

110TH CONGRESS
1ST SESSION

H. R. 3638

To end the cycle of illegal immigration in the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2007

Mr. BURTON of Indiana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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 end the cycle of illegal immigration in the United States.

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 “Border Security and Elimination of Sanctuary for Illegal
6 Aliens Act of 2007”.

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

9 **SEC. 2. FINDINGS.**

10 Congress finds the following:

1 (1) The illegal entry into the United States of
2 dangerous gang members, such as MS-13, is a di-
3 rect threat to the security of the United States.

4 (2) The continuing rise of illegal immigration
5 increases the chances that a terrorist will gain entry
6 into the United States undetected.

7 (3) The rising cost to United States taxpayers
8 to support housing, health care, education expenses,
9 and criminal justice for illegal aliens has reached be-
10 tween \$11,000,000,000 and \$22,000,000,000 per
11 year.

12 (4) Any attempt to deal with illegal aliens cur-
13 rently living in the United States must start with
14 the United States securing its borders.

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that the worsening crisis
17 of illegal immigration must be solved.

18 **SEC. 4. BORDER SECURITY.**

19 (a) **FULL-TIME ACTIVE-DUTY BORDER PATROL**
20 **AGENTS.**—In order to fulfill the requirement under sec-
21 tion 5202 of the Intelligence Reform and Terrorism Pre-
22 vention Act of 2004 (Public Law 108-458; 118 Stat.
23 3734) (relating to an increase in the number of positions
24 for full-time active-duty border patrol agents within the
25 Department of Homeland Security), and subject to the

1 availability of appropriations for such purpose, the Sec-
2 retary of Homeland Security shall—

3 (1) increase incentives to recruit individuals to
4 become such agents by offering such individuals re-
5 payment of higher education loans, not to exceed
6 \$6,000 per year and a maximum of \$40,000; and

7 (2) develop incentives to retain experienced bor-
8 der patrol agents through the establishment of a re-
9 tention program.

10 (b) DEPLOYMENT OF TECHNOLOGY.—In accordance
11 with section 2(a)(1) of the Secure Fence Act of 2006
12 (Public Law 109–367; 8 U.S.C. 1701 note), the Secretary
13 of Homeland Security is authorized to deploy newly-devel-
14 oped and cutting-edge technologies to secure the inter-
15 national land and maritime borders of the United States.

16 (c) CONSTRUCTION OF BORDER FENCE.—The Sec-
17 retary of Homeland Security shall—

18 (1) make a priority the construction of the bor-
19 der fencing required under section 102 of the Illegal
20 Immigration Reform and Immigrant Responsibility
21 Act of 1996 (8 U.S.C. 1103 note); and

22 (2) not later than June 30, 2008, submit to
23 Congress a report on the progress and expected com-
24 pletion date of such construction.

1 **SEC. 5. MANDATED COLLABORATION TO END SANCTUARY**
2 **OF ILLEGAL ALIENS.**

3 If an alien who is unlawfully present in the United
4 States is arrested for any offense by a State or local law
5 enforcement agency, the head of such agency shall imme-
6 diately notify United States Immigration and Customs
7 Enforcement (ICE) of such arrest and the identity of such
8 alien.

9 **SEC. 6. EXPEDITED REMOVAL AND CRIMINAL PENALTIES**
10 **OF CRIMINAL ALIENS.**

11 (a) ACTION BY ICE; EXPEDITED REMOVAL.—Upon
12 notification under section 5, the alien arrested under such
13 section shall be immediately detained by United States
14 Immigration and Customs Enforcement and presented be-
15 fore an immigration judge (as defined in section 101(b)(4)
16 of the Immigration and Nationality Act (8 U.S.C.
17 1101(b)(4))), the name and fingerprints of such alien shall
18 be added to an appropriate watch list maintained by the
19 Department of Homeland Security concerning aliens who
20 have been unlawfully present in the United States, and
21 such immigration judge shall order such alien immediately
22 removed from the United States without being released
23 from detention and without further hearing or review in
24 the same manner as an alien described in subparagraph
25 (A)(i) of section 235(b)(1) of such Act (8 U.S.C.

1 1225(b)(1)) is subject to immediate removal from the
2 United States under the provisions of such section.

3 (b) PERMANENT INELIGIBILITY FOR ADMISSION TO
4 UNITED STATES.—Section 212(a)(9)(C)(i)(I) of the Im-
5 migration and Nationality Act (8 U.S.C.
6 1182(a)(9)(C)(i)(I)) is amended by striking “for an aggre-
7 gate period of more than 1 year” and inserting “for any
8 period of time”.

9 (c) CRIMINAL PENALTIES FOR SUBSEQUENT UNLAW-
10 FUL PRESENCE.—An alien who is removed from the
11 United States under subsection (a) and who is subse-
12 quently determined to be unlawfully present in the United
13 States shall be imprisoned for not more than five years
14 and fined in accordance with title 18, United States Code,
15 and shall be removed from the United States in accord-
16 ance with the expedited removal proceedings described in
17 such subsection after the completion of such alien’s term
18 of imprisonment.

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