

112TH CONGRESS
1ST SESSION

H. R. 2000

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

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. SHULER (for himself, Mr. ALTMIRE, Mr. KISSELL, Mr. ROSS of Arkansas, Mr. BILBRAY, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. COFFMAN of Colorado, Mr. DAVIS of Kentucky, Mr. DUNCAN of Tennessee, Mr. GERLACH, Mr. GINGREY of Georgia, Mr. JONES, Mr. MARCHANT, Mr. McCAUL, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. ROYCE, Mr. YOUNG of Florida, Mr. ROE of Tennessee, Mr. LEWIS of California, Mr. GUINTA, Mr. McINTYRE, Mr. CARTER, Mr. CALVERT, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. MANZULLO, Mr. SESSIONS, Mr. LAMBORN, Mr. VISCLOSKY, Mr. FORTENBERRY, Mr. BACHUS, Mr. McHENRY, Mr. BARLETTA, Mr. MATHESON, and Mr. NUNNELEE) 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 the Workforce, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Secure America Through Verification and Enforcement
 4 Act of 2011” or as the “SAVE Act of 2011”.

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

Sec. 1. Short title; table of contents.

TITLE I—SECURING AMERICA’S INTERNATIONAL BORDERS

Subtitle A—Manpower, Technology, and Infrastructure Improvements

Sec. 101. Manpower.
 Sec. 102. Technology.
 Sec. 103. Infrastructure.
 Sec. 104. Aerial vehicles and surveillance systems.

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

Sec. 111. National strategy to secure the borders.
 Sec. 112. Accountable financing of a secure border initiative.

Subtitle C—Rapid Response Measures

Sec. 121. Deployment of border patrol agents.
 Sec. 122. Border patrol major assets.
 Sec. 123. Electronic equipment.
 Sec. 124. Personal equipment.
 Sec. 125. Authorization of appropriations.

Subtitle D—Border Infrastructure and Technology Modernization

Sec. 131. Definitions.
 Sec. 132. Expansion of commerce security programs.

Subtitle E—Other Border Security Initiatives

Sec. 141. Alien smuggling and terrorism prevention.
 Sec. 142. Border security on certain Federal land.

TITLE II—ENDING UNLAWFUL EMPLOYMENT

Subtitle A—Employee Verification

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

Subtitle B—Nondeductibility of Wages Paid to Unauthorized Aliens

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

TITLE III—ENHANCING AND UTILIZING CURRENT INTERIOR
ENFORCEMENT METHODS

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

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

6 **SEC. 101. MANPOWER.**

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

11 **“SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL**
 12 **AGENTS.**

13 “(a) ANNUAL INCREASES.—The Secretary of Home-
 14 land Security shall, subject to the availability of appropria-
 15 tions for such purpose, increase the number of positions
 16 for full-time active-duty Border Patrol agents within the
 17 Department of Homeland Security (above the number of

1 positions for which funds were appropriated for the pre-
2 ceding fiscal year), by—

3 “(1) 1,500 in fiscal year 2012;

4 “(2) 1,000 in fiscal year 2013;

5 “(3) 1,000 in fiscal year 2014;

6 “(4) 1,000 in fiscal year 2015; and

7 “(5) 500 in fiscal year 2016.

8 “(b) ALLOCATIONS.—Of the Border Patrol agents
9 hired under subsection (a), 80 percent shall be deployed
10 along the southern border of the United States and 20
11 percent shall be deployed along the northern border of the
12 United States.

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—The
14 necessary funds are authorized to be appropriated for each
15 of fiscal years 2012 through 2016 to carry out this sec-
16 tion.”.

17 (b) INVESTIGATIVE PERSONNEL.—

18 (1) ADDITIONAL INVESTIGATIVE PERSONNEL
19 FOR ALIEN SMUGGLING.—In addition to the posi-
20 tions authorized under section 5203 of the Intel-
21 ligence Reform and Terrorism Prevention Act of
22 2004, as amended by paragraph (1), during each of
23 the fiscal years 2012 through 2016, the Secretary
24 shall, subject to the availability of appropriations, in-
25 crease by not less than 350 the number of positions

1 for personnel within the Department assigned to
2 specifically investigate alien smuggling.

3 (2) ADDITIONAL FUNDS AND PERSONNEL FOR
4 THE TUNNEL TASK FORCE.—Subject to appropria-
5 tions, the fiscal year 2012 budget of the Tunnel
6 Task Force, a joint force comprised of Immigration
7 and Customs Enforcement (ICE), Customs and Bor-
8 der Patrol (CBP), and Drug Enforcement Adminis-
9 tration (DEA) personnel tasked to pinpoint tunnels
10 that are utilized by drug lords and “coyotes” to
11 smuggle narcotics, illegal aliens, and weapons, shall
12 be increased by 50 percent above the fiscal year
13 2007 budget. Such increase shall be used to increase
14 personnel, improve communication and coordination
15 between participant agencies, upgrade technology,
16 and offer cash rewards and appropriate security to
17 individuals who provide the Tunnel Task Force with
18 accurate information on existing tunnels that breach
19 the international borders of the United States.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—
21 The necessary funds are authorized to be appro-
22 priated to the Secretary for each of the fiscal years
23 2012 through 2016 to carry out this section.

1 (c) RECRUITMENT OF FORMER MEMBERS OF THE
2 ARMED FORCES AND MEMBERS OF RESERVE COMPO-
3 NENTS OF THE ARMED FORCES.—

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

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

22 (A) the Secretary must provide a descrip-
23 tion of various monetary and non-monetary in-
24 centives considered for purposes of the report;
25 and

1 (B) the Secretary must provide an assess-
2 ment of the desirability and feasibility of uti-
3 lizing any such incentive.

4 (3) RECOMMENDATIONS FOR RECRUITMENT IN-
5 CENTIVES.—

6 (A) MAXIMUM STUDENT LOAN REPAY-
7 MENTS FOR UNITED STATES BORDER PATROL
8 AGENTS WITH A TWO-YEAR COMMITMENT.—

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

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

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

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

20 (B) RECRUITMENT AND RELOCATION BO-
21 NUSES AND RETENTION ALLOWANCES FOR PER-
22 SONNEL OF THE DEPARTMENT OF HOMELAND
23 SECURITY.—The Secretary of Homeland Secu-
24 rity shall ensure that the authority to pay re-
25 cruitment and relocation bonuses under section

1 5753 of title 5, United States Code, the author-
2 ity to pay retention bonuses under section 5754
3 of such title, and any other similar authorities
4 available under any other provision of law, rule,
5 or regulation, are exercised to the fullest extent
6 allowable in order to encourage service in the
7 Department of Homeland Security.

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

10 (A) the Committee on Appropriations, the
11 Committee on Armed Services, and the Com-
12 mittee on Homeland Security of the House of
13 Representatives; and

14 (B) the Committee on Appropriations, the
15 Committee on Armed Services, and the Com-
16 mittee on Homeland Security and Govern-
17 mental Affairs of the Senate.

18 **SEC. 102. TECHNOLOGY.**

19 (a) EQUIPMENT SHARING BETWEEN DEPARTMENT
20 OF HOMELAND SECURITY AND DEPARTMENT OF DE-
21 FENSE.—The Secretaries of these two departments shall
22 develop and implement a plan to use authorities provided
23 to the Secretary of Defense under chapter 18 of title 10,
24 United States Code, to increase the availability and use
25 of Department of Defense equipment, including unmanned

1 aerial vehicles, tethered aerostat radars, and other surveil-
2 lance equipment, to assist the Secretary in carrying out
3 surveillance activities conducted at or near the inter-
4 national land borders of the United States to prevent ille-
5 gal immigration.

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

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

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

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

24 (c) SECURE COMMUNICATION.—The secretary shall,
25 as expeditiously as practicable, develop and implement a

1 plan to improve the use of satellite communications and
2 other technologies to ensure clear and secure 2-way com-
3 munication capabilities—

4 (1) among all Border Patrol agents conducting
5 operations between ports of entry;

6 (2) between Border Patrol agents and their re-
7 spective Border Patrol stations; and

8 (3) between all appropriate law enforcement
9 agencies of the Department and State, local, and
10 tribal law enforcement agencies.

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

16 (e) AUTHORIZATION OF APPROPRIATIONS.—The nec-
17 essary funds are authorized to be appropriated to the Sec-
18 retary for each of the fiscal years 2012 through 2016 to
19 carry out this section.

20 **SEC. 103. INFRASTRUCTURE.**

21 (a) INFRASTRUCTURE IMPROVEMENTS.—Subject to
22 the availability of appropriations, the Secretary shall con-
23 struct or purchase—

24 (1) office facilities to accommodate additional
25 border patrol manpower;

1 (2) sport utility vehicles for officers;

2 (3) all weather roads for better vehicle access
3 and performance on remote and rugged terrain
4 (road construction should be done in consultation
5 with the owner of the land and take into account
6 any environmental or other land-use issues that are
7 relevant);

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

10 (5) vehicle barriers, to support, not replace,
11 manpower, in rural and remote areas of the border
12 necessary to achieve operational control of the inter-
13 national borders of the United States.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—The nec-
15 essary funds are authorized to be appropriated to the Sec-
16 retary for each of the fiscal years 2012 through 2016 to
17 carry out this section.

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

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

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

- 6 (1) additional sensors;
7 (2) satellite command and control; and
8 (3) other necessary equipment for operational
9 support.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary for each of the fiscal
13 years 2012 and 2013 such sums as may be nec-
14 essary to carry out subsection (b).

15 (2) AVAILABILITY OF FUNDS.—Amounts appro-
16 priated pursuant to the authorization of appropria-
17 tions in paragraph (1) are authorized to remain
18 available until expended.

19 (d) AERIAL SURVEILLANCE PROGRAM.—

20 (1) IN GENERAL.—In conjunction with the bor-
21 der surveillance plan developed under section 5201
22 of the Intelligence Reform and Terrorism Prevention
23 Act of 2004 (Public Law 108–458; 8 U.S.C. 1701
24 note), the Secretary, not later than 90 days after the
25 date of enactment of this Act, shall develop and im-

1 plement a program to fully integrate and utilize aer-
2 ial surveillance technologies, including unmanned
3 aerial vehicles, to enhance the security of the inter-
4 national border between the United States and Can-
5 ada and the international border between the United
6 States and Mexico. The goal of the program shall be
7 to ensure continuous monitoring of each mile of each
8 border.

9 (2) ASSESSMENT AND CONSULTATION REQUIRE-
10 MENTS.—In developing the program under this sub-
11 section, the Secretary shall—

12 (A) consider current and proposed aerial
13 surveillance technologies;

14 (B) assess the feasibility and advisability
15 of utilizing such technologies to address border
16 threats, including an assessment of the tech-
17 nologies considered best suited to address re-
18 spective threats;

19 (C) consult with the Secretary of Defense
20 regarding any technologies or equipment, which
21 the Secretary may deploy along an international
22 border of the United States; and

23 (D) consult with the Administrator of the
24 Federal Aviation Administration regarding safe-
25 ty, airspace coordination and regulation, and

1 any other issues necessary for implementation
2 of the program.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 The necessary funds are authorized to be appro-
5 priated to carry out this subsection.

6 (e) INTEGRATED AND AUTOMATED SURVEILLANCE
7 PROGRAM.—

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

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

20 (A) the technologies utilized in the Inte-
21 grated and Automated Surveillance Program
22 are integrated and function cohesively in an
23 automated fashion, including the integration of
24 motion sensor alerts and cameras in a manner
25 where a sensor alert automatically activates a

1 corresponding camera to pan and tilt in the di-
2 rection of the triggered sensor;

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

5 (C) such camera views and positions are
6 not fixed;

7 (D) surveillance video taken by such cam-
8 eras is able to be viewed at multiple designated
9 communications centers;

10 (E) a standard process is used to collect
11 and record, catalog, and report intrusion and
12 response data collected under the Program;

13 (F) future remote surveillance technology
14 investments and upgrades for the program can
15 be integrated with existing systems;

16 (G) performance measures are developed
17 and applied that can evaluate whether the pro-
18 gram is providing desired results and increasing
19 response effectiveness in monitoring and detect-
20 ing illegal intrusions along the international
21 borders of the United States;

22 (H) plans are developed under the program
23 to streamline site selection and site validation
24 processes to minimize delays of installing sur-
25 veillance technology infrastructure;

1 (I) standards are developed under the pro-
2 gram to expand the shared use of existing pri-
3 vate and governmental structures to install re-
4 mote surveillance technology infrastructure
5 where possible;

6 (J) standards are developed under the pro-
7 gram to identify and deploy the use of non-
8 permanent or mobile surveillance platforms that
9 will increase the Secretary's mobility and ability
10 to identify illegal border intrusions; and

11 (K) Border Patrol agents respond to each
12 reported intrusion that appears to involve aliens
13 or smugglers.

14 (3) EVALUATION OF CONTRACTORS.—

15 (A) REQUIREMENT FOR STANDARDS.—The
16 Secretary shall develop appropriate standards
17 to evaluate the performance of any contractor
18 providing goods or services to carry out the In-
19 tegrated and Automated Surveillance Program.

20 (B) REVIEW BY THE COMPTROLLER GEN-
21 ERAL OF THE UNITED STATES.—

22 (i) IN GENERAL.—The Comptroller
23 General of the United States shall review
24 each new contract related to the Program
25 and should report to Congress regarding

1 contracts with a value of more than
2 \$5,000,000 in a timely manner, to deter-
3 mine whether such contract fully complies
4 with applicable cost requirements, perform-
5 ance objectives, program milestones, and
6 schedules.

7 (ii) REPORTS.—The Comptroller Gen-
8 eral of the United States shall report the
9 findings of each review carried out under
10 clause (i) to the Secretary in a timely man-
11 ner.

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

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

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

19 (a) REQUIREMENT FOR NATIONAL STRATEGY.—The
20 Secretary, in consultation with the heads of other appro-
21 priate Federal agencies, shall develop a national strategy
22 to secure the borders that describes actions to be carried
23 out to achieve operational control over all ports of entry
24 into the United States and the international land and mar-
25 itime borders of the United States by December 31, 2015.

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

3 (1) An assessment of the threats posed by ter-
4 rorists and terrorist groups that may try to infiltrate
5 the United States at locations along the inter-
6 national land and maritime borders of the United
7 States.

8 (2) A risk assessment for all United States
9 ports of entry and all portions of the international
10 land and maritime borders of the United States that
11 includes a description of activities being under-
12 taken—

13 (A) to prevent the entry of terrorists, other
14 unlawful aliens, instruments of terrorism, nar-
15 cotics, and other contraband into the United
16 States; and

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

19 (3) An assessment of the most appropriate,
20 practical, and cost-effective means of defending the
21 international land and maritime borders of the
22 United States against threats to security and illegal
23 transit, including intelligence capacities, technology,
24 equipment, personnel, and training needed to ad-
25 dress security vulnerabilities.

1 (4) An assessment of staffing needs for all bor-
2 der security functions, taking into account threat
3 and vulnerability information pertaining to the bor-
4 ders and the impact of new security programs, poli-
5 cies, and technologies.

6 (5) A description of the border security roles
7 and missions of Federal Government, State govern-
8 ment, local government, and tribal authorities, and
9 recommendations regarding actions the Secretary
10 can carry out to improve coordination with such au-
11 thorities to enable border security and enforcement
12 activities to be carried out in a more efficient and
13 effective manner.

14 (6) An assessment of existing efforts and tech-
15 nologies used for border security and the effect of
16 the use of such efforts and technologies on civil
17 rights, private property rights, privacy rights, and
18 civil liberties, including an assessment of efforts to
19 take into account asylum seekers, trafficking vic-
20 tims, unaccompanied minor aliens, refugees and
21 other vulnerable populations, as well as the effects
22 on Americans living in the border region and local,
23 State, and Federal law enforcement officers working
24 in the border region.

1 (7) A prioritized list of research and develop-
2 ment objectives to enhance the security of the inter-
3 national land and maritime borders of the United
4 States.

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

10 (9) An assessment of additional detention facili-
11 ties and beds that are needed to detain unlawful
12 aliens apprehended at United States ports of entry
13 or along the international land borders of the United
14 States.

15 (10) A description of the performance metrics
16 to be used to ensure accountability by the bureaus
17 of the Department in implementing such strategy.

18 (11) A schedule for the implementation of the
19 security measures described in said strategy, includ-
20 ing a prioritization of security measures, realistic
21 deadlines for addressing the security and enforce-
22 ment needs, an estimate of the resources needed to
23 carry out such measures, and a description of how
24 such resources should be allocated.

1 (c) CONSULTATION.—In developing the national
2 strategy for border security, the Secretary shall consult
3 with representatives of—

4 (1) State, local, and tribal governmental au-
5 thorities with responsibility for locations along the
6 international land and maritime borders of the
7 United States; and

8 (2) appropriate private sector entities, non-
9 governmental organizations, and affected commu-
10 nities that have expertise in areas related to border
11 security.

12 (d) COORDINATION.—The national strategy for bor-
13 der security shall be consistent with the National Strategy
14 for Maritime Security developed pursuant to Homeland
15 Security Presidential Directive 13, dated December 21,
16 2004.

17 (e) SUBMISSION TO CONGRESS.—

18 (1) STRATEGY.—Not later than December 31,
19 2012, the Secretary shall submit to Congress the na-
20 tional strategy for border security.

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

1 (f) IMMEDIATE ACTION.—Nothing in this section
2 may be construed to relieve the Secretary of the responsi-
3 bility to take all actions necessary and appropriate to
4 achieve and maintain operational control over the entire
5 international land and maritime borders of the United
6 States.

7 **SEC. 112. ACCOUNTABLE FINANCING OF A SECURE BORDER**
8 **INITIATIVE.**

9 (a) COMPTROLLER GENERAL OF THE UNITED
10 STATES.—

11 (1) ACTION.—If the Comptroller General of the
12 United States becomes aware of any improper con-
13 duct or wrongdoing in the course of conducting a
14 contract review under the Secure Border Initiative,
15 the Comptroller General of the United States shall,
16 as expeditiously as practicable, refer information re-
17 lating to such improper conduct or wrongdoing to
18 Congress and to the Secretary of Homeland Secu-
19 rity, or to another appropriate official of the Depart-
20 ment of Homeland Security, who shall determine
21 whether to temporarily suspend the contractor from
22 further participation in the Secure Border Initiative
23 or make said contract null and void.

24 (2) REPORT.—Upon the completion of each re-
25 view described in paragraph (1), the Comptroller

1 General of the United States shall submit to Con-
2 gress and to the Secretary a report containing the
3 findings of the review, including findings regard-
4 ing—

5 (A) cost overruns;

6 (B) significant delays in contract execu-
7 tion;

8 (C) lack of rigorous departmental contract
9 management;

10 (D) insufficient departmental financial
11 oversight;

12 (E) bundling that limits the ability of
13 small businesses to compete; or

14 (F) other high-risk business practices.

15 (b) REPORTS BY THE SECRETARY.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the receipt of each report required under subsection
18 (a)(2), the Secretary shall submit a report to the
19 Committee on the Judiciary and the Committee on
20 Homeland Security of the House of Representatives
21 and the Committee on the Judiciary and the Com-
22 mittee on Homeland Security and Governmental Af-
23 fairs of the Senate, that describes the steps the Sec-
24 retary has taken, or plans to take, to address the
25 problems identified in such report.

1 (2) CONTRACTS WITH FOREIGN COMPANIES.—
2 Not later than 60 days after the initiation of each
3 contract action with a company whose headquarters
4 are not based in the United States, the Secretary
5 shall submit a report to the Committee on the Judi-
6 ciary of the Senate and the Committee on the Judi-
7 ciary of the House of Representatives, regarding the
8 Secure Border Initiative.

9 (c) REPORTS ON UNITED STATES PORTS.—Not later
10 that 60 days after receiving information regarding a pro-
11 posed purchase of a contract to manage the operations of
12 a United States port by a foreign entity, the Secretary
13 of Homeland Security shall submit a report to Congress
14 that describes—

15 (1) the proposed purchase;

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

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

20 **Subtitle C—Rapid Response**
21 **Measures**

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

23 (a) EMERGENCY DEPLOYMENT OF BORDER PATROL
24 AGENTS.—

1 (1) IN GENERAL.—If the Governor of a State
2 on an international border of the United States de-
3 clares an international border security emergency
4 and requests additional agents of the Border Patrol
5 (referred to in this subtitle as “agents”) from the
6 Secretary, the Secretary, subject to paragraphs (2)
7 and (3), may provide the State with not more than
8 1,000 additional agents for the purpose of patrolling
9 and defending the international border, in order to
10 prevent individuals from crossing the international
11 border into the United States at any location other
12 than an authorized port of entry.

13 (2) CONSULTATION.—Upon receiving a request
14 for agents under paragraph (1), the Secretary, after
15 consultation with the President, shall grant such re-
16 quest to the extent that providing such agents will
17 not significantly impair the Department’s ability to
18 provide border security for any other State.

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

23 (b) FLEXIBLE DEPLOYMENT OF BORDER PATROL
24 AGENTS.—The Secretary shall ensure that agents are not
25 precluded from performing patrol duties and appre-

1 pending violators of law, except in unusual circumstances
2 if the temporary use of fixed deployment positions is nec-
3 essary.

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

5 (a) CONTROL OF DEPARTMENT OF HOMELAND SE-
6 CURITY ASSETS.—The Department of Homeland Security
7 shall have exclusive administrative and operational control
8 over all the assets utilized in carrying out its mission, in-
9 cluding aircraft, watercraft, vehicles, detention space,
10 transportation, and all of the personnel associated with
11 such assets.

12 (b) HELICOPTERS AND POWER BOATS.—

13 (1) HELICOPTERS.—The Secretary shall in-
14 crease the number of helicopters under the control
15 of the Border Patrol and Immigration and Customs
16 Enforcement (ICE). The Secretary shall ensure that
17 appropriate types and quantities of helicopters are
18 procured for the various missions being performed.

19 (2) POWER BOATS.—The Secretary shall in-
20 crease the number of power boats under the control
21 of the Border Patrol. The Secretary shall ensure
22 that the types of power boats that are procured are
23 appropriate for both the waterways in which they
24 are used and the mission requirements.

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

1 (A) establish an overall policy on how the
2 helicopters and power boats procured under this
3 subsection will be used; and

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

7 (c) MOTOR VEHICLES.—

8 (1) QUANTITY.—The Secretary shall establish a
9 fleet of motor vehicles appropriate for use by the
10 Border Patrol that will permit a ratio of not less
11 than 1 police-type vehicle for every 4 agents with
12 safety glass and other protections. The Secretary
13 shall ensure that there are sufficient numbers and
14 types of other motor vehicles to support the mission
15 of the Border Patrol.

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

18 (A) be appropriate for the mission of the
19 Border Patrol; and

20 (B) have a panic button and a global posi-
21 tioning system device that is activated solely in
22 emergency situations to track the location of
23 agents in distress.

1 **SEC. 123. ELECTRONIC EQUIPMENT.**

2 (a) PORTABLE COMPUTERS.—The Secretary shall en-
3 sure that each police-type motor vehicle in the fleet of the
4 Border Patrol is equipped with a portable computer with
5 access to all necessary law enforcement databases and oth-
6 erwise suited to the unique operational requirements of
7 the Border Patrol.

8 (b) RADIO EQUIPMENT.—The Secretary shall aug-
9 ment the existing radio communications system so that all
10 law enforcement personnel, including Immigration and
11 Customs Enforcement, working in each area where Border
12 Patrol operations are conducted have clear and encrypted
13 2-way radio communication capabilities at all times. Each
14 portable communications device shall be equipped with a
15 panic button and a global positioning system device that
16 is activated solely in emergency situations to track the lo-
17 cation of agents in distress.

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

22 (d) NIGHT VISION EQUIPMENT.—The Secretary shall
23 ensure that sufficient quantities of state-of-the-art night
24 vision equipment are procured and maintained to enable
25 each Border Patrol agent working during the hours of

1 darkness to be equipped with a portable night vision de-
2 vice.

3 **SEC. 124. PERSONAL EQUIPMENT.**

4 (a) BODY ARMOR.—The Secretary shall ensure that
5 every agent on duty is issued high-quality body armor that
6 is appropriate for the climate and risks faced by the agent.
7 Enough body armor must be purchased to cover every
8 agent in the field.

9 (b) WEAPONS.—The Secretary shall ensure that
10 agents are equipped with weapons that are reliable and
11 effective to protect themselves, their fellow agents, and in-
12 nocent third parties from the threats posed by armed
13 criminals. The Secretary shall ensure that the policies of
14 the Department authorize all agents to carry weapons that
15 are suited to the potential threats that they face, and that
16 all agents receive appropriate training in the use of such
17 weapons.

18 (c) UNIFORMS.—The Secretary shall ensure that all
19 agents are provided with all necessary uniform items, in-
20 cluding outerwear suited to the climate, footwear, belts,
21 holsters, and personal protective equipment, at no cost to
22 such agents. Such items shall be replaced at no cost to
23 such agents as such items become worn or unserviceable
24 or no longer fit properly.

1 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Sec-
3 retary such sums as may be necessary for each of the fis-
4 cal years 2012 through 2016 to carry out this subtitle.

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

7 **SEC. 131. DEFINITIONS.**

8 In this subtitle:

9 (1) COMMISSIONER.—The term “Commis-
10 sioner” means the Commissioner of United States
11 Customs and Border Protection.

12 (2) NORTHERN BORDER.—The term “northern
13 border” means the international border between the
14 United States and Canada.

15 (3) SOUTHERN BORDER.—The term “southern
16 border” means the international border between the
17 United States and Mexico.

18 **SEC. 132. EXPANSION OF COMMERCE SECURITY PRO-**
19 **GRAMS.**

20 (a) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
21 RORISM.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this Act, the Commis-
24 sioner, in consultation with the Secretary, shall de-
25 velop a plan to expand the programs of the Cus-
26 toms-Trade Partnership Against Terrorism estab-

1 lished pursuant to section 211 of the SAFE Port
2 Act (6 U.S.C. 961), including adding additional per-
3 sonnel for such programs, along the northern border
4 and southern border, including the following pro-
5 grams:

6 (A) The Business Anti-Smuggling Coali-
7 tion.

8 (B) The Carrier Initiative Program.

9 (C) The Americas Counter Smuggling Ini-
10 tiative.

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

14 (E) The Free and Secure Trade Initiative.

15 (F) Other industry partnership programs
16 administered by the Commissioner.

17 (b) DEMONSTRATION PROGRAM.—Not later than 180
18 days after the date of enactment of this Act, the Commis-
19 sioner shall establish a demonstration program to develop
20 a cooperative trade security system to improve supply
21 chain security.

1 **Subtitle E—Other Border Security**
2 **Initiatives**

3 **SEC. 141. ALIEN SMUGGLING AND TERRORISM PREVEN-**
4 **TION.**

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

11 (b) STRENGTHENING PROSECUTION AND PUNISH-
12 MENT OF ALIEN SMUGGLERS.—Section 274(a) of the Im-
13 migration and Nationality Act (8 U.S.C. 1324(a)) is
14 amended—

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

18 (2) by amending paragraphs (1) through (2) to
19 read as follows:

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

24 “(i) brings that individual to the United States
25 in any manner whatsoever regardless of any future

1 official action which may be taken with respect to
2 such individual;

3 “(ii) recruits, encourages, or induces that indi-
4 vidual to come to, enter, or reside in the United
5 States;

6 “(iii) transports or moves that individual in the
7 United States, in furtherance of their unlawful pres-
8 ence; or

9 “(iv) harbors, conceals, or shields from detec-
10 tion the individual in any place in the United States,
11 including any building or any means of transpor-
12 tation;

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

15 “(B) Whoever, knowing that an individual is an alien,
16 brings that individual to the United States in any manner
17 whatsoever at a place, other than a designated port of
18 entry or place designated by the Secretary of Homeland
19 Security, regardless of whether such individual has re-
20 ceived prior official authorization to come to, enter, or re-
21 side in the United States and regardless of any future offi-
22 cial action which may be taken with respect to such indi-
23 vidual, or attempts or conspires to do so, shall be punished
24 as provided in subparagraph (C).

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

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

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

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

22 “(iv) if the offense results in serious bodily in-
23 jury (as defined in section 1365 of title 18, United
24 States Code) or places in jeopardy the life of any

1 person, be fined under title 18, United States Code,
2 or imprisoned not more than 20 years, or both;

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

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

22 “(vii) if the offense involves the transit of the
23 defendant’s spouse, child, sibling, parent, grand-
24 parent, or niece or nephew, and the offense is not
25 described in any of clauses (i) through (vi), be fined

1 under title 18, United States Code, or imprisoned
2 not more than 1 year, or both; and

3 “(viii) in any other case, be fined under title
4 18, United States Code, or imprisoned not more
5 than 5 years, or both.

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

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

13 “(i) as soon as practicable, reported to the
14 Coast Guard the circumstances of the necessity, and
15 if a rescue is claimed, the name, description, registry
16 number, and location of the vessel engaging in the
17 rescue; and

18 “(ii) did not bring, attempt to bring, or in any
19 manner intentionally facilitate the entry of any alien
20 into the land territory of the United States without
21 lawful authority, unless exigent circumstances ex-
22 isted that placed the life of that alien in danger, in
23 which case the reporting requirement set forth in
24 clause (i) is satisfied by notifying the Coast Guard
25 as soon as practicable after delivering the alien to

1 emergency medical or law enforcement personnel
2 ashore.

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

19 “(D) For purposes of this paragraph and paragraph
20 (1)—

21 “(i) the term ‘United States’ means the several
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, Guam, American Samoa, the United
24 States Virgin Islands, the Commonwealth of the

1 Northern Mariana Islands, and any other territory
2 or possession of the United States; and

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

11 (c) MARITIME LAW ENFORCEMENT.—

12 (1) PENALTIES.—Subsection (b) of section
13 2237 of title 18, United States Code, is amended to
14 read as follows:

15 “(b) Whoever intentionally violates this section
16 shall—

17 “(1) if the offense results in death or involves
18 kidnapping, an attempt to kidnap, the conduct re-
19 quired for aggravated sexual abuse (as defined in
20 section 2241 without regard to where it takes place),
21 or an attempt to commit such abuse, or an attempt
22 to kill, be fined under such title or imprisoned for
23 any term of years or life, or both;

24 “(2) if the offense results in serious bodily in-
25 jury (as defined in section 1365 of this title) or

1 transportation under inhumane conditions, be fined
2 under this title, imprisoned not more than 15 years,
3 or both;

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

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

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

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

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

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

1 “(A) as soon as practicable upon reaching
2 shore, delivered the person with respect to which the
3 necessity arose to emergency medical or law enforce-
4 ment personnel;

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

8 “(C) did not bring, attempt to bring, or in any
9 manner intentionally facilitate the entry of any alien,
10 as that term is defined in section 101(a)(3) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1101(a)(3)), into the land territory of the United
13 States without lawful authority, unless exigent cir-
14 cumstances existed that placed the life of that alien
15 in danger, in which case the reporting requirement
16 of subparagraph (B) is satisfied by notifying the
17 Coast Guard as soon as practicable after delivering
18 that person to emergency medical or law enforce-
19 ment personnel ashore.”.

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

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

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

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

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

10 (d) AMENDMENT TO THE SENTENCING GUIDE-
11 LINES.—

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

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

22 (A) consider providing sentencing enhance-
23 ments or stiffening existing enhancements for
24 those convicted of offenses described in sub-
25 section (a) that—

1 (i) involve a pattern of continued and
2 flagrant violations;

3 (ii) are part of an ongoing commercial
4 organization or enterprise;

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

7 (iv) involve the transportation or
8 abandonment of aliens in a manner that
9 endangered their lives; or

10 (v) involve the facilitation of terrorist
11 activity; and

12 (B) consider cross-references to the guide-
13 lines for Criminal Sexual Abuse and Attempted
14 Murder.

15 (3) EXPEDITED PROCEDURES.—The Commis-
16 sion may promulgate the guidelines or amendments
17 under this section in accordance with the procedures
18 set forth in section 21(a) of the Sentencing Act of
19 1987, as though the authority under that Act had
20 not expired.

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

22 (a) DEFINITIONS.—In this section:

23 (1) PROTECTED LAND.—The term “protected
24 land” means land under the jurisdiction of the Sec-
25 retary concerned.

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

3 (A) with respect to land under the jurisdic-
4 tion of the Secretary of Agriculture, the Sec-
5 retary of Agriculture; and

6 (B) with respect to land under the jurisdic-
7 tion of the Secretary of the Interior, the Sec-
8 retary of the Interior.

9 (b) BORDER PROTECTION STRATEGY.—The Sec-
10 retary, the Secretary of the Interior, and the Secretary
11 of Agriculture shall jointly develop a border protection
12 strategy that supports the border security needs of the
13 United States in the manner that best protects—

14 (1) units of the National Park System;

15 (2) National Forest System land;

16 (3) land under the jurisdiction of the United
17 States Fish and Wildlife Service and Bureau of
18 Land Management; and

19 (4) other relevant land under the jurisdiction of
20 the Secretary of the Interior or the Secretary of Ag-
21 riculture.

22 (c) ADDITIONAL UNIFORMED LAW ENFORCEMENT
23 OFFICERS AND SPECIAL AGENTS OF THE DEPARTMENT
24 OF THE INTERIOR.—There are authorized to be appro-
25 priated to the Secretary of the Interior for employment

1 of uniformed law enforcement officers and special agents,
2 in addition to the number of such officers and agents em-
3 ployed immediately before the enactment of this Act, such
4 sums as may be necessary for—

5 (1) 22 such officers of the United States Fish
6 and Wildlife Service, including—

7 (A) 4 for California;

8 (B) 9 for Arizona;

9 (C) 2 for New Mexico; and

10 (D) 7 for Texas;

11 (2) 2 such agents of the United States Fish
12 and Wildlife Service, for Texas;

13 (3) 22 such officers of the National Park Serv-
14 ice, including—

15 (A) 13 for Arizona; and

16 (B) 9 for Texas;

17 (4) 2 such agents of the National Park Service,
18 for Texas;

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

21 (A) 5 for California;

22 (B) 4 for Arizona;

23 (C) 4 for New Mexico; and

24 (D) 6 for Texas;

1 (6) 2 such agents of the Bureau of Land Man-
2 agement, including—

3 (A) 1 for California;

4 (B) 2 for Arizona; and

5 (C) 1 for New Mexico; and

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

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

16 **TITLE II—ENDING UNLAWFUL**
17 **EMPLOYMENT**

18 **Subtitle A—Employee Verification**

19 **SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION**
20 **VERIFICATION.**

21 (a) MAKING E-VERIFY PROGRAM PERMANENT.—
22 Section 401(b) of the Illegal Immigration Reform and Im-
23 migrant Responsibility Act of 1996 (8 U.S.C. 1324a note)
24 is amended by adding before the period at the end of the
25 last sentence the following “, except that the E-Verify

1 Program described in section 403(a) shall be a permanent
2 program”.

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

4 (1) IN GENERAL.—Subject to paragraphs (2)
5 and (3), every person or other entity that hires one
6 or more individuals for employment in the United
7 States shall verify through the E-Verify Program,
8 established by section 403(a) of the Illegal Immigra-
9 tion Reform and Immigrant Responsibility Act of
10 1996 (division C of Public Law 104–208; 8 U.S.C.
11 1324a note), that each such individual is authorized
12 to work in the United States. The Secretary of
13 Homeland Security shall ensure that verification by
14 means of a toll-free telephone line is an available op-
15 tion in complying with the preceding sentence.

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

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

23 (B) FEDERAL CONTRACTORS.—A con-
24 tractor that—

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

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

10 (C) LARGE EMPLOYERS.—An employer
11 that employs more than 250 individuals in the
12 United States.

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

14 (A) TWO YEARS FOR EMPLOYERS OF 100
15 OR MORE.—Entities that employ 100 or more
16 individuals in the United States must satisfy
17 the requirement in paragraph (1) by not later
18 than two years after the date of the enactment
19 of this Act.

20 (B) THREE YEARS FOR EMPLOYERS WITH
21 30 OR MORE EMPLOYEES.—All entities that em-
22 ploy 30 or more individuals in the United
23 States must satisfy the requirement in para-
24 graph (1) by not later than three years after
25 the date of the enactment of this Act.

1 (C) FOUR YEARS FOR ALL EMPLOYERS.—

2 All entities that employ one or more individuals
3 in the United States must satisfy the require-
4 ment in paragraph (1) by not later than four
5 years after the date of the enactment of this
6 Act.

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

14 (5) DEFENSE.—In accordance with section
15 274A(a)(3) of the Immigration and Nationality Act
16 (8 U.S.C. 1324a(a)(3)), a person or entity that es-
17 tablishes that it has complied in good faith with the
18 requirements of section 274A(b) of such Act with re-
19 spect to the hiring, recruiting, or referral for em-
20 ployment of an alien in the United States has estab-
21 lished an affirmative defense that the person or enti-
22 ty has not violated section 274A(a)(1)(A) of such
23 Act with respect to such hiring, recruiting or refer-
24 ral. Furthermore an employer who has complied
25 with the requirements in paragraphs (1) and (4) of

1 this Act shall not be liable for hiring an unauthor-
2 ized alien, if—

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

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

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

12 (A) be treated as a violation of section
13 274A(a)(1)(B) with respect to each offense; and

14 (B) create a rebuttable presumption that
15 the employer has violated section
16 274A(a)(1)(A).

17 (7) VOLUNTARY PARTICIPATION OF EMPLOYERS
18 NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—

19 Nothing in this subsection shall be construed as pre-
20 venting a person or other entity that is not imme-
21 diately subject to the requirement of paragraph (1)
22 pursuant to paragraph (2) or (3) from voluntarily
23 using the E-Verify program to verify the employ-
24 ment authorization of new hires or current employ-
25 ees.

1 (8) STATE INTERFERENCE.—No State may
2 prohibit a person or other entity from using the E-
3 Verify program to verify the employment authoriza-
4 tion of new hires or current employees.

5 (9) E-VERIFY STUDY.—

6 (A) FINDINGS.—The Congress finds as fol-
7 lows:

8 (i) A majority of the 0.4 percent of
9 tentative non-confirmations that are issued
10 within E-Verify to work authorized indi-
11 viduals occur due to incorrect or outdated
12 information in the databases utilized by
13 the system. For instance, an individual
14 may have changed his or her name legally
15 but has not updated their Social Security
16 information to account for this change.
17 This person would likely receive a tentative
18 non-confirmation if their work eligibility
19 were checked using E-Verify.

20 (ii) E-Verify already provides employ-
21 ers and employees with simple and clear
22 instructions on how inconsistencies in data
23 can be corrected in order to verify the
24 work eligibility of an employee. However,
25 giving an individual the ability to verify his

1 or her own employment eligibility in ad-
2 vance of an official E-Verify query by an
3 employer would allow that individual to
4 correct data errors at his or her conven-
5 ience. This may also serve to lessen peak
6 demand on Social Security Administration
7 field offices.

8 (B) STUDY.—The Government Account-
9 ability Office shall conduct a study to examine
10 the potential of a secure method of allowing in-
11 dividuals to check their own work eligibility, so
12 that they can address inconsistencies in their
13 personal data that might otherwise cause them
14 to be issued a tentative non-confirmation by E-
15 Verify. The study shall be published within 6
16 months after the date of enactment of this Act.

17 (10) DOCUMENT FRAUD STUDY.—The Govern-
18 ment Accountability Office shall conduct a study to
19 examine methods to combat document fraud, theft
20 and forgery in the use and expansion of the E-
21 Verify program. The report shall make recommenda-
22 tions to the appropriate agencies on ways to reduce
23 instances of document fraud, theft and forgery. The
24 report shall be published within six months after en-
25 actment of this Act.

1 **SEC. 202. MONITORING AND COMPLIANCE.**

2 (a) ENHANCING MONITORING AND COMPLIANCE OF
3 E-VERIFY.—The Secretary of the Department of Home-
4 land Security is authorized take the following actions to
5 increase the capability and effectiveness of the E-Verify
6 employer Monitoring and Compliance team within Citizen-
7 ship and Immigration Services:

8 (1) Increase by no more than 6 the number of
9 fulltime employees dedicated to the development of
10 thresholds and algorithms and quality assurance
11 procedures for the monitoring of employer adherence
12 to the conditions that are currently outlined in the
13 E-Verify Memorandum of Understanding.

14 (2) Increase as necessary the number of
15 fulltime employees dedicated to outreach to employ-
16 ers using E-Verify and the creation of informational
17 tools and corrective action procedures that will pro-
18 vide compliance assistance to these employers. These
19 employees may also be utilized in the operation of
20 the toll free compliance assistance call center.

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

23 (4) Establish procedures for the sharing of in-
24 formation on these selected cases with Immigration
25 and Customs Enforcement for further investigation
26 as necessary.

1 (5) Report to Congress within one year of the
2 date of enactment of this Act on the activities of the
3 Office of Monitoring and Compliance which shall in-
4 clude—

5 (A) a description of the types of fraud and
6 misuse being detected by the thresholds and al-
7 gorithms used for employee monitoring within
8 the Office;

9 (B) the number and type of cases flagged
10 by the Office and referred to Immigration and
11 Customs Enforcement, as well as the outcome
12 of these cases; and

13 (C) an assessment of the number and the
14 nature of calls received by the compliance as-
15 sistance call center.

16 **SEC. 203. MANDATORY NOTIFICATION OF SSN MISMATCHES**
17 **AND MULTIPLE USES.**

18 (a) NOTIFICATION OF MULTIPLE USES OF INDI-
19 VIDUAL SOCIAL SECURITY NUMBERS.—Prior to crediting
20 any individual with concurrent earnings from more than
21 one employer, the Commissioner of Social Security shall
22 notify the individual that earnings from two or more em-
23 ployers are being reported under the individual’s Social
24 Security account number (SSN). Such notice shall include,
25 at a minimum—

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

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

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

9 (4) an SSA telephone number that an indi-
10 vidual may call to report inaccuracies in the use of
11 their SSN.

12 (b) INFORMATION SHARING WITH THE DEPART-
13 MENT OF HOMELAND SECURITY.—

14 (1) Not later than 180 days following the date
15 of enactment of this act, the Commissioner of Social
16 Security shall promulgate regulations in accord with
17 section 1306, title 42 (42 U.S.C. 1306), to require
18 that information regarding all multiple use notifica-
19 tions that lead to the identification of an unauthor-
20 ized user of a Social Security account number be
21 shared with the Secretary of the Department of
22 Homeland Security on a timely basis.

23 (2) Information to be shared with the Secretary
24 shall include, at a minimum, the name and mailing
25 address of all employees who are the subject of an

1 unresolved mismatch notification or who are unau-
2 thORIZED users of another individual's Social Security
3 account number. The names and addresses of the
4 employers of these employees must also be provided.

5 (3) The Secretary shall report to Congress an-
6 nually the number of cases that the Commissioner of
7 Social Security has shared with the Department of
8 Homeland Security regarding unauthorized users of
9 a Social Security number and the actions that have
10 been taken to resolve these cases. The first report
11 shall be presented to Congress 1 year after the pas-
12 sage of this Act.

13 **SEC. 204. ESTABLISHMENT OF ELECTRONIC BIRTH AND**
14 **DEATH REGISTRATION SYSTEMS.**

15 (a) In consultation with the Secretary of Health and
16 Human Services and the Commissioner of Social Security,
17 the Secretary shall take the following actions:

18 (1) Work with the States to establish a common
19 data set and common data exchange protocol for
20 electronic birth registration systems and death reg-
21 istration systems.

22 (2) Coordinate requirements for such systems
23 to align with a national model.

24 (3) Ensure that fraud prevention is built into
25 the design of electronic vital registration systems in

1 the collection of vital event data, the issuance of
2 birth certificates, and the exchange of data among
3 government agencies.

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

9 (5) Establish uniform field requirements for
10 State birth registries.

11 (6) Not later than 1 year after the date of the
12 enactment of this Act, establish a process with the
13 Department of Defense that will result in the shar-
14 ing of data, with the States and the Social Security
15 Administration, regarding deaths of United States
16 military personnel and the birth and death of their
17 dependents.

18 (7) Not later than 1 year after the date of the
19 enactment of this Act, establish a process with the
20 Department of State to improve registration, notifi-
21 cation, and the sharing of data with the States and
22 the Social Security Administration, regarding births
23 and deaths of United States citizens abroad.

24 (8) Not later than 3 years after the date of es-
25 tablishment of databases provided for under this sec-

1 tion, require States to record and retain electronic
2 records of pertinent identification information col-
3 lected from requestors who are not the registrants.

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

10 **SEC. 205. PENALTY FOR FAILURE TO FILE CORRECT INFOR-**
11 **MATION RETURNS.**

12 (a) IN GENERAL.—Section 6721 of the Internal Rev-
13 enue Code of 1986 (26 U.S.C. 6721) is amended by add-
14 ing at the end the following:

15 “(g) MOST EGREGIOUS NONCOMPLIANT EMPLOY-
16 ERS.—The Secretary shall assess the maximum allowable
17 penalties on 100 percent of the employers designated in
18 any tax year by the Social Security Administration as the
19 most egregious noncompliant employers.

20 “(h) EMPLOYMENT OF ALIEN NOT AUTHORIZED TO
21 BE EMPLOYED.—Notwithstanding any other provision in
22 this section, in the case of a failure described in subsection
23 (a)(2) with respect to any person employing an alien not
24 authorized to be so employed, the penalty under this sec-

1 tion shall be determined in accordance with the following
2 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.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply to with respect to information
5 returns required to be filed for years beginning after De-
6 cember 31, 2010.

7 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

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

21 “(A) **IN GENERAL.**—No deduction shall be
22 allowed under subsection (a) for any wage paid

1 to or on behalf of an unauthorized alien, as de-
2 fined under section 274A(h)(3) of the Immigra-
3 tion and Nationality Act (8 U.S.C.
4 1324a(h)(3)).

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

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

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

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

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

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

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

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

20 (d) AVAILABILITY OF INFORMATION.—

21 (1) IN GENERAL.—The Commissioner of Social
22 Security, the Secretary of the Department of Home-
23 land Security, and the Secretary of the Treasury,
24 shall jointly establish a program to share informa-
25 tion among such agencies that may or could lead to

1 the identification of unauthorized aliens (as defined
2 under section 274A(h)(3) of the Immigration and
3 Nationality Act), including any no-match letter, any
4 information in the earnings suspense file, and any
5 information in the investigation and enforcement of
6 section 162(c)(4) of the Internal Revenue Code of
7 1986.

8 (2) DISCLOSURE BY SECRETARY OF THE
9 TREASURY.—

10 (A) IN GENERAL.—Subsection (i) of sec-
11 tion 6103 of the Internal Revenue Code of 1986
12 is amended by adding at the end the following
13 new paragraph:

14 “(9) PAYMENT OF WAGES TO UNAUTHORIZED
15 ALIENS.—Upon request from the Commissioner of
16 the Social Security Administration or the Secretary
17 of the Department of Homeland Security, the Sec-
18 retary shall disclose to officers and employees of
19 such Administration or Department—

20 “(A) taxpayer identity information of em-
21 ployers who paid wages with respect to which a
22 deduction was not allowed by reason of section
23 162(c)(4), and

24 “(B) taxpayer identity information of indi-
25 viduals to whom such wages were paid, for pur-

1 poses of carrying out any enforcement activities
 2 of such Administration or Department with re-
 3 spect to such employers or individuals.”.

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

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

9 (ii) by striking “(5) or (7)” in sub-
 10 subparagraph (F)(ii) and inserting “(5), (7),
 11 or (9)”.

12 (e) EFFECTIVE DATE.—

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

16 (2) The amendments made by subsections (a)
 17 and (b) shall apply to taxable years beginning after
 18 December 31, 2011.

19 **TITLE III—ENHANCING AND UTI-**
 20 **LIZING CURRENT INTERIOR**
 21 **ENFORCEMENT METHODS**

22 **SEC. 301. INCREASE INVESTIGATIVE EFFORTS.**

23 (a) FEDERAL AGENTS.—An increase of personnel
 24 and resources will be needed to successfully enforce U.S.
 25 immigration laws and punish those who violate them. To

1 this end, sufficient funds are authorized to be appro-
2 priated to employ 1,150 additional Immigration and Cus-
3 toms Enforcement Agents.

4 (b) CRIMINAL ALIEN PROGRAM (CAP).—An addi-
5 tional 140 CAP officers are authorized to identify and re-
6 move criminal aliens encountered in Federal, State, and
7 local detention facilities.

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

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

15 To ensure the ability of Immigration and Customs
16 Enforcement (ICE) and Customs and Border Patrol
17 (CBP) to enforce integrity and ethical behavior through-
18 out their expanded ranks, the Secretary of Homeland Se-
19 curity shall add no fewer than 8 Special Agents to the
20 Office of Professional Responsibility.

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

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

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

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

10 (b) USE OF FUNDS.—

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

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

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

22 (C) To enforce State and Federal laws re-
23 lating to controlled substance trafficking and
24 enforce other State and Federal criminal laws.

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

3 (A) hiring, equipping, training, and other-
4 wise controlling the operations and deployment
5 of, law enforcement officials engaged in duties
6 described in paragraph (1), as well as the costs
7 of paying overtime to such officials; and

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

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

22 (c) APPLICATION.—

23 (1) IN GENERAL.—Each eligible law enforce-
24 ment agency seeking a grant under this section shall
25 submit an application to the Secretary of Homeland

1 Security at such time, in such manner, and accom-
2 panied by such information as the Secretary of
3 Homeland Security may reasonably require.

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

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

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

12 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to the Sec-
14 retary of Homeland Security to carry out this section
15 \$200,000,000 for fiscal year 2012 and each succeeding
16 fiscal year.

17 **SEC. 305. REGULATIONS.**

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

21 **SEC. 306. REWARDS PROGRAM.**

22 (a) REWARDS PROGRAM.—Section 274 (8 U.S.C.
23 1324) is amended by adding at the end the following:

24 “(e) REWARDS PROGRAM.—

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

5 “(2) PURPOSE.—The rewards program shall be
6 designed to assist in the elimination of commercial
7 operations to produce or sell fraudulent documents
8 to be used for entering or remaining in the United
9 States unlawfully and to assist in the investigation,
10 prosecution, or disruption of a commercial alien
11 smuggling operation.

12 “(3) ADMINISTRATION.—The rewards program
13 shall be administered by the Secretary of Homeland
14 Security, in consultation, as appropriate, with the
15 Attorney General and the Secretary of State.

16 “(4) REWARDS AUTHORIZED.—In the sole dis-
17 cretion of the Secretary of Homeland Security, such
18 Secretary, in consultation, as appropriate, with the
19 Attorney General and the Secretary of State, may
20 pay a reward to any individual who furnishes infor-
21 mation or testimony leading to—

22 “(A) the arrest or conviction of any indi-
23 vidual conspiring or attempting to produce or
24 sell fraudulent documents to be used for enter-
25 ing or remaining in the United States unlaw-

1 fully or to commit an act of commercial alien
2 smuggling involving the transportation of
3 aliens;

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

6 “(C) the arrest or conviction of any indi-
7 vidual aiding or abetting the commission of
8 such an act;

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

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

23 “(5) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated such sums
25 as may be necessary to carry out this subsection.

1 Amounts appropriated under this paragraph shall
2 remain available until expended.

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

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

17 “(8) LIMITATIONS AND CERTIFICATION.—

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

20 “(B) APPROVAL.—Any reward under this
21 subsection exceeding \$50,000 shall be person-
22 ally approved by the Secretary of Homeland Se-
23 curity.

24 “(C) CERTIFICATION FOR PAYMENT.—Any
25 reward granted under this subsection shall be

1 certified for payment by the Secretary of Home-
2 land Security.

3 “(9) PUBLICITY.—The Department of Home-
4 land Security shall be responsible for developing and
5 implementing an advertising strategy to make known
6 the rewards described within this section in order to
7 solicit informants.”.

8 **SEC. 307. INCREASED DETENTION FACILITIES FOR ALIENS**
9 **APPREHENDED FOR ILLEGAL ENTRY.**

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

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

15 (1) contract private facilities whenever possible
16 to promote efficient use and to limit the Federal
17 Government’s maintenance of and liability for addi-
18 tional infrastructure;

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

21 (3) utilize BRAC facilities or active duty facili-
22 ties.

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

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

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

8 **SEC. 308. ADDITIONAL IMMIGRATION JUDGESHIPS AND**
9 **LAW CLERKS.**

10 (a) JUDGESHIPS.—The Attorney General shall create
11 and fill twenty additional Immigration Judgeships within
12 6 months after the date of enactment of this Act.

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

17 **SEC. 309. MEDIA CAMPAIGN.**

18 (a) IN GENERAL.—The Secretary of Labor and the
19 Secretary of Homeland Security shall develop strategies
20 to inform the public of changes in immigration policies
21 created by provisions in this legislation.

22 (b) NOTIFICATION OF CHANGES TO EMPLOYMENT
23 VERIFICATION PROCESS.—The Secretary of Labor shall
24 employ, at his or her discretion, a combination of multi-
25 lingual print, television, Internet, and radio media to no-

1 tify employers of changes to the employment verification
2 process. Announcements should encourage compliance
3 with new legislation and should explain penalties for non-
4 compliance with provisions within this Act.

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

12 (1) provisions in this Act that enhance border
13 security and interior enforcement;

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

16 (3) 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 the
21 countries from which the largest number of undocumented
22 aliens originate in the implementation of this media cam-
23 paign.

○