

109TH CONGRESS  
1ST SESSION

# S. 2117

To clarify the circumstances under which a person born in the United States is subject to the jurisdiction of the United States, to provide for criminal penalties for forging Federal documents, to establish a National Border Neighborhood Watch Program, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2005

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To clarify the circumstances under which a person born in the United States is subject to the jurisdiction of the United States, to provide for criminal penalties for forging Federal documents, to establish a National Border Neighborhood Watch 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,*

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

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Engaging the Nation to Fight for Our Right to Control  
6       Entry Act” or the “ENFORCE Act”.

1           (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM

Sec. 101. National Border Neighborhood Watch Program.

Sec. 102. BRAVE Force.

Sec. 103. Civilian volunteers.

Sec. 104. Liability of BRAVE Force employees and civilian volunteers.

Sec. 105. Authorization of appropriations.

TITLE II—CRIMINAL PENALTIES

Sec. 201. Forgery of Federal documents.

Sec. 202. Civil and criminal penalties for aliens unlawfully present in the United States.

TITLE III—ESTABLISHMENT OF IMMIGRATION AND CUSTOMS  
ENFORCEMENT FIELD OFFICE

Sec. 301. Findings.

Sec. 302. Establishment of field office in Tulsa, Oklahoma.

TITLE IV—IMMIGRATION ENFORCEMENT TRAINING

Sec. 401. Immigration enforcement training demonstration project.

Sec. 402. Expansion of program.

Sec. 403. Authorization of appropriations.

TITLE V—CITIZENSHIP

Sec. 501. Short title.

Sec. 502. Purpose.

Sec. 503. Citizenship at birth for children of non-citizen, non-permanent resident aliens.

TITLE VI—GUARANTEEING UNIFORM ENFORCEMENT TO STOP  
TERRORISM

Subtitle A—Identification Standards

Sec. 601. Identification standard for Federal benefits.

Sec. 602. Independent verification of birth records provided in support of applications for Social Security account numbers.

Sec. 603. Electronic birth and death registration systems.

Subtitle B—Reversing Unlawful Migration

Sec. 611. Limited duration Social Security account numbers for non-immigrants.

Sec. 612. Mandatory notification of Social Security account number mismatches and multiple uses.

Sec. 613. No Social Security credit for work performed while unlawfully present.

Sec. 614. Reducing individual taxpayer identification number abuse.

- Sec. 615. Limited eligibility for tax credits.
- Sec. 616. Penalty for failure to file correct information returns.
- Sec. 617. Clarification of inherent authority of State and local law enforcement.
- Sec. 618. Immigration and Customs Enforcement response to requests for assistance from State and local law enforcement.

#### Subtitle C—Technology

- Sec. 621. Construction of fencing and security improvements in border area from Pacific Ocean to Gulf of Mexico.
- Sec. 622. Study and report on the use of technology to prevent unlawful immigration.

#### TITLE VII—DAY LABORER CENTERS

- Sec. 701. Use of day laborer center to secure employment for illegal aliens.
- Sec. 702. Notification.
- Sec. 703. Referrals to the IRS.
- Sec. 704. Amendments to Immigration and Nationality Act.
- Sec. 705. Amendment to Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

#### TITLE VIII—HIGHER EDUCATION BENEFITS FOR ILLEGAL ALIENS

- Sec. 801. Limitation on eligibility.

## 1 **TITLE I—NATIONAL BORDER** 2 **NEIGHBORHOOD WATCH PRO-** 3 **GRAM**

### 4 **SEC. 101. NATIONAL BORDER NEIGHBORHOOD WATCH PRO-** 5 **GRAM.**

6       The Commissioner of the United States Customs and  
7 Border Protection (referred to in this title as the  
8 “USCBP”) shall establish a National Border Neighbor-  
9 hood Watch Program (referred to in this title as the  
10 “NBNW Program”) to permit retired law enforcement of-  
11 ficers and civilian volunteers to combat illegal immigration  
12 into the United States.

1 **SEC. 102. BRAVE FORCE.**

2 (a) ESTABLISHMENT.—There is established in the  
3 USCBP a Border Regiment Assisting in Valuable En-  
4 forcement Force (referred to in this title as “BRAVE  
5 Force”), which shall consist of retired law enforcement of-  
6 ficers, to carry out the NBNW Program.

7 (b) RETIRED LAW ENFORCEMENT OFFICERS.—In  
8 this section, the term “retired law enforcement officer”  
9 means an individual who—

10 (1) has retired from employment as a Federal,  
11 State, or local law enforcement officer; and

12 (2) has not reached the Social Security retire-  
13 ment age (as defined in section 216(l) of the Social  
14 Security Act (42 U.S.C. 416(l)).

15 (c) EFFECT ON PERSONNEL CAPS.—Employees of  
16 BRAVE Force hired to carry out the NBNW Program  
17 shall be considered as additional agents and shall not  
18 count against the USCBP personnel caps.

19 (d) RETIRED ANNUITANTS.—An employee of  
20 BRAVE Force who has worked for the Federal Govern-  
21 ment shall be considered a rehired annuitant and shall  
22 have no reduction in annuity as a result of salary payment  
23 for such employees’ service in the NBNW Program.

1 **SEC. 103. CIVILIAN VOLUNTEERS.**

2 (a) IN GENERAL.—The USCBP shall provide the op-  
3 portunity for civilian volunteers to assist in carrying out  
4 the purposes of the NBNW Program.

5 (b) ORGANIZATION.—Not less than 3 civilian volun-  
6 teers in the NBNW Program may report to each employee  
7 of BRAVE Force.

8 (c) REPORTING.—A civilian volunteer shall report a  
9 violation of Federal immigration law to the appropriate  
10 employee of BRAVE Force as soon as possible after ob-  
11 serving such violation.

12 (d) REIMBURSEMENT.—A civilian volunteer partici-  
13 pating in the NBNW Program shall be eligible for reim-  
14 bursement by the USCBP for expenses related to carrying  
15 out the duties of the NBNW Program.

16 **SEC. 104. LIABILITY OF BRAVE FORCE EMPLOYEES AND CI-**  
17 **VILIAN VOLUNTEERS.**

18 (a) CIVILIANS.—A civilian volunteer participating in  
19 the NBNW Program shall not be entitled to any immunity  
20 from personal liability by virtue of the volunteer's partici-  
21 pation in the NBNW Program.

22 (b) EMPLOYEES.—An employee of the BRAVE Force  
23 shall not be liable for the actions of a civilian volunteer  
24 participating in the NBNW Program.

1 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as may be necessary to carry out this title.

4 **TITLE II—CRIMINAL PENALTIES**

5 **SEC. 201. FORGERY OF FEDERAL DOCUMENTS.**

6       (a) IN GENERAL.—Chapter 25 of title 18, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 **“§ 515. Federal records, documents, and writings,**  
10 **generally**

11       “Any person who—

12           “(1) falsely makes, alters, forges, or counter-  
13 feits any Federal record, Federal document, Federal  
14 writing, or record, document, or writing character-  
15 izing, or purporting to characterize, official Federal  
16 activity, service, contract, obligation, duty, property,  
17 or chose;

18           “(2) utters or publishes as true, or possesses  
19 with intent to utter or publish as true, any record,  
20 document, or writing described in paragraph (1),  
21 knowing, or negligently failing to know, that such  
22 record, document, or writing has not been verified,  
23 has been inconclusively verified, is unable to be  
24 verified, or is false, altered, forged, or counterfeited;

25           “(3) transmits to, or presents at any office, or  
26 to any officer, of the United States, any record, doc-

1       ument, or writing described in paragraph (1), know-  
 2       ing, or negligently failing to know, that such record,  
 3       document, or writing has not been verified, has been  
 4       inconclusively verified, is unable to be verified, or is  
 5       false, altered, forged, or counterfeited;

6           “(4) attempts, or conspires to commit, any of  
 7       the acts described in paragraphs (1) through (3); or

8           “(5) while outside of the United States, engages  
 9       in any of the acts described in paragraphs (1)  
 10      through (3),

11   shall be fined under this title, imprisoned not more than  
 12   10 years, or both.”.

13       (b) CLERICAL AMENDMENT.—The table of contents  
 14   for chapter 25 of title 18, United States Code, is amended  
 15   by inserting after the item relating to section 514 the fol-  
 16   lowing:

“515. Federal records, documents, and writings, generally.”.

17   **SEC. 202. CIVIL AND CRIMINAL PENALTIES FOR ALIENS UN-**  
 18                   **LAWFULLY PRESENT IN THE UNITED STATES.**

19       (a) ALIENS UNLAWFULLY PRESENT.—

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

1           “CRIMINAL PENALTIES AND FORFEITURE FOR  
2           UNLAWFUL PRESENCE IN THE UNITED STATES

3           “SEC. 275A. (a) IN GENERAL.—In addition to any  
4 other penalty, an alien who is present in the United States  
5 in violation of this Act shall be guilty of a felony and shall  
6 be fined under title 18, United States Code, imprisoned  
7 not less than 1 year, or both. The assets of any alien  
8 present in the United States in violation of this Act shall  
9 be subject to forfeiture under title 18, United States Code.

10          “(b) DEFENSE.—It shall be an affirmative defense  
11 to a violation of subsection (a) that the alien overstayed  
12 the time allotted under the visa due to an exceptional and  
13 extremely unusual hardship or physical illness that pre-  
14 vented the alien from leaving the United States by the  
15 required date.”.

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

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

19           (b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL  
20 ENTRY.—Section 275(a) of the Immigration and Nation-  
21 ality Act (8 U.S.C. 1325(a)) is amended by striking “not  
22 more than 6 months,” and inserting “not less than 1  
23 year,”.



1 **TITLE III—ESTABLISHMENT OF**  
2 **IMMIGRATION AND CUSTOMS**  
3 **ENFORCEMENT FIELD OF-**  
4 **FICE**

5 **SEC. 301. FINDINGS.**

6 Congress finds the following:

7 (1) On July 17, 2002, 18 aliens who were  
8 present in the United States illegally, including 3  
9 minors, were taken into custody by the Tulsa Coun-  
10 ty Sheriff's Department. The aliens were later re-  
11 leased by officials of the former Immigration and  
12 Naturalization Service.

13 (2) On August 13, 2002, an immigration task  
14 force meeting convened in Tulsa, Oklahoma, with  
15 the goal of bringing together local law enforcement  
16 and the Immigration and Naturalization Service to  
17 open a dialogue to find effective ways to better en-  
18 force Federal immigration laws in the first District  
19 of Oklahoma.

20 (3) On January 22, 2003, 4 new agents at the  
21 Immigration and Naturalization Service office in  
22 Oklahoma City were hired.

23 (4) On January 30, 2003, Oklahoma's Immi-  
24 gration and Naturalization Service office added 6  
25 new special agents to their staff.

1           (5) On September 22, 2004, officials of the Bu-  
2       reau of Immigration and Customs Enforcement of  
3       the Department of Homeland Security authorized  
4       the release of 18 individuals who may have been  
5       present in the United States illegally and were in the  
6       custody of the police department of the City of  
7       Catoosa, Oklahoma. Catoosa Police stopped a truck  
8       carrying 18 individuals, including children, in the  
9       early morning hours on that date. Only 2 of the in-  
10      dividuals produced identification. One adult was ar-  
11      rested on drug possession charges and the remaining  
12      individuals were released.

13           (6) Oklahoma has 1 Office of Investigations of  
14      the Bureau of Immigration and Customs Enforce-  
15      ment, which is located in Oklahoma City. In 2005,  
16      12 agents of the Bureau of Immigration and Cus-  
17      toms Enforcement served the 3,500,000 people re-  
18      siding in Oklahoma.

19           (7) Highway I-44 and U.S.-75 are major roads  
20      through Tulsa, Oklahoma, that are used to transport  
21      illegal aliens to all areas of the United States.

22           (8) The establishment of a field office of the  
23      Office of Investigations of the Bureau of Immigra-  
24      tion and Customs Enforcement in Tulsa, Oklahoma,

1 will help enforce Federal immigration laws in East-  
2 ern Oklahoma.

3 (9) Seven agents of the Drug Enforcement Ad-  
4 ministration and an estimated 22 agents of the Fed-  
5 eral Bureau of Investigation are assigned to duty  
6 stations in Tulsa, Oklahoma, and there are no  
7 agents of the Bureau of Immigration and Customs  
8 Enforcement who are assigned to a duty station in  
9 Tulsa, Oklahoma.

10 **SEC. 302. ESTABLISHMENT OF FIELD OFFICE IN TULSA,**  
11 **OKLAHOMA.**

12 Not later than 180 days after the date of enactment  
13 of this Act, the Secretary of Homeland Security shall es-  
14 tablish a field office of the Office of Investigations of the  
15 Bureau of Immigration and Customs Enforcement in  
16 Tulsa, Oklahoma.

17 **TITLE IV—IMMIGRATION**  
18 **ENFORCEMENT TRAINING**

19 **SEC. 401. IMMIGRATION ENFORCEMENT TRAINING DEM-**  
20 **ONSTRATION PROJECT.**

21 (a) IN GENERAL.—

22 (1) AUTHORITY.—The Secretary of Homeland  
23 Security is authorized to provide assistance to the  
24 President of Cameron University, located in Lawton,  
25 Oklahoma, to establish and implement the dem-

1 demonstration project (referred to in this title as the  
2 “Project”) described in this title.

3 (2) PURPOSE.—The purposes of the Project  
4 shall be to assess the feasibility of establishing a na-  
5 tionwide e-learning training course, covering basic  
6 immigration law enforcement issues, to be used by  
7 State, local, and tribal law enforcement officers in  
8 order to improve and enhance the ability of such of-  
9 ficers, during their routine course of duties, to assist  
10 Federal immigration officers in the enforcement of  
11 immigration laws of the United States.

12 (b) PROJECT DIRECTOR RESPONSIBILITIES.—The  
13 Project shall be carried out by the Project Director, who  
14 shall—

15 (1) develop an online, e-learning Web site  
16 that—

17 (A) provides State, local, and tribal law en-  
18 forcement officers access to the e-learning  
19 training course;

20 (B) enrolls officers in the e-learning train-  
21 ing course;

22 (C) records the performance of officers on  
23 the course;

24 (D) tracks officers’ proficiency in learning  
25 the course’s concepts;

- 1 (E) ensures a high level of security; and
- 2 (F) encrypts personal and sensitive infor-
- 3 mation;
- 4 (2) develop an e-learning training course that—
- 5 (A) entails not more than 4 hours of train-
- 6 ing;
- 7 (B) is accessible through the on-line, e-
- 8 learning Web site developed under paragraph
- 9 (1);
- 10 (C) covers the basic principles and prac-
- 11 tices of immigration law and the policies that
- 12 relate to the enforcement of immigration laws;
- 13 (D) includes instructions about—
- 14 (i) employment-based and family-
- 15 based immigration;
- 16 (ii) the various types of nonimmigrant
- 17 visas;
- 18 (iii) the differences between immi-
- 19 grant and nonimmigrant status;
- 20 (iv) the differences between lawful and
- 21 unlawful presence;
- 22 (v) the criminal and civil consequences
- 23 of unlawful presence;
- 24 (vi) the various grounds for removal;

1 (vii) the types of false identification  
2 commonly used by illegal and criminal  
3 aliens;

4 (viii) the common methods of alien  
5 smuggling and groups that commonly par-  
6 ticipate in alien smuggling rings;

7 (ix) the inherent legal authority of  
8 local law enforcement officers to enforce  
9 federal immigration laws; and

10 (x) detention and removal procedures,  
11 including expeditious removal; and

12 (E) is accessible through the secure,  
13 encrypted on-line, e-learning Web site not later  
14 than 90 days of the date of enactment of this  
15 Act, and

16 (F) incorporates content similar to that  
17 covered in the 4-hour training course provided  
18 by the employees of the Immigration and Natu-  
19 ralization Service to Alabama State Troopers  
20 during 2003, in addition to the training given  
21 pursuant to an agreement by the State under  
22 section 287(g) of the Immigration and Nation-  
23 ality Act (8 U.S.C. 1357(g)); and

24 (3) assess the feasibility of expanding to State,  
25 local, and tribal law enforcement agencies through-

1 out the Nation the on-line, e-learning Web site, in-  
2 cluding the e-learning training course, by using on-  
3 line technology.

4 (c) PERIOD OF PROJECT.—The Project Director  
5 shall carry out the demonstration project for a 2-year pe-  
6 riod beginning 90 days after the date of enactment of this  
7 Act.

8 (d) PARTICIPATION IN PROJECT.—The Project Di-  
9 rector shall carry out the demonstration project by enroll-  
10 ing in the e-learning training course State, local, and trib-  
11 al law enforcement officers from—

12 (1) Alabama;

13 (2) Colorado;

14 (3) Florida;

15 (4) Oklahoma;

16 (5) Texas; and

17 (6) at least 1, but not more than 3, other  
18 States.

19 (e) PARTICIPATING OFFICERS.—

20 (1) NUMBER.—A total of 100,000 officers shall  
21 have access to, enroll in, and complete the e-learning  
22 training course provided under the Project.

23 (2) APPORTIONMENT.—The number of officers  
24 who are selected to participate in the Project shall

1 be apportioned according to the State populations of  
2 the participating States.

3 (3) SELECTION.—Participation in the Project  
4 shall—

5 (A) be equally apportioned between State,  
6 county, and municipal law enforcement agency  
7 officers;

8 (B) include, when practicable, a significant  
9 subset of tribal law enforcement officers; and

10 (C) include officers from urban, rural, and  
11 highly rural areas.

12 (4) RECRUITMENT.—Recruitment of partici-  
13 pants shall begin immediately, and occur concur-  
14 rently, with the e-learning training course’s estab-  
15 lishment and implementation.

16 (5) LIMITATION ON PARTICIPATION.—Officers  
17 shall be ineligible to participate in the demonstration  
18 project if they are employed by a State, local, or  
19 tribal law enforcement agency that—

20 (A) has in effect a statute, policy, or prac-  
21 tice that prohibits its law enforcement officers  
22 from cooperating with Federal immigration en-  
23 forcement agents; or

24 (B) is otherwise in contravention of section  
25 642(a) of the Illegal Immigration Reform and



1           Immigrant Responsibility Act of 1996 (8 U.S.C.  
2           1373(a)).

3           (6) ADDITIONAL REQUIREMENTS.—The law en-  
4           forcement officers selected to participate in the e-  
5           learning training course provided under the  
6           Project—

7                   (A) shall undergo standard vetting proce-  
8                   dures, pursuant to the Federal Law Enforce-  
9                   ment Training Center Distributed Learning  
10                  Program, to ensure that each individual is a  
11                  bona fide law enforcement officer; and

12                  (B) shall be granted continuous access,  
13                  throughout the 2-year period of the Project, to  
14                  on-line course material and other training and  
15                  reference resources accessible through the on-  
16                  line, e-learning Web site.

17           (f) REPORT.—

18                  (1) IN GENERAL.—Not later than the end of  
19                  the 2-year period described in subsection (c), the  
20                  Project Director shall submit a report on the partici-  
21                  pation of State, local, and tribal law enforcement of-  
22                  ficers in the Project’s e-learning training course to—

23                       (A) the Committee on the Judiciary of the  
24                       Senate;

1 (B) the Committee on the Judiciary of the  
2 House of Representatives;

3 (C) the Committee on Homeland Security  
4 and Governmental Affairs of the Senate; and

5 (D) the Committee on Homeland Security  
6 of the House of Representatives.

7 (2) MATTERS TO BE INCLUDED.—The report  
8 submitted under paragraph (1) shall include—

9 (A) an estimate of the cost savings realized  
10 by offering training through the e-learning  
11 training course instead of the residential class-  
12 room method;

13 (B) an estimate of the difference between  
14 the 100,000 law enforcement officers who re-  
15 ceived training through the e-learning training  
16 course and the number of law enforcement offi-  
17 cers who could have received training through  
18 the residential classroom method in the same 2-  
19 year period;

20 (C) the effectiveness of the e-learning  
21 training course with respect to student-officer  
22 performance;

23 (D) the convenience afforded student-offi-  
24 cers with respect to their ability to access the  
25 e-learning training course at their own conven-

1           ience and to return to the on-line, e-learning  
2           Web site for refresher training and reference;  
3           and

4           (E) the ability of the on-line, e-learning  
5           Web site to safeguard the student officers' pri-  
6           vate and personal information while providing  
7           supervisors with appropriate information about  
8           student performance and course completion.

9   **SEC. 402. EXPANSION OF PROGRAM.**

10       (a) IN GENERAL.—After the completion of the  
11   Project, the Secretary of Homeland Security shall—

12           (1) continue to make available the on-line, e-  
13       learning Web site and the e-learning training course  
14       developed in the Project;

15           (2) annually enroll 100,000 new State, local,  
16       and tribal law enforcement officers in such e-learn-  
17       ing training course; and

18           (3) consult with Congress regarding the addi-  
19       tion, substitution, or removal of States eligible to  
20       participate in such e-learning training course.

21       (b) LIMITATION ON PARTICIPATION.—An individual  
22   is ineligible to participate in the expansion of the Project  
23   established under this title if the individual is employed  
24   by a State, local, or tribal law enforcement agency that—

1           (1) has in effect a statute, policy, or practice  
 2           that prohibits its law enforcement officers from co-  
 3           operating with Federal immigration enforcement  
 4           agents; or

5           (2) is otherwise in contravention of section  
 6           642(a) of the Illegal Immigration Reform and Immi-  
 7           grant Responsibility Act of 1996 (8 U.S.C.  
 8           1373(a)).

9   **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

10       (a) FISCAL YEAR 2006.—There are authorized to be  
 11       appropriated \$3,000,000 to the Secretary of Homeland  
 12       Security in fiscal year 2006 to carry out this title.

13       (b) SUBSEQUENT FISCAL YEARS.—There are author-  
 14       ized to be appropriated in fiscal year 2007, and each sub-  
 15       sequent fiscal year, such sums as may be necessary to con-  
 16       tinue to operate, promote, and recruit participants for the  
 17       Project and the expansion of the Project under this title.

18       (c) AVAILABILITY OF FUNDS.—Funds appropriated  
 19       under this section shall remain available until expended.

20           **TITLE V—CITIZENSHIP**

21   **SEC. 501. SHORT TITLE.**

22       This title may be cited as the “Citizenship Reform  
 23       Act of 2005”.

1 **SEC. 502. PURPOSE.**

2       The purpose of this title is to clarify that citizenship  
3 at birth is available to a child born in the United States  
4 to a parent who is a citizen of the United States or a  
5 permanent resident alien in the United States.

6 **SEC. 503. CITIZENSHIP AT BIRTH FOR CHILDREN OF NON-**  
7 **CITIZEN, NON-PERMANENT RESIDENT**  
8 **ALIENS.**

9       (a) IN GENERAL.—Chapter 1 of title III of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1401 et seq.) is  
11 amended—

12           (1) in section 301, by striking “The following”  
13 and inserting “Except as otherwise provided under  
14 section 309A, the following”; and

15           (2) by adding at the end the following:

16 **“SEC. 309A. CHILDREN BORN TO NATIONAL OF THE UNITED**  
17 **STATES OR TO ALIEN LAWFULLY ADMITTED**  
18 **FOR PERMANENT RESIDENCE IN THE UNITED**  
19 **STATES.**

20       “For purposes of section 301(a), a person born in  
21 the United States shall be considered to be ‘subject to the  
22 jurisdiction of the United States’ only if the child was born  
23 in the United States to parents, one of whom is—

24           “(1) a national of the United States; or

1           “(2) an alien who is lawfully admitted for per-  
 2           manent residence and maintains his or her residence  
 3           in the United States.”.

4           (b) EFFECTIVE DATE.—The amendments made by  
 5 this section shall apply only to individuals born on or after  
 6 the date of enactment of this Act.

7   **TITLE VI—GUARANTEEING UNI-**  
 8       **FORM ENFORCEMENT TO**  
 9       **STOP TERRORISM**  
 10       **Subtitle A—Identification**  
 11       **Standards**

12   **SEC. 601. IDENTIFICATION STANDARD FOR FEDERAL BENE-**  
 13       **FITS.**

14       (a) FEDERAL AGENCIES.—No department, agency,  
 15 commission, other entity, or employee of the Federal Gov-  
 16 ernment may, for the purpose of establishing identity, ac-  
 17 cept, recognize, rely on, or authorize the acceptance, rec-  
 18 ognition, or reliance on, any document not described in  
 19 subsection (c).

20       (b) STATE AND LOCAL AGENCIES.—No department,  
 21 agency, commission, other entity, or employee of a State  
 22 or local government charged with providing or approving  
 23 applications for public benefits or services funded in whole  
 24 or in part with Federal funds may, for the purpose of es-  
 25 tablishing identity, accept, recognize, rely on, or authorize

1 the acceptance, recognition, or reliance on, any document  
2 except those described in subsection (c).

3 (c) DOCUMENTS DESCRIBED.—Documents described  
4 in this subsection are—

5 (1) a valid, unexpired United States passport,  
6 immigration document, and other identity document  
7 issued by a Federal authority, excluding an indi-  
8 vidual taxpayer identification number issued by the  
9 Internal Revenue Service;

10 (2) a valid, unexpired driver's license or identi-  
11 fication card (as such terms are defined in section  
12 201 of the REAL ID Act of 2005 (division B of  
13 Public Law 109–13; 49 U.S.C. 30301 note)) issued  
14 by a State, if the State—

15 (A) is in compliance with the minimum  
16 standards for the issuance of a driver's license  
17 or an identification card set forth in title II of  
18 the REAL ID Act of 2005 (49 U.S.C. 30301  
19 note); or

20 (B)(i) statutorily bars issuance of a driv-  
21 er's license or identification card to an alien  
22 who is unlawfully present in the United States;  
23 and

24 (ii) requires independent verification with  
25 the issuing agency of records provided by the

1 applicant in support of the application for a  
 2 driver's license or identification card; and

3 (3) valid, unexpired foreign passports, if such  
 4 passports include, or are accompanied by, proof of  
 5 lawful presence in the United States.

6 **SEC. 602. INDEPENDENT VERIFICATION OF BIRTH**  
 7 **RECORDS PROVIDED IN SUPPORT OF APPLI-**  
 8 **CATIONS FOR SOCIAL SECURITY ACCOUNT**  
 9 **NUMBERS.**

10 (a) APPLICATIONS FOR SOCIAL SECURITY ACCOUNT  
 11 NUMBERS.—Section 205(c)(2)(B)(ii) of the Social Secu-  
 12 rity Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended—

13 (1) by inserting “(I)” after “(ii)”; and

14 (2) by adding at the end the following:

15 “(II) With respect to an application for a social secu-  
 16 rity account number for an individual, other than for pur-  
 17 poses of enumeration at birth, the Commissioner of Social  
 18 Security shall require independent verification of any birth  
 19 record provided by the applicant in support of the applica-  
 20 tion from the agency that issued such record.”.

21 (b) EFFECTIVE DATE.—The amendments made by  
 22 subsection (a) shall apply with respect to applications for  
 23 Social Security account numbers filed on a date that is  
 24 more than 180 days after the date of the enactment of  
 25 this Act.



1 **SEC. 603. ELECTRONIC BIRTH AND DEATH REGISTRATION**  
2 **SYSTEMS.**

3 (a) ESTABLISHMENT.—The Secretary of Homeland  
4 Security, in consultation with the Secretary of Health and  
5 Human Services and the Commissioner of Social Security,  
6 shall—

7 (1) work with the States to establish a common  
8 data set and common data exchange protocol for  
9 electronic birth registration systems and death reg-  
10 istration systems;

11 (2) coordinate requirements for such systems to  
12 align with a national model;

13 (3) ensure that fraud prevention is built into  
14 the design of such systems to prevent fraud related  
15 to the collection of vital event data, the issuance of  
16 birth certificates, and the exchange of data among  
17 government agencies;

18 (4) ensure that electronic systems for issuing  
19 birth certificates, in the form of printed abstracts of  
20 birth records or digitized images, employ a common  
21 format of the certified copy, so that a person requir-  
22 ing such documents can quickly confirm the validity  
23 of such documents;

24 (5) establish and implement uniform field re-  
25 quirements for State birth registries to be included

1 in such systems and such requirements may not re-  
2 quire the utilization of biometric identifiers;

3 (6) not later than 6 months after the date of  
4 enactment of this Act, submit a report to Congress  
5 regarding—

6 (A) the need for Federal laws to address  
7 penalties for fraud and misuse of vital records;  
8 and

9 (B) the sufficiency of the enforcement of  
10 such violations;

11 (7) not later than 1 year after the date of en-  
12 actment of this Act, establish—

13 (A) a process with the Secretary of De-  
14 fense to share data with the States and the So-  
15 cial Security Administration regarding deaths  
16 of United States military personnel and the  
17 birth and death of the dependents of such per-  
18 sonnel; and

19 (B) a process with the Secretary of State  
20 to improve registration, notification, and the  
21 sharing of data with the States and the Social  
22 Security Administration regarding births and  
23 deaths of United States citizens abroad; and

24 (8) not later than 3 years after the establish-  
25 ment of the systems under this section, require

1 States to record and retain electronic records of per-  
2 tinent identification information collected from re-  
3 questers who are not the registrants.

4 (b) ELECTRONIC VERIFICATION OF VITAL  
5 EVENTS.—

6 (1) LEAD AGENCY.—The Secretary of Home-  
7 land Security shall coordinate the implementation of  
8 electronic verification of a person's birth and death.

9 (2) RULEMAKING.—

10 (A) IN GENERAL.—In carrying out para-  
11 graph (1), the Secretary shall issue regulations  
12 to establish procedures for authorized Federal  
13 and State agency users may use a single inter-  
14 face to generate an electronic query to any par-  
15 ticipating vital records jurisdiction throughout  
16 the United States to verify the contents of a  
17 paper birth certificate.

18 (B) NOTIFICATION.—The regulations  
19 issued under subparagraph (A) shall require  
20 each participating vital records jurisdiction to  
21 provide an electronic response to inform the in-  
22 quirer—

23 (i) if a birth record in the database of  
24 such jurisdiction matches the paper birth  
25 certificate; and

1 (ii) if the matching birth record has  
2 been flagged “deceased”.

3 (C) EFFECTIVE DATE.—The regulations  
4 issued under this paragraph shall take effect  
5 not later than 5 years after the date of enact-  
6 ment of this Act.

7 (c) GRANTS TO STATES.—The Secretary of Home-  
8 land Security may award grants to States to assist the  
9 States in participating in the systems referred to in this  
10 section.

11 (d) AUTHORITY.—All authority to issue regulations,  
12 certify standards, and issue grants under this section shall  
13 be carried out by the Secretary of Homeland Security,  
14 with the concurrence of the Secretary of Health and  
15 Human Services and in consultation with State vital sta-  
16 tistics offices and appropriate Federal agencies.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Secretary of  
19 Homeland Security for each of the fiscal years 2006  
20 through 2009 such sums as may be necessary to carry  
21 out this section.

1       **Subtitle B—Reversing Unlawful**  
 2                   **Migration**

3       **SEC. 611. LIMITED DURATION SOCIAL SECURITY ACCOUNT**  
 4                   **NUMBERS FOR NONIMMIGRANTS.**

5           (a) TIMING OF ISSUANCE TO ALIENS.—Section  
 6       205(c)(2)(B)(i)(I) of the Social Security Act (42 U.S.C.  
 7       405(c)(2)(B)(i)(I)) is amended to read as follows:

8                   “(I) to aliens at the time of their lawful admis-  
 9           sion to the United States for, or adjustment of sta-  
 10          tus to—

11                           “(aa) permanent residence; or

12                           “(bb) temporary or other short-term resi-  
 13           dence in a category that permits them to en-  
 14           gage in employment in the United States, ex-  
 15           cept that these aliens shall be issued the Social  
 16           Security cards described in the second sentence  
 17           of subparagraph (G);”.

18          (b) TEMPORARY SOCIAL SECURITY CARDS FOR NON-  
 19       IMMIGRANTS.—Section 205(c)(2)(G) of the Social Secu-  
 20       rity Act (42 U.S.C. 405(c)(2)(G)) is amended—

21                   (1) by inserting “(i)” after “(G)”; and

22                   (2) by striking “The social security card” and  
 23       inserting the following:

24                           “(ii) Social Security cards issued to aliens who  
 25       are not lawful permanent residents, but who are au-

1       thorized to engage in employment in the United  
 2       States, shall bear on their face an expiration date  
 3       that coincides with the expiration of the alien's per-  
 4       mission to be employed in the United States. The  
 5       Social Security account numbers on such cards shall  
 6       not be valid to prove work authorization, either  
 7       through the Employment Authorization Status In-  
 8       stant Check or otherwise, following their expiration.  
 9       “(iii) The Social Security card”.

10 **SEC. 612. MANDATORY NOTIFICATION OF SOCIAL SECURITY**

11                   **ACCOUNT NUMBER MISMATCHES AND MUL-**  
 12                   **TIPLE USES.**

13       (a) NOTIFICATION OF MISMATCHED NAME AND SO-  
 14       CIAL SECURITY ACCOUNT NUMBER.—

15               (1) EMPLOYER NOTIFICATION.—Not less fre-  
 16       quently than once each year, the Commissioner of  
 17       Social Security shall provide a notification to each  
 18       United States employer with one or more employees  
 19       whom the Commissioner has determined have a So-  
 20       cial Security account number that does not match  
 21       the name or date of birth of each such employee in  
 22       the Commissioner's records.

23               (2) EMPLOYEE NOTIFICATION.—The notifica-  
 24       tion under paragraph (1) shall—

1 (A) instruct an employer to inform an em-  
2 ployee described in paragraph (1) that if the  
3 employee fails to correct the information related  
4 to the employee's Social Security account num-  
5 ber with the Commissioner within a period of  
6 10 business days, the employer will be required  
7 to terminate the employment of such employee;  
8 and

9 (B) prohibit the employer from termi-  
10 nating such employment prior to the conclusion  
11 of such 10-day period, unless the employee ad-  
12 mits that the employee fraudulently obtained a  
13 Social Security account number.

14 (b) NOTIFICATION OF MULTIPLE USES OF INDIV-  
15 VIDUAL SOCIAL SECURITY ACCOUNT NUMBERS.—

16 (1) IN GENERAL.—The Commissioner of Social  
17 Security may not credit any individual with concur-  
18 rent earnings from more than 1 employer before no-  
19 tifying the individual that earnings from 2 or more  
20 employers are being reported under the individual's  
21 Social Security account number.

22 (2) CONTENTS OF NOTICE.—Notice under para-  
23 graph (1) shall—

24 (A) include the name and location of each  
25 employer;

1 (B) direct the individual to—

2 (i) contact the Social Security Admin-  
3 istration to present proof that the indi-  
4 vidual is the person to whom the Social Se-  
5 curity account number was issued; and

6 (ii) if applicable, to present a pay stub  
7 or other documentation showing that such  
8 individual is employed by all employers re-  
9 porting earnings to that Social Security ac-  
10 count number.

11 **SEC. 613. NO SOCIAL SECURITY CREDIT FOR WORK PER-**  
12 **FORMED WHILE UNLAWFULLY PRESENT.**

13 Title II of the Social Security Act (42 U.S.C. 401  
14 et seq.) is amended—

15 (1) in section 214(c)(1), by striking “at the  
16 time of assignment, or at any later time” and insert-  
17 ing “at the time any such quarters of coverage are  
18 earned”; and

19 (2) in section 223(a)(1)(C)(i), by striking “at  
20 the time of assignment, or at any later time” and  
21 inserting “at the time any quarters of coverage are  
22 earned”.



1 **SEC. 614. REDUCING INDIVIDUAL TAXPAYER IDENTIFICA-**  
 2 **TION NUMBER ABUSE.**

3 (a) MODIFIED FORMAT AND LAWFUL PRESENCE RE-  
 4 QUIREMENT.—

5 (1) IN GENERAL.—Section 6109(c) of the Inter-  
 6 nal Revenue Code of 1986 is amended to read as fol-  
 7 lows:

8 “(c) REQUIREMENT OF INFORMATION.—

9 “(1) IN GENERAL.—For purposes of this sec-  
 10 tion, the Secretary is authorized to require from any  
 11 person such information as may be necessary to as-  
 12 sign an identifying number.

13 “(2) SEPARATE FROM SOCIAL SECURITY AC-  
 14 COUNT NUMBERS.—Any identifying number assigned  
 15 by the Secretary shall be comprised of a sequence of  
 16 numerals and dashes that is visually distinguishable  
 17 from, and will not be mistaken for, a Social Security  
 18 account number.

19 “(3) VERIFICATION OF STATUS FOR ALIENS.—  
 20 Prior to issuing any identifying number, the Sec-  
 21 retary shall verify with the Secretary of Homeland  
 22 Security that the applicant for such number is law-  
 23 fully present in the United States.”.

24 (2) EFFECTIVE DATE.—Section 6109(c)(2) of  
 25 the Internal Revenue Code of 1986, as added by  
 26 paragraph (1), shall take effect on the expiration of

1 the date which is 30 days after the date of enact-  
2 ment of this Act.

3 (b) INFORMATION SHARING.—

4 (1) IN GENERAL.—Section 6103(i)(3) of the In-  
5 ternal Revenue Code of 1986 is amended by adding  
6 at the end the following:

7 “(D) POSSIBLE VIOLATIONS OF FEDERAL  
8 IMMIGRATION LAW.—The Secretary shall dis-  
9 close, in electronic format to the Secretary of  
10 Homeland Security, the taxpayer identity of  
11 each taxpayer who has been assigned an indi-  
12 vidual taxpayer identification number. The Sec-  
13 retary of Homeland Security may disclose such  
14 information to officers and employees of the  
15 Department to the extent necessary to enforce  
16 Federal immigration laws.”

17 (2) EFFECTIVE DATE.—The Secretary of the  
18 Treasury shall disclose information under the  
19 amendment made by paragraph (1) not later than  
20 60 days after the date of enactment of this Act.

21 **SEC. 615. LIMITED ELIGIBILITY FOR TAX CREDITS.**

22 Notwithstanding any other provision of law, an indi-  
23 vidual who submits to the Internal Revenue Service an in-  
24 come tax return that relies on an individual taxpayer iden-  
25 tification number in lieu of a Social Security account num-

ber shall not be eligible for any tax credit, including the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

**SEC. 616. PENALTY FOR FAILURE TO FILE CORRECT INFORMATION RETURNS.**

(a) PENALTIES FOR EGREGIOUS NONCOMPLIANCE EMPLOYERS.—Section 6721 of the Internal Revenue Code is amended—

(1) by striking subsections (b), (c), and (d);

(2) by redesignating subsection (e) as subsection (b); and

(3) by adding at the end the following:

“(c) PENALTY FOR EGREGIOUS NONCOMPLIANCE OF EMPLOYERS.—The Secretary shall assess the maximum allowable penalties on each employer—

“(1) designated in any taxable year by the Social Security Administration as 1 of the most egregious noncompliant employers; and

“(2) whose noncompliance was either willful or resulted from gross negligence.”.

(b) STANDARD COMPLIANCE PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Commissioner of Social Security and the Secretary of Homeland

1 Security, shall implement a regularly scheduled pro-  
 2 gram for proposing, assessing, and collecting pen-  
 3 alties from persons who include incorrect informa-  
 4 tion in tax returns filed under the Internal Revenue  
 5 Code of 1986, if such information was included ei-  
 6 ther willfully or through gross negligence.

7 (2) REPORT.—Not later than 180 days after  
 8 the date of enactment of this Act, the Secretary of  
 9 the Treasury shall submit a report to Congress on  
 10 the results of the program required under paragraph  
 11 (1), including—

12 (A) the total number of filers who sub-  
 13 mitted incorrect information returns;

14 (B) the number of incorrect information  
 15 returns submitted by such filers;

16 (C) the total amount of penalties proposed,  
 17 assessed, and collected through the program;  
 18 and

19 (D) the number of waivers granted to filers  
 20 of incorrect information returns.

21 **SEC. 617. CLARIFICATION OF INHERENT AUTHORITY OF**  
 22 **STATE AND LOCAL LAW ENFORCEMENT.**

23 Notwithstanding any other provision of law and re-  
 24 affirming the existing inherent authority of States, law en-  
 25 forcement personnel of a State or a political subdivision

1 of a State have the inherent authority of a sovereign entity  
 2 to apprehend, arrest, detain, or transfer to Federal cus-  
 3 tody, aliens in the United States (including the transpor-  
 4 tation of such aliens across State lines to detention cen-  
 5 ters), in the enforcement of the immigration laws of the  
 6 United States.

7 **SEC. 618. IMMIGRATION AND CUSTOMS ENFORCEMENT RE-**  
 8 **SPONSE TO REQUESTS FOR ASSISTANCE**  
 9 **FROM STATE AND LOCAL LAW ENFORCE-**  
 10 **MENT.**

11 (a) IN GENERAL.—Title II of the Immigration and  
 12 Nationality Act (8 U.S.C. 1151 et seq.) is amended by  
 13 inserting after section 240C the following:

14 “CUSTODY OF ILLEGAL ALIENS

15 “SEC. 240D. (a) If the chief executive officer of a  
 16 State or, if appropriate, a political subdivision of the  
 17 State, exercising authority with respect to the apprehen-  
 18 sion of an illegal alien submits a request to the Secretary  
 19 of Homeland Security that the alien be taken into Federal  
 20 custody, the Secretary of Homeland Security—

21 “(1) shall—

22 “(A) not later than 48 hours after the con-  
 23 clusion of the State charging process or dis-  
 24 missal process, or if no State charging or dis-  
 25 missal process is required, not later than 48  
 26 hours after the illegal alien is apprehended,

1 take the illegal alien into the custody of the  
2 Federal Government and incarcerate the alien;  
3 or

4 “(B) request that the relevant State or  
5 local law enforcement agency temporarily incar-  
6 cerate or transport the illegal alien for transfer  
7 to Federal custody; and

8 “(2) shall designate a Federal, State, or local  
9 prison or jail or a private contracted prison or deten-  
10 tion facility within each State as the central facility  
11 for that State to transfer custody of the criminal or  
12 illegal aliens to the Department of Homeland Secu-  
13 rity.

14 “(b)(1) The Secretary of Homeland Security shall re-  
15 imburse States, units of local government, and any private  
16 contractors for all reasonable expenses, as determined by  
17 the Secretary, incurred in the incarceration and transpor-  
18 tation of an illegal alien as described in subsection (a)(1).

19 “(2) Compensation provided for costs incurred under  
20 subsection (a)(1) shall be equal to the sum of—

21 “(A) the average cost of incarceration of a pris-  
22 oner in the relevant State, as determined by the  
23 chief executive officer of a State or, as appropriate,  
24 a political subdivision of the State; and

1           “(B) the cost of transporting the criminal or il-  
2       legal alien from the point of apprehension, to the  
3       place of detention, and to the custody transfer point  
4       if the place of detention and place of custody are dif-  
5       ferent.

6           “(c) The Secretary of Homeland Security shall en-  
7       sure that illegal aliens incarcerated in facilities pursuant  
8       to this section are held in facilities which provide an ap-  
9       propriate level of security.

10          “(d)(1) In carrying out this section, the Secretary of  
11       Homeland Security may establish a regular circuit and  
12       schedule for the prompt transfer of apprehended illegal  
13       aliens from the custody of States, political subdivisions of  
14       States, and private contractors to Federal custody.

15          “(2) The Secretary of Homeland Security may enter  
16       into contracts with appropriate State and local law en-  
17       forcement and detention officials to implement this sec-  
18       tion.

19          “(e) For purposes of this section, the term ‘illegal  
20       alien’ means an alien who—

21               “(1) entered the United States without inspec-  
22       tion or at any time or place other than that des-  
23       ignated by the Secretary of Homeland Security;

24               “(2) was admitted as a nonimmigrant and who,  
25       at the time the alien was taken into custody by the

1 State or a political subdivision of the State, had  
2 failed to—

3 “(A) maintain the nonimmigrant status in  
4 which the alien was admitted or to which it was  
5 changed under section 248; or

6 “(B) comply with the conditions of any  
7 such status;

8 “(3) was admitted as an immigrant and has  
9 subsequently failed to comply with the requirements  
10 of that status; or

11 “(4) failed to depart the United States under a  
12 voluntary departure agreement or under a final  
13 order of removal.”.

14 (b) AUTHORIZATION OF APPROPRIATIONS FOR THE  
15 DETENTION AND TRANSPORTATION TO FEDERAL CUS-  
16 TODY OF ALIENS NOT LAWFULLY PRESENT.—There are  
17 authorized to be appropriated \$500,000,000 for fiscal year  
18 2006 and each subsequent fiscal year for the detention  
19 and removal of aliens not lawfully present in the United  
20 States under the Immigration and Nationality Act (8  
21 U.S.C. 1101 et seq.).



## Subtitle C—Technology

### SEC. 621. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) in the heading by striking “**NEAR SAN DIEGO, CALIFORNIA**”;

(2) by amending paragraph (1) to read as follows:

“(1) SECURITY FEATURES.—

“(A) REINFORCED FENCING.—

“(i) IN GENERAL.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for—

“(I) the construction along the southern international land border of the United States, starting at the Pacific Ocean and extending eastward to the Gulf of Mexico, of at least 2 layers of reinforced fencing; and

“(II) the installation of such additional physical barriers, roads, lighting, and sensors along such border as

1 may be necessary to eliminate illegal  
2 crossings along such border, includ-  
3 ing—

4 “(aa) 2 coils of barbed wire;

5 “(bb) 2 tall, sturdy wire  
6 fences, with sensors to warn of  
7 any incursion;

8 “(cc) a patrol path for vehi-  
9 cles between the fences described  
10 in item (bb);

11 “(dd) a smoothed strip of  
12 sand that runs parallel to the  
13 fences to detect footprints;

14 “(ee) 2 ditches to prevent  
15 vehicles from approaching either  
16 fence;

17 “(ff) closed circuit television  
18 cameras; and

19 “(gg) motion detectors.

20 “(ii) PRIORITY AREAS.—With respect  
21 to the border described in clause (i), the  
22 Secretary shall ensure that initial fence  
23 construction occurs in high traffic and  
24 smuggling areas along such border.

1                   “(iii) CONSULTATION.—Before install-  
2                   ing any fencing or other physical barriers,  
3                   roads, lighting, or sensors under clause (i)  
4                   on land transferred by the Secretary of  
5                   Defense under subparagraph (B), the Sec-  
6                   retary shall consult with the Secretary of  
7                   Defense for purposes of mitigating or lim-  
8                   iting the impact of the fencing, barriers,  
9                   roads, lighting, and sensors on military  
10                  training and operations.

11                 “(B) BORDER ZONE CREATION AND ACQUI-  
12                 SITION.—

13                   “(i) IN GENERAL.—In carrying out  
14                   subsection (a), the Secretary of Homeland  
15                   Security shall create and control a border  
16                   zone, along the international land border  
17                   described in subparagraph (A), subject to  
18                   the following conditions:

19                   “(I) SIZE.—The border zone  
20                   shall consist of the United States land  
21                   area within 100 yards of the inter-  
22                   national land border described in sub-  
23                   paragraph (A), except that with re-  
24                   spect to areas of the border zone that  
25                   are contained within an organized

1 subdivision of a State or local govern-  
2 ment, the Secretary may adjust the  
3 area included in the border zone to  
4 accommodate existing public and pri-  
5 vate structures.

6 “(II) TREATMENT OF FEDERAL  
7 LAND.—Not later than 30 days after  
8 the date of the enactment of the  
9 Southwest Border Security Act, the  
10 head of each Federal agency having  
11 jurisdiction over Federal land included  
12 in the border zone shall transfer such  
13 land, without reimbursement, to the  
14 administrative jurisdiction of the Sec-  
15 retary of Homeland Security.

16 “(III) TREATMENT OF INDIAN  
17 LANDS.—With respect to Indian lands  
18 included within the border zone, the  
19 Secretary shall obtain, through agree-  
20 ment, donation, purchase, or con-  
21 demnation, the rights, titles, or inter-  
22 ests in such real property that are  
23 sufficient to provide for the construc-  
24 tion of the security features described  
25 in subparagraph (A)(i) and access to

1 the border zone as may be necessary  
2 to deter illegal crossings into the  
3 United States. In this subclause, the  
4 terms ‘Indian lands’ and ‘Indian tribe’  
5 shall have the meaning given such  
6 terms in section 2103 of the Revised  
7 Statutes (25 U.S.C. 81).

8 “(ii) PROPERTY REVIEW AND ACQUISITION.—  
9

10 “(I) PROPERTY REVIEW.—The  
11 Secretary shall conduct a comprehensive  
12 review and value assessment of all  
13 property in the border zone owned by  
14 private parties, States, and local governments.  
15

16 “(II) COMPLETION OF REVIEW.—The Secretary shall complete  
17 the review required by subclause (I)—  
18

19 “(aa) not later than 180  
20 days after the date of the enactment  
21 of the Southwest Border  
22 Security Act, in the case of priority  
23 areas identified by subparagraph  
24 (A)(ii); and

1                   “(bb) not later than 360  
2                   days after the date of the enact-  
3                   ment of the Southwest Border  
4                   Security Act in the case of other  
5                   land in the border zone.

6                   “(III) ACQUISITION.—As soon as  
7                   practicable after the date of the enact-  
8                   ment of the Southwest Border Secu-  
9                   rity Act, the Secretary shall com-  
10                  mence proceedings for the acquisition  
11                  of the rights, titles, or interest in such  
12                  real property covered by the review  
13                  described in subclause (I) in accord-  
14                  ance with section 103(b) of the Immi-  
15                  gration and Nationality Act (8 U.S.C.  
16                  1103(b)), and that are sufficient to  
17                  provide for the construction of the se-  
18                  curity features described in subpara-  
19                  graph (A)(i) and access to the border  
20                  zone as may be necessary to deter ille-  
21                  gal crossings into the United States.

22                  “(iii) OTHER USES.—The Secretary  
23                  may authorize the use of land included in  
24                  the border zone for other purposes so long  
25                  as such use does not impede the operation

1 or effectiveness of the security features in  
2 stalled under subparagraph (A)(i) or the  
3 ability of the Secretary to carry out sub-  
4 section (a).”; and

5 (3) by striking “Attorney General” and insert-  
6 ing “Secretary of Homeland Security” each place it  
7 appears.

8 **SEC. 622. STUDY AND REPORT ON THE USE OF TECH-**  
9 **NOLOGY TO PREVENT UNLAWFUL IMMIGRA-**  
10 **TION.**

11 (a) STUDY.—The Secretary of Homeland Security  
12 shall conduct a study of available technology, including  
13 radar animal detection systems, that could be utilized to  
14 increase the security of the international borders of the  
15 United States and to permit law enforcement officials to  
16 detect and prevent illegal immigration.

17 (b) REPORT.—Not later than 6 months after the date  
18 of the enactment of this Act, the Secretary of Homeland  
19 Security shall submit to Congress a report on the study  
20 carried out under subsection (a). The report shall include  
21 the recommendations of the Secretary related to the effi-  
22 cacy of the technologies studied.

1           **TITLE VII—DAY LABORER**  
2                           **CENTERS**

3   **SEC. 701. USE OF DAY LABORER CENTER TO SECURE EM-**  
4                           **PLOYMENT FOR ILLEGAL ALIENS.**

5           It shall be unlawful for any person to operate a day  
6 laborer center if the person knows, or reasonably should  
7 know, that the center is being used to secure employment  
8 for aliens who are not authorized to work in the United  
9 States.

10   **SEC. 702. NOTIFICATION.**

11           If any employee of the Department of Homeland Se-  
12 curity is notified of the presence, at a specific location,  
13 of a group of aliens who may be in the United States in  
14 violation of any provision of the Immigration and Nation-  
15 ality Act (8 U.S.C. 1101 et seq.)—

16                   (1) the employee shall notify the appropriate in-  
17 vestigative authority of the Department; and

18                   (2) such authority shall investigate the violation  
19 and enforce, to the fullest extent possible, all appli-  
20 cable immigration, employment, tax, and other laws  
21 against employers, illegal workers, and day labor  
22 center operators and managers.

23   **SEC. 703. REFERRALS TO THE IRS.**

24           Any investigative authority of the Department of  
25 Homeland Security conducting an investigation under sec-



tion 702(2) shall provide relevant information obtained through such investigation to the appropriate investigative authority of the Internal Revenue Service to further investigate all tax evasion violations by employers or illegal workers using the day labor site for a hiring arrangement.

**SEC. 704. AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.**

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

(1) in subsection (a)(1)—

(A) by amending subparagraph (A) to read as follows:

“(A)(i) to hire, recruit, or refer an alien for employment in the United States, knowing or having reason to know that the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment; or

“(ii) to provide services intended to assist an alien in obtaining employment in the United States, knowing or having reason to know that the alien is an unauthorized alien; or”;

(B) in subparagraph (B), by amending clause (ii) to read as follows:

“(ii) if the person or entity is an agricultural association, agricultural employer, farm

1 labor contractor (as defined in section 3 of the  
 2 Migrant and Seasonal Agricultural Worker Pro-  
 3 tection Act (29 U.S.C. 1802), or an entity pro-  
 4 viding employment services, to hire, recruit, or  
 5 refer an individual for employment in the  
 6 United States in violation of the requirements  
 7 of subsection (b).”;

8 (2) in subsection (b)(3)(A) by striking “for a  
 9 fee”;

10 (3) in subsection (e)(4)(B)(i), by striking “for  
 11 a fee”; and

12 (4) in subsection (h)(2), by striking “or recruit  
 13 or refer for a fee” and inserting “recruit, or refer”.

14 **SEC. 705. AMENDMENT TO PERSONAL RESPONSIBILITY**  
 15 **AND WORK OPPORTUNITY RECONCILIATION**  
 16 **ACT OF 1996.**

17 Section 411(c)(1)(B) of the Personal Responsibility  
 18 and Work Opportunity Reconciliation Act of 1996 (8  
 19 U.S.C. 1621(c)(1)(B)) is amended by inserting “employ-  
 20 ment services,” after “unemployment benefit,”.

1 **TITLE VIII—HIGHER EDUCATION**  
 2 **BENEFITS FOR ILLEGAL ALIENS**

3 **SEC. 801. LIMITATION ON ELIGIBILITY.**

4 Section 505 of the Illegal Immigration Reform and  
 5 Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is  
 6 amended—

7 (1) in subsection (a), by striking “on the basis  
 8 of residence” and all that follows and inserting “for  
 9 any postsecondary education benefit unless every cit-  
 10 izen or national of the United States is entitled to  
 11 such a benefit in an amount, duration, and scope  
 12 that is not less than the benefit available to the alien  
 13 without regard to whether the citizen or national is  
 14 a resident of the State or has attended or graduated  
 15 from a school in the State.”;

16 (2) by redesignating subsection (b) as sub-  
 17 section (c); and

18 (3) by inserting after subsection (a) the fol-  
 19 lowing:

20 “(b) PRIVATE CAUSE OF ACTION.—

21 “(1) IN GENERAL.—Any citizen or national of  
 22 the United States who is attending, or is enrolled in,  
 23 a postsecondary educational institution alleged to  
 24 have violated subsection (a) may commence a civil

1       action in a court of competent jurisdiction, to en-  
2       force the terms of subsection (a), against—

3               “(A) any official of the State agency that  
4               governs such postsecondary educational institu-  
5               tions; or

6               “(B) the postsecondary educational institu-  
7               tion.

8               “(2) FEES AND COSTS.—If an individual de-  
9       scribed in paragraph (1) establishes a violation of  
10      subsection (a) to the satisfaction of the court, the  
11      court shall—

12              “(A) provide all appropriate relief to the  
13              individual; and

14              “(B) award attorney fees and costs to the  
15              individual.”.

○