

109TH CONGRESS
1ST SESSION

H. R. 3137

To provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. NORWOOD (for himself, Mr. BOYD, Mr. HYDE, Mr. COBLE, Mr. SMITH of Texas, Mr. JENKINS, Mr. BACHUS, Mr. MCINTYRE, Mr. GALLEGLY, Mr. HOSTETTLER, Mr. ISSA, Mr. FORBES, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. GINGREY, Mr. PRICE of Georgia, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. LINDER, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. HAYWORTH, Mr. ROYCE, Mr. BASS, Ms. HART, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. MCCAUL of Texas, Mr. GARY G. MILLER of California, Mr. CULBERSON, Mr. SIMPSON, Mrs. MUSGRAVE, Mr. BURTON of Indiana, Mr. OTTER, Mr. HOEKSTRA, Mrs. MYRICK, Mr. LEWIS of Kentucky, Mrs. KELLY, Mr. PITTS, Mr. FORD, Mr. KELLER, Mr. WELDON of Florida, Mr. GRAVES, and Mr. GOODE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes.

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; STATE DE-**
 2 **FINED; SEVERABILITY.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Clear Law Enforcement for Criminal Alien Removal Act
 5 of 2005” or “CLEAR Act of 2005”.

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

- Sec. 1. Short title; table of contents; State defined; severability.
- Sec. 2. Federal affirmation of assistance in the immigration law enforcement by States and political subdivisions of States.
- Sec. 3. State authorization for assistance in the enforcement of immigration laws encouraged.
- Sec. 4. Civil and criminal penalties for aliens unlawfully present in the United States.
- Sec. 5. Listing of immigration violators in the national crime information center database.
- Sec. 6. State and local law enforcement provision of information about apprehended illegal aliens.
- Sec. 7. Financial assistance to State and local police agencies that assist in the enforcement of immigration laws.
- Sec. 8. Increased Federal detention space.
- Sec. 9. Federal custody of illegal aliens apprehended by State or local law enforcement.
- Sec. 10. Training of State and local law enforcement personnel relating to the enforcement of immigration laws.
- Sec. 11. Immunity.
- Sec. 12. Institutional removal program (IRP).
- Sec. 13. State criminal alien assistance program (SCAAP).

8 (c) **STATE DEFINED.**—For purposes of this Act, the
 9 term “State” has the meaning given such term in section
 10 101(a)(36) of the Immigration and Nationality Act (8
 11 U.S.C. 1101(a)(36)).

12 (d) **SEVERABILITY.**—If any provision of this Act, or
 13 the application of such provision to any person or cir-
 14 cumstance, is held invalid, the remainder of this Act, and
 15 the application of such provision to other persons not simi-

1 larly situated or to other circumstances, shall not be af-
2 fected by such invalidation.

3 **SEC. 2. FEDERAL AFFIRMATION OF ASSISTANCE IN THE IM-**
4 **MIGRATION LAW ENFORCEMENT BY STATES**
5 **AND POLITICAL SUBDIVISIONS OF STATES.**

6 Notwithstanding any other provision of law and re-
7 affirming the existing inherent authority of States, law en-
8 forcement personnel of a State or a political subdivision
9 of a State have the inherent authority of a sovereign entity
10 to investigate, identify, apprehend, arrest, detain, or
11 transfer to Federal custody aliens in the United States
12 (including the transportation of such aliens across State
13 lines to detention centers), for the purposes of assisting
14 in the enforcement of the immigration laws of the United
15 States in the course of carrying out routine duties. This
16 State authority has never been displaced or preempted by
17 the Congress.

18 **SEC. 3. STATE AUTHORIZATION FOR ASSISTANCE IN THE**
19 **ENFORCEMENT OF IMMIGRATION LAWS EN-**
20 **COURAGED.**

21 (a) IN GENERAL.—Effective 2 years after the date
22 of the enactment of this Act, a State (or political subdivi-
23 sion of a State) that has in effect a statute, policy, or
24 practice that prohibits law enforcement officers of the
25 State, or of a political subdivision within the State, from

1 assisting or cooperating with Federal immigration law en-
 2 forcement in the course of carrying out the officers' rou-
 3 tine law enforcement duties shall not receive any of the
 4 funds that would otherwise be allocated to the State under
 5 section 241(i) of the Immigration and Nationality Act (8
 6 U.S.C. 1231(i)).

7 (b) CONSTRUCTION.—Nothing in this section shall
 8 require law enforcement officials from States or political
 9 subdivisions of States to report or arrest victims or wit-
 10 nesses of a criminal offense.

11 (c) REALLOCATION OF FUNDS.—Any funds that are
 12 not allocated to a State or political subdivision of a State
 13 due to the failure of the State to comply with subsection
 14 (a) shall be reallocated to States that comply with such
 15 subsection.

16 **SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR ALIENS UN-**
 17 **LAWFULLY PRESENT IN THE UNITED STATES.**

18 (a) ALIENS UNLAWFULLY PRESENT.—

19 (1) IN GENERAL.—Title II of the Immigration
 20 and Nationality Act (8 U.S.C. 1151 et seq.) is
 21 amended by inserting after section 275 the fol-
 22 lowing:

23 “CRIMINAL PENALTIES FOR UNLAWFUL PRESENCE IN
 24 THE UNITED STATES

25 “SEC. 275A. (a) IN GENERAL.—In addition to any
 26 other penalty, an alien who is present in the United States

1 in violation of this Act shall be guilty of a felony and shall
2 be fined under title 18, United States Code, imprisoned
3 not less than 1 year and a day, or both.

4 “(b) DEFENSE.—It shall be an affirmative defense
5 to a violation of subsection (a) that the alien overstayed
6 the time allotted under a visa due to an exceptional and
7 extremely unusual hardship or physical illness that pre-
8 vented the alien from leaving the United States by the
9 required date.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents of such Act is amended by inserting after the
12 item relating to section 275 the following new item:

“Sec. 275A. Criminal penalties for unlawful presence in the United States.”.

13 (b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL
14 ENTRY.—Section 275(a) of such Act (8 U.S.C. 1325(a))
15 is amended by striking “6 months,” and inserting “1
16 year,”.

17 (c) INCREASE IN CIVIL PENALTIES FOR VARIOUS
18 VIOLATIONS OF THE IMMIGRATION LAWS OF THE UNITED
19 STATES.—Section 275(b) of such Act (8 U.S.C. 1325(b))
20 is amended to read as follows:

21 “(b)(1) Subject to paragraph (2), any alien described
22 in paragraph (3) shall be subject to a civil penalty of—

23 “(A) \$500 for the first violation;

1 “(B) \$1,000 in the case of an alien who has
2 been once previously been subject to a civil penalty
3 under this subsection;

4 “(C) \$2,500 in the case of an alien who has
5 been twice previously been subject to a civil penalty
6 under this subsection; or

7 “(D) \$5,000 in the case of an alien who has
8 been three or more times previously been subject to
9 a civil penalty under this subsection.

10 “(2) In the case of an alien described in paragraph
11 (3)(D), the alien shall be subject to civil penalties under
12 this subsection that are 5 times the amounts set forth
13 under paragraph (1).

14 “(3) An alien described in this paragraph is an alien
15 who—

16 “(A) is apprehended while entering (or attempt-
17 ing to enter) the United States at a time or place
18 other than as designated by immigration officers;

19 “(B) enters the United States without inspec-
20 tion;

21 “(C) fails to depart the United States within 30
22 days after the expiration date of a nonimmigrant
23 visa or a voluntary departure agreement and is not
24 in other lawful status; or

1 “(D) fails to depart the United States within
2 30 days after the date of a final order of removal
3 and is not in other lawful status.

4 “(4) Civil penalties under this subsection are in addi-
5 tion to, and not in lieu of, any criminal or other civil pen-
6 alties that may be imposed.”.

7 (d) PERMISSION TO DEPART VOLUNTARILY.—Sec-
8 tion 240B of such Act (8 U.S.C. 1229c) is amended—
9 (1) by striking “Attorney General” and insert-
10 ing “Secretary of Homeland Security” each place it
11 appears; and

12 (2) in subsection (a)(2)(A), by striking “120
13 days” and inserting “30 days”.

14 **SEC. 5. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**
15 **TIONAL CRIME INFORMATION CENTER DATA-**
16 **BASE.**

17 (a) PROVISION OF INFORMATION TO THE NCIC.—
18 Not later than 180 days after the date of the enactment
19 of this Act, the Under Secretary for Border and Transpor-
20 tation Security of the Department of Homeland Security
21 shall provide the National Crime Information Center of
22 the Department of Justice with such information as the
23 Under Secretary may have on any and all aliens against
24 whom a final order of removal has been issued, any and
25 all aliens who have signed a voluntary departure agree-

1 ment, any and all aliens who have overstayed their author-
2 ized period of stay, and any and all aliens whose visas
3 have been revoked. Such information shall be provided to
4 the National Crime Information Center, and the National
5 Crime Information Center shall enter such information
6 into the Immigration Violators File of the National Crime
7 Information Center database, regardless of whether—

8 (1) the alien received notice of a final order of
9 removal;

10 (2) the alien has already been removed; or

11 (3) sufficient identifying information is avail-
12 able on the alien.

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

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

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

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

22 “(4) acquire, collect, classify, and preserve
23 records of violations of the immigration laws of the
24 United States, regardless of whether the alien has
25 received notice of the violation or whether sufficient

1 identifying information is available on the alien and
2 even if the alien has already been removed; and”.

3 **SEC. 6. STATE AND LOCAL LAW ENFORCEMENT PROVISION**
4 **OF INFORMATION ABOUT APPREHENDED IL-**
5 **LEGAL ALIENS.**

6 (a) PROVISION OF INFORMATION.—In compliance
7 with section 642(a) of the Illegal Immigration Reform and
8 Immigrant Responsibility Act of 1996 (8 U.S.C. 1373)
9 and section 434 of the Personal Responsibility and Work
10 Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644),
11 each State and each political subdivision of a State is en-
12 couraged to provide the Department of Homeland Security
13 in a timely manner with the information listed in sub-
14 section (b) on each alien apprehended in the jurisdiction
15 of the State or political subdivision who is believed to be
16 in violation of the immigration laws of the United States.

17 (b) INFORMATION REQUIRED.—The information list-
18 ed in this subsection is as follows:

- 19 (1) The alien’s name.
- 20 (2) The alien’s address or place of residence.
- 21 (3) A physical description of the alien.
- 22 (4) The date, time, and location of the encoun-
23 ter with the alien and reason for stopping, detaining,
24 apprehending, or arresting the alien.

1 (5) If applicable, the alien's driver's license
2 number and the State of issuance of such license.

3 (6) If applicable, the type of any other identi-
4 fication document issued to the alien, any designa-
5 tion number contained on the identification docu-
6 ment, and the issuing entity for the identification
7 document.

8 (7) If applicable, the license plate number,
9 make, and model of any automobile registered to, or
10 driven by, the alien.

11 (8) A photo of the alien, if available or readily
12 obtainable.

13 (9) The alien's fingerprints, if available or read-
14 ily obtainable.

15 (c) ANNUAL REPORT ON REPORTING.—The Sec-
16 retary shall maintain and annually submit to Congress a
17 detailed report listing the States or political subdivisions
18 of States that are providing information under subsection
19 (a).

20 (d) REIMBURSEMENT.—The Department of Home-
21 land Security shall reimburse States and political subdivi-
22 sions of a State for all reasonable costs, as determined
23 by the Secretary of Homeland Security, incurred by that
24 State or political subdivision as a result of providing infor-
25 mation under this section.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as are necessary
3 to carry out this section.

4 (f) CONSTRUCTION.— Nothing in this section shall
5 require law enforcement officials of a State or political
6 subdivision of a State to provide the Department of Home-
7 land Security with information related to a victim of a
8 crime or witness to a criminal offense.

9 **SEC. 7. FINANCIAL ASSISTANCE TO STATE AND LOCAL PO-**
10 **LICE AGENCIES THAT ASSIST IN THE EN-**
11 **FORCEMENT OF IMMIGRATION LAWS.**

12 (a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING
13 AND PROCESSING ILLEGAL ALIENS.—From amounts
14 made available to make grants under this section, the Sec-
15 retary of Homeland Security shall make grants to States
16 and political subdivisions of States for procurement of
17 equipment, technology, facilities, and other products that
18 facilitate and are directly related to investigating, appre-
19 hending, arresting, detaining, or transporting immigration
20 law violators, including additional administrative costs in-
21 curred under this Act.

22 (b) ELIGIBILITY.—To be eligible to receive a grant
23 under this section, a State or political subdivision of a
24 State must have the authority to, and have in effect the
25 policy and practice to, assist in the enforcement of the

1 immigration laws of the United States in the course of
2 carrying out such agency's routine law enforcement duties.

3 (c) FUNDING.—There is authorized to be appro-
4 priated for grants under this section \$1,000,000,000 for
5 each fiscal year.

6 (d) GAO AUDIT.—Not later than 3 years after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall conduct an audit of funds dis-
9 tributed to States and political subdivisions of States
10 under subsection (a).

11 **SEC. 8. INCREASED FEDERAL DETENTION SPACE.**

12 (a) CONSTRUCTION OR ACQUISITION OF DETENTION
13 FACILITIES.—

14 (1) IN GENERAL.—The Secretary of Homeland
15 Security shall construct or acquire, in addition to ex-
16 isting facilities for the detention of aliens, 20 deten-
17 tion facilities in the United States, with at least 500
18 beds per facility, for aliens detained pending removal
19 or a decision on removal of such alien from the
20 United States.

21 (2) DETERMINATIONS.—The location of any de-
22 tention facility built or acquired in accordance with
23 this subsection shall be determined by the Deputy
24 Assistant Director of the Detention Management Di-
25 vision of the Immigration and Customs Enforcement

1 Office of Detention and Removal within the U.S.
2 Immigration and Customs Enforcement.

3 (3) USE OF INSTALLATIONS UNDER BASE CLO-
4 SURE LAWS.—In acquiring detention facilities under
5 this subsection, the Secretary of Homeland Security
6 shall consider the transfer of appropriate portions of
7 military installations approved for closure or realign-
8 ment under the Defense Base Closure and Realign-
9 ment Act of 1990 (part A of title XXIX of Public
10 Law 101–510; 10 U.S.C. 2687 note) for use in ac-
11 cordance with paragraph (1).

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as are nec-
14 essary to carry out this section.

15 (c) TECHNICAL AND CONFORMING AMENDMENT.—
16 Section 241(g)(1) of the Immigration and Nationality Act
17 (8 U.S.C. 1231(g)(1)) is amended by striking “may ex-
18 pend” and inserting “shall expend”.

19 **SEC. 9. FEDERAL CUSTODY OF ILLEGAL ALIENS APPRE-**
20 **HENDED BY STATE OR LOCAL LAW ENFORCE-**
21 **MENT.**

22 (a) STATE APPREHENSION.—

23 (1) IN GENERAL.—Title II of the Immigration
24 and Nationality Act (8 U.S.C. 1151 et seq.) is

1 amended by inserting after section 240C the fol-
2 lowing:

3 “CUSTODY OF ILLEGAL ALIENS

4 “SEC. 240D. (a) TRANSFER OF CUSTODY BY STATE
5 AND LOCAL OFFICIALS.—If a State (or, if appropriate,
6 a political subdivision of the State) exercising authority
7 with respect to the apprehension or arrest of an illegal
8 alien submits a request to the Secretary of Homeland Se-
9 curity that the alien be taken into Federal custody, the
10 Secretary of Homeland Security—

11 “(1) shall—

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

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

24 “(2) shall designate at least one Federal, State,
25 or local prison or jail or a private contracted prison
26 or detention facility within each State as the central

1 facility for that State to transfer custody of the
2 criminal or illegal aliens to the Department of
3 Homeland Security.

4 “(b) POLICY ON DETENTION IN STATE AND LOCAL
5 DETENTION FACILITIES.—In carrying out section
6 241(g)(1), the Attorney General or Secretary of Homeland
7 Security shall ensure that an alien arrested under this Act
8 shall be detained, pending the alien’s being taken for the
9 examination under this section, in a State or local prison,
10 jail, detention center, or other comparable facility. Not-
11 withstanding any other provision of law or regulation,
12 such facility is adequate for detention, if—

13 “(1) such a facility is the most suitably located
14 Federal, State, or local facility available for such
15 purpose under the circumstances;

16 “(2) an appropriate arrangement for such use
17 of the facility can be made; and

18 “(3) such facility satisfies the standards for the
19 housing, care, and security of persons held in cus-
20 tody of a United States marshal.

21 “(c) REIMBURSEMENT.—The Secretary of Homeland
22 Security shall reimburse States and political subdivisions
23 of States for all reasonable expenses, as determined by the
24 Secretary, incurred by the State or political subdivision
25 in the incarceration and transportation of an illegal alien

1 as described in subparagraphs (A) and (B) of subsection
2 (a)(1). Compensation provided for costs incurred under
3 such subparagraphs shall be the average cost of incarcer-
4 ation of a prisoner in the relevant State, as determined
5 by the chief executive officer of a State (or, as appropriate,
6 a political subdivision of the State) plus the cost of trans-
7 porting the criminal or illegal alien from the point of ap-
8 prehension, to the place of detention, and to the custody
9 transfer point if the place of detention and place of cus-
10 tody are different.

11 “(d) SECURE FACILITIES.—The Secretary of Home-
12 land Security shall ensure that illegal aliens incarcerated
13 in Federal facilities pursuant to this Act are held in facili-
14 ties that provide an appropriate level of security.

15 “(e) TRANSFER.—

16 “(1) IN GENERAL.—In carrying out this sec-
17 tion, the Secretary of Homeland Security shall es-
18 tablish a regular circuit and schedule for the prompt
19 transfer of apprehended illegal aliens from the cus-
20 tody of States and political subdivisions of States to
21 Federal custody.

22 “(2) CONTRACTS.—The Secretary of Homeland
23 Security may enter into contracts, including appro-
24 priate private contracts, to implement this sub-
25 section.

1 “(f) DEFINITION.—For purposes of this section, the
2 term ‘illegal alien’ means an alien who—

3 “(1) entered the United States without inspec-
4 tion or at any time, manner or place other than that
5 designated by the Secretary of Homeland Security;

6 “(2) was admitted as a nonimmigrant and who,
7 at the time the alien was taken into custody by the
8 State or a political subdivision of the State, had
9 failed to—

10 “(A) maintain the nonimmigrant status in
11 which the alien was admitted or to which it was
12 changed under section 248; or

13 “(B) comply with the conditions of any
14 such status;

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

18 “(4) failed to depart the United States under a
19 voluntary departure agreement or under a final
20 order of removal.

21 “(g) AUTHORIZATION OF APPROPRIATIONS FOR THE
22 DETENTION AND TRANSPORTATION TO FEDERAL CUS-
23 TODY OF ALIENS NOT LAWFULLY PRESENT.—There is
24 authorized to be appropriated \$500,000,000 for the deten-
25 tion and removal of aliens not lawfully present in the

1 United States under this Act for fiscal year 2006 and each
2 subsequent fiscal year.”.

3 (2) CLERICAL AMENDMENT.—The table of con-
4 tents of such Act is amended by inserting after the
5 item relating to section 240C the following new item:

“Sec. 240D. Custody of illegal aliens.”.

6 (b) GAO AUDIT.—Not later than 3 years after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall conduct an audit of compensa-
9 tion to States and political subdivisions of States for the
10 incarceration of illegal aliens under section 240D(a) of the
11 Immigration and Nationality Act (as inserted by sub-
12 section (a)(1)).

13 **SEC. 10. TRAINING OF STATE AND LOCAL LAW ENFORCE-**
14 **MENT PERSONNEL RELATING TO THE EN-**
15 **FORCEMENT OF IMMIGRATION LAWS.**

16 (a) ESTABLISHMENT OF TRAINING MANUAL AND
17 POCKET GUIDE.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of Homeland
19 Security shall establish—

20 (1) a training manual for law enforcement per-
21 sonnel of a State or political subdivision of a State
22 to train such personnel in the investigation, identi-
23 fication, apprehension, arrest, detention, and trans-
24 fer to Federal custody of aliens in the United States
25 (including the transportation of such aliens across

1 State lines to detention centers and the identifica-
2 tion of fraudulent documents); and

3 (2) an immigration enforcement pocket guide
4 for law enforcement personnel of a State or political
5 subdivision of a State to provide a quick reference
6 for such personnel in the course of duty.

7 (b) AVAILABILITY.—The training manual and pocket
8 guide established in accordance with subsection (a) shall
9 be made available to all State and local law enforcement
10 personnel.

11 (c) APPLICABILITY.—Nothing in this section shall be
12 construed to require State or local law enforcement per-
13 sonnel to carry the training manual or pocket guide estab-
14 lished under subsection (a)(2) with them while on duty.

15 (d) COSTS.—The Department of Homeland Security
16 shall be responsible for any and all costs incurred in estab-
17 lishing the training manual and pocket guide under sub-
18 section (a).

19 (e) TRAINING FLEXIBILITY.—

20 (1) IN GENERAL.—The Department of Home-
21 land Security shall make training of State and local
22 law enforcement officers available through as many
23 means as possible, including residential training at
24 the Center for Domestic Preparedness, onsite train-
25 ing held at State or local police agencies or facilities,

1 online training courses by computer, teleconfer-
2 encing, and videotape, or the digital video display
3 (DVD) of a training course or courses. E-learning
4 through a secure, encrypted distributed learning sys-
5 tem that has all its servers based in the United
6 States, is sealable, survivable, and can have a portal
7 in place within 30 days, shall be made available by
8 the Federal Law Enforcement Training Center Dis-
9 tributed Learning Program for State and local law
10 enforcement personnel.

11 (2) FEDERAL PERSONNEL TRAINING.—The
12 training of State and local law enforcement per-
13 sonnel under this section shall not displace the train-
14 ing of Federal personnel.

15 (3) CLARIFICATION.—Nothing in this Act or
16 any other provision of law shall be construed as
17 making any immigration-related training a require-
18 ment for, or prerequisite to, any State or local law
19 enforcement officer to assist in the enforcement of
20 Federal immigration laws in the normal course of
21 carrying out their normal law enforcement duties.

22 (f) TRAINING LIMITATION.—Section 287(g) of the
23 Immigration and Nationality Act (8 U.S.C. 1357(g)) is
24 amended—

1 (1) by striking “Attorney General” and insert-
2 ing “Secretary of Homeland Security” each place it
3 appears; and

4 (2) in paragraph (2), by adding at the end the
5 following: “Such training shall not exceed 14 days or
6 80 hours, whichever is longer.”.

7 **SEC. 11. IMMUNITY.**

8 (a) **PERSONAL IMMUNITY.**—Notwithstanding any
9 other provision of law, a law enforcement officer of a State
10 or local law enforcement agency who is acting within the
11 scope of the officer’s official duties shall be immune, to
12 the same extent as a Federal law enforcement officer,
13 from personal liability arising out of the performance of
14 any duty described in this Act.

15 (b) **AGENCY IMMUNITY.**—Notwithstanding any other
16 provision of law, a State or local law enforcement agency
17 shall be immune from any claim for money damages based
18 on Federal, State, or local civil rights law for an incident
19 arising out of the enforcement of any immigration law,
20 except to the extent a law enforcement officer of that
21 agency committed a violation of Federal, State, or local
22 criminal law in the course of enforcing such immigration
23 law.

24 **SEC. 12. INSTITUTIONAL REMOVAL PROGRAM (IRP).**

25 (a) **CONTINUATION AND EXPANSION.**—

1 (1) IN GENERAL.—The Department of Home-
2 land Security shall continue to operate and imple-
3 ment the program known as the Institutional Re-
4 moval Program (IRP) which—

5 (A) identifies removable criminal aliens in
6 Federal and State correctional facilities;

7 (B) ensures such aliens are not released
8 into the community; and

9 (C) removes such aliens from the United
10 States after the completion of their sentences.

11 (2) EXPANSION.—The institutional removal
12 program shall be extended to all States. Any State
13 that receives Federal funds for the incarceration of
14 criminal aliens shall—

15 (A) cooperate with officials of the institu-
16 tional removal program;

17 (B) expeditiously and systematically iden-
18 tify criminal aliens in its prison and jail popu-
19 lations; and

20 (C) promptly convey such information to
21 officials of such program as a condition for re-
22 ceiving such funds.

23 (b) AUTHORIZATION FOR DETENTION AFTER COM-
24 PLETION OF STATE OR LOCAL PRISON SENTENCE.—Law

1 enforcement officers of a State or political subdivision of
2 a State have the authority to—

3 (1) hold an illegal alien for a period of up to
4 14 days after the alien has completed the alien’s
5 State prison sentence in order to effectuate the
6 transfer of the alien to Federal custody when the
7 alien is removable or not lawfully present in the
8 United States; or

9 (2) issue a detainer that would allow aliens who
10 have served a State prison sentence to be detained
11 by the State prison until personnel from the U.S.
12 Immigration and Customs Enforcement can take the
13 alien into custody.

14 (c) TECHNOLOGY USAGE.—Technology such as video
15 conferencing shall be used to the maximum extent possible
16 in order to make the Institutional Removal Program
17 (IRP) available in remote locations. Mobile access to Fed-
18 eral databases of aliens, such as IDENT, and live scan
19 technology shall be used to the maximum extent prac-
20 ticable in order to make these resources available to State
21 and local law enforcement agencies in remote locations.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out the institutional
24 removal program—

25 (1) \$100,000,000 for fiscal year 2007;

- 1 (2) \$115,000,000 for fiscal year 2008;
2 (3) \$130,000,000 for fiscal year 2009;
3 (4) \$145,000,000 for fiscal year 2010; and
4 (5) \$160,000,000 for fiscal year 2011.

5 **SEC. 13. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**
6 **(SCAAP).**

7 Section 241(i)(5) of the Immigration and Nationality
8 Act (8 U.S.C. 1231(i)) is amended by inserting before the
9 period at the end the following: “and \$1,000,000,000 for
10 each subsequent fiscal year”.

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