Department of State to improve registration, notifi-  
4 cation, and the sharing of data with the States and  
5 the Social Security Administration, regarding births  
6 and deaths of United States citizens abroad.

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

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

18 **SEC. 204. PENALTY FOR FAILURE TO FILE CORRECT INFOR-**  
19 **MATION RETURNS.**

20           Section 6721 of the Internal Revenue Code of 1986  
21 (26 U.S.C. 6721) is amended by adding at the end the  
22 following:

23           “(f) The Secretary shall assess the maximum allow-  
24 able penalties on 100 percent of the employers designated

1 in any tax year by the Social Security Administration as  
 2 the most egregious noncompliant employers.

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

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

8 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **Subtitle B—Nondeductibility of**  
 12 **Wages Paid to Unauthorized Aliens**

13 **SEC. 211. CLARIFICATION THAT WAGES PAID TO UNAU-**  
 14 **THORIZED ALIENS MAY NOT BE DEDUCTED**  
 15 **FROM GROSS INCOME.**

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

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

1           “(A) IN GENERAL.—No deduction shall be  
2 allowed under subsection (a) for any wage paid  
3 to or on behalf of an unauthorized alien, as de-  
4 fined under section 274A(h)(3) of the Immigra-  
5 tion and Nationality Act (8 U.S.C.  
6 1324a(h)(3)).

7           “(B) WAGES.—For the purposes of this  
8 paragraph, the term ‘wages’ means all remu-  
9 neration for employment, including the cash  
10 value of all remuneration (including benefits)  
11 paid in any medium other than cash.

12           “(C) SAFE HARBOR.—If a person or other  
13 entity is participating in the basic pilot program  
14 described in section 403 of the Illegal Immigra-  
15 tion Reform and Immigrant Responsibility Act  
16 of 1996 (8 U.S.C. 1324a note) and obtains con-  
17 firmation of identity and employment eligibility  
18 in compliance with the terms and conditions of  
19 the program with respect to the hiring (or re-  
20 cruitment or referral) of an employee, subpara-  
21 graph (A) shall not apply with respect to wages  
22 paid to such employee.”.

23           (b) 6-YEAR LIMITATION ON ASSESSMENT AND COL-  
24 LECTION.—Subsection (c) of section 6501 of such Code

1 (relating to exceptions) is amended by adding at the end  
2 the following new paragraph:

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

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

13           (1) in subparagraph (b)(5), by inserting “, sec-  
14           tion 162(c)(4) of the Internal Revenue Code of  
15           1986,” after “enforcement of this Act”;

16           (2) in subparagraph (d)(2)(F), by inserting “,  
17           section 162(c)(4) of the Internal Revenue Code of  
18           1986,” after “enforcement of this Act”; and

19           (3) in subparagraph (d)(2)(G), by inserting  
20           “section 162(c)(4) of the Internal Revenue Code of  
21           1986 or” after “or enforcement of”.

22          (d) AVAILABILITY OF INFORMATION.—The Commis-  
23 sioner of Social Security and the Secretary of the Depart-  
24 ment of Homeland Security shall make available to the  
25 Commissioner of Internal Revenue any information re-

1 lated to the investigation and enforcement of section  
2 162(c)(4) of the Internal Revenue Code of 1986, including  
3 any no-match letter and any information in the earnings  
4 suspense file.

5 (e) EFFECTIVE DATE.—

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

9 (2) The amendments made by subsections (a)  
10 and (b) shall apply to taxable years beginning after  
11 December 31, 2007.

12 **TITLE III—ENHANCING AND**  
13 **FULLY UTILIZING CURRENT**  
14 **METHODS OF INTERIOR EN-**  
15 **FORCEMENT**

16 **SEC. 301. INCREASE INVESTIGATIVE EFFORTS.**

17 (a) FEDERAL AGENTS.—An increase of personnel  
18 and resources will be needed to successfully enforce U.S.  
19 immigration laws and punish those who violate them. To  
20 this end, sufficient funds are authorized to be appro-  
21 priated to employ 1,150 additional Immigration and Cus-  
22 toms Enforcement Agents.

23 (b) CRIMINAL ALIEN PROGRAM (CAP).—An addi-  
24 tional 140 CAP officers are authorized to identify and re-

1 move criminal aliens encountered in Federal, State, and  
2 local detention facilities.

3 (c) STATE AND LOCAL LAW ENFORCEMENT SUP-  
4 PORT.—The Secretary of Homeland Security shall take  
5 necessary steps to allow for the training of a minimum  
6 of 250 State and local law enforcement officers in Federal  
7 immigration law enforcement procedure. This would be an  
8 expansion of an already active and successful program.

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

10 To ensure the ability of Immigration and Customs  
11 Enforcement (ICE) and Customs and Border Patrol  
12 (CBP) to enforce integrity and ethical behavior through-  
13 out their expanded ranks, an increase of 5 in the number  
14 of Special Agents in the Office of Professional Responsi-  
15 bility.

16 **SEC. 303. REWARDS PROGRAM.**

17 (a) REWARDS PROGRAM.—Section 274 (8 U.S.C.  
18 1324) is amended by adding at the end the following:

19 “(e) REWARDS PROGRAM.—

20 “(1) IN GENERAL.—There is established in the  
21 Department of Homeland Security a program for  
22 the payment of rewards to carry out the purposes of  
23 this section.

24 “(2) PURPOSE.—The rewards program shall be  
25 designed to assist in the elimination of commercial



1 operations to produce or sell fraudulent documents  
2 to be used for entering or remaining in the United  
3 States unlawfully and to assist in the investigation,  
4 prosecution, or disruption of a commercial alien  
5 smuggling operation.

6 “(3) ADMINISTRATION.—The rewards program  
7 shall be administered by the Secretary of Homeland  
8 Security, in consultation, as appropriate, with the  
9 Attorney General and the Secretary of State.

10 “(4) REWARDS AUTHORIZED.—In the sole dis-  
11 cretion of the Secretary of Homeland Security, such  
12 Secretary, in consultation, as appropriate, with the  
13 Attorney General and the Secretary of State, may  
14 pay a reward to any individual who furnishes infor-  
15 mation or testimony leading to—

16 “(A) the arrest or conviction of any indi-  
17 vidual conspiring or attempting to produce or  
18 sell fraudulent documents to be used for enter-  
19 ing or remaining in the United States unlaw-  
20 fully or to commit an act of commercial alien  
21 smuggling involving the transportation of  
22 aliens;

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

1           “(C) the arrest or conviction of any indi-  
2           vidual aiding or abetting the commission of  
3           such an act;

4           “(D) the prevention, frustration, or favor-  
5           able resolution of such an act, including the dis-  
6           mantling of an operation to produce or sell  
7           fraudulent documents to be used for entering or  
8           remaining in the United States, or commercial  
9           alien smuggling operations, in whole or in sig-  
10          nificant part; or

11          “(E) the identification or location of an in-  
12          dividual who holds a key leadership position in  
13          an operation to produce or sell fraudulent docu-  
14          ments to be used for entering or remaining in  
15          the United States unlawfully or a commercial  
16          alien smuggling operation involving the trans-  
17          portation of aliens.

18          “(5) AUTHORIZATION OF APPROPRIATIONS.—  
19          There are authorized to be appropriated such sums  
20          as may be necessary to carry out this subsection.  
21          Amounts appropriated under this paragraph shall  
22          remain available until expended.

23          “(6) INELIGIBILITY.—An officer or employee of  
24          any Federal, State, local, or foreign government  
25          who, while in performance of his or her official du-

1 ties, furnishes information described in paragraph  
2 (4) shall not be eligible for a reward under this sub-  
3 section for such furnishing.

4 “(7) PROTECTION MEASURES.—If the Secretary  
5 of Homeland Security, the Secretary of State, or the  
6 Attorney General determines that an individual who  
7 furnishes information or testimony described in  
8 paragraph (4), or any spouse, child, parent, son, or  
9 daughter of such an individual, must be protected,  
10 such official may take such lawful action as the offi-  
11 cial considers necessary to effect such protection.

12 “(8) LIMITATIONS AND CERTIFICATION.—

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

15 “(B) APPROVAL.—Any reward under this  
16 subsection exceeding \$50,000 shall be person-  
17 ally approved by the Secretary of Homeland Se-  
18 curity.

19 “(C) CERTIFICATION FOR PAYMENT.—Any  
20 reward granted under this subsection shall be  
21 certified for payment by the Secretary of Home-  
22 land Security.

23 “(9) PUBLICITY.—The Department of Home-  
24 land Security shall be responsible for developing and  
25 implementing an advertising strategy to make known

1 the rewards described within this section in order to  
2 solicit informants.”.

3 **SEC. 304. INCREASED DETENTION FACILITIES FOR ALIENS**  
4 **APPREHENDED FOR ILLEGAL ENTRY.**

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

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

10 (1) contract private facilities whenever possible  
11 to promote efficient use and to limit the Federal  
12 Government’s maintenance of and liability for addi-  
13 tional infrastructure;

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

16 (3) utilize BRAC facilities or active duty facili-  
17 ties.

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

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

1 (e) RESPONSIBILITIES.—The Secretary of Homeland  
2 Security shall be responsible for providing humane condi-  
3 tions, health care and nutrition, psychological services,  
4 and education for minors.

5 (f) AUTHORIZATION.—All funds necessary to accom-  
6 plish the directives within this section are authorized to  
7 be appropriated.

8 **SEC. 305. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—Based on the recommendations  
10 made by the 2007 Judicial Conference and the statistical  
11 data provided by the 2006 Federal Court Management  
12 Statistics (issued by the Administrative Office of the  
13 United States Courts), the Congress finds the following:

14 (1) Federal courts along the southwest border  
15 of the United States have a greater percentage of  
16 their criminal caseload affected by immigration cases  
17 than other Federal courts.

18 (2) The percentage of criminal immigration  
19 cases in most southwest border district courts totals  
20 more than 49 percent of the total criminal caseloads  
21 of those districts.

22 (3) The current number of judges authorized  
23 for those courts is inadequate to handle the current  
24 caseload.

1           (4) Such an increase in the caseload of criminal  
2 immigration filings requires a corresponding increase  
3 in the number of Federal judgeships.

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

7           (6) The Congress should authorize the addi-  
8 tional district court judges necessary to carry out  
9 the 2007 recommendations of the Judicial Con-  
10 ference for district courts in which the criminal im-  
11 migration filings represented more than 49 percent  
12 of all criminal filings for the 12-month period ending  
13 September 30, 2006.

14       (b) PURPOSE.—The purpose of this Act is to increase  
15 the number of Federal judgeships, in accordance with the  
16 recommendations of the 2007 Judicial Conference, in dis-  
17 trict courts that have an extraordinarily high criminal im-  
18 migration caseload.

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

20       (a) PERMANENT JUDGESHIPS.—

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

23                   (A) 4 additional district judges for the dis-  
24 trict of Arizona;

1 (B) 5 additional district judges for the  
2 southern district of California;

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

5 (D) 2 additional district judges for the  
6 southern district of Texas; and

7 (E) 1 additional district judge for the  
8 western district of Texas.

9 (2) CONFORMING AMENDMENTS.—In order that  
10 the table contained in section 133(a) of title 28,  
11 United States Code, reflect the number of additional  
12 judges authorized under paragraph (1), such table is  
13 amended—

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

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

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

20 (D) in the item relating to Texas—

21 (i) by striking “19” and inserting  
22 “21”; and

23 (ii) by striking “13” and inserting  
24 “14”.

25 (b) TEMPORARY JUDGESHIPS.—

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

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

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

7           (2) VACANCY NOT FILLED.—For each of the ju-  
8           dicial districts named in this subsection, the first va-  
9           cancy arising on the district court 10 years or more  
10          after a judge is first confirmed to fill the temporary  
11          district judgeship created in that district by this  
12          subsection shall not be filled.

13 **SEC. 307. MEDIA CAMPAIGN.**

14          (a) IN GENERAL.—The Secretary of Labor and the  
15          Secretary of Homeland Security shall develop strategies  
16          to inform the public of changes in immigration policies  
17          created by provisions in this legislation.

18          (b) NOTIFICATION OF CHANGES TO EMPLOYMENT  
19          VERIFICATION PROCESS.—The Secretary of Labor shall  
20          employ, at his or her discretion, a combination of print,  
21          television, internet, and radio media to notify employers  
22          of changes to the employment verification process. These  
23          multilingual media campaigns should be targeted toward  
24          non-citizen communities and those most likely to employ  
25          non-citizens. Announcements should encourage compliance



1 with new legislation and should explain penalties for non-  
2 compliance with provisions within this Act.

3 (c) MULTILINGUAL MEDIA CAMPAIGN.—The Sec-  
4 retary of Homeland Security shall also develop a multi-  
5 lingual media campaign explaining the extent of this legis-  
6 lation, the timelines therein, and the penalties for non-  
7 compliance with this Act. Announcements should be tar-  
8 geted toward undocumented aliens and should empha-  
9 size—

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

12 (2) the benefits of voluntary removal of undocu-  
13 mented aliens;

14 (3) punishment for apprehension and forced re-  
15 moval of undocumented aliens; and

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

18 (d) COOPERATION WITH OTHER GOVERNMENTS.—  
19 The Secretary of Homeland Security shall make all rea-  
20 sonable attempts to cooperate with the Governments of  
21 Mexico and the countries of Central America in imple-  
22 menting a media campaign that raises awareness of the  
23 issues in paragraph (2).

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