

113TH CONGRESS  
1ST SESSION

# H. R. 830

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2013

Mr. GRAVES of Missouri (for himself, Mr. NUNNELEE, Mrs. HARTZLER, Mr. HALL, and Mr. ROHRABACHER) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and the Workforce, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Secure America Through Verification and Enforcement  
6 Act of 2013” or as the “SAVE Act of 2013”.

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—SECURING AMERICA’S INTERNATIONAL BORDERS

Subtitle A—Manpower, Technology, and Infrastructure Improvements

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

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

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

Subtitle C—Rapid Response Measures

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

Subtitle D—Border Infrastructure and Technology Modernization

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

Subtitle E—Other Border Security Initiatives

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

TITLE II—ENDING UNLAWFUL EMPLOYMENT

Subtitle A—Employee Verification

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

Subtitle B—Nondeductibility of Wages Paid to Unauthorized Aliens

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

TITLE III—ENHANCING AND UTILIZING CURRENT INTERIOR  
ENFORCEMENT METHODS

- Sec. 301. Increase investigative efforts.
- Sec. 302. Increased oversight of agents.

Sec. 303. Border relief grant program.  
 Sec. 304. Authorization of appropriations.  
 Sec. 305. Regulations.  
 Sec. 306. Rewards program.  
 Sec. 307. Increased detention facilities for aliens apprehended for illegal entry.  
 Sec. 308. Additional Immigration Judgeships and law clerks.  
 Sec. 309. Media campaign.

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

6   **SEC. 101. MANPOWER.**

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

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

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

20               “(1) 1,500 in fiscal year 2014;

21               “(2) 1,000 in fiscal year 2015;

22               “(3) 1,000 in fiscal year 2016;

1 “(4) 1,000 in fiscal year 2017; and

2 “(5) 500 in fiscal year 2018.

3 “(b) ALLOCATIONS.—Of the Border Patrol agents  
4 hired under subsection (a), 80 percent shall be deployed  
5 along the southern border of the United States and 20  
6 percent shall be deployed along the northern border of the  
7 United States.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—The  
9 necessary funds are authorized to be appropriated for each  
10 of fiscal years 2014 through 2018 to carry out this sec-  
11 tion.”.

12 (b) INVESTIGATIVE PERSONNEL.—

13 (1) ADDITIONAL INVESTIGATIVE PERSONNEL  
14 FOR ALIEN SMUGGLING.—In addition to the posi-  
15 tions authorized under section 5203 of the Intel-  
16 ligence Reform and Terrorism Prevention Act of  
17 2004, as amended by paragraph (1), during each of  
18 the fiscal years 2014 through 2018, the Secretary  
19 shall, subject to the availability of appropriations, in-  
20 crease by not less than 350 the number of positions  
21 for personnel within the Department assigned to  
22 specifically investigate alien smuggling.

23 (2) ADDITIONAL FUNDS AND PERSONNEL FOR  
24 THE TUNNEL TASK FORCE.—Subject to appropria-  
25 tions, the fiscal year 2014 budget of the Tunnel

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

15 (3) AUTHORIZATION OF APPROPRIATIONS.—

16 The necessary funds are authorized to be appro-  
17 priated to the Secretary for each of the fiscal years  
18 2014 through 2018 to carry out this section.

19 (c) RECRUITMENT OF FORMER MEMBERS OF THE  
20 ARMED FORCES AND MEMBERS OF RESERVE COMPO-  
21 NENTS OF THE ARMED FORCES.—

22 (1) REQUIREMENT FOR PROGRAM.—The Sec-  
23 retary, in conjunction with the Secretary of Defense,  
24 shall establish a program to actively recruit covered  
25 members (a member of a reserve component of the

1 Armed Forces) or former members of the Armed  
2 Forces and National Guard to serve in United  
3 States Customs and Border Protection.

4 (2) REPORT ON RECRUITMENT INCENTIVES.—

5 Not later than 90 days after the date of enactment  
6 of this Act, the Secretary and the Secretary of De-  
7 fense shall jointly submit to the “appropriate” com-  
8 mittees of Congress a report that shall include an  
9 assessment of the desirability and feasibility of offer-  
10 ing an incentive to a covered member or former  
11 member of the Armed Forces for the purpose of en-  
12 couraging such member to serve in United States  
13 Customs and Border Patrol and Immigration and  
14 Customs Enforcement—

15 (A) the Secretary must provide a descrip-  
16 tion of various monetary and non-monetary in-  
17 centives considered for purposes of the report;  
18 and

19 (B) the Secretary must provide an assess-  
20 ment of the desirability and feasibility of uti-  
21 lizing any such incentive.

22 (3) RECOMMENDATIONS FOR RECRUITMENT IN-  
23 CENTIVES.—

24 (A) MAXIMUM STUDENT LOAN REPAY-  
25 MENTS FOR UNITED STATES BORDER PATROL

1 AGENTS WITH A TWO-YEAR COMMITMENT.—

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

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

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

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

13 (B) RECRUITMENT AND RELOCATION BO-  
14 NUSES AND RETENTION ALLOWANCES FOR PER-  
15 SONNEL OF THE DEPARTMENT OF HOMELAND  
16 SECURITY.—The Secretary of Homeland Secu-  
17 rity shall ensure that the authority to pay re-  
18 cruitment and relocation bonuses under section  
19 5753 of title 5, United States Code, the author-  
20 ity to pay retention bonuses under section 5754  
21 of such title, and any other similar authorities  
22 available under any other provision of law, rule,  
23 or regulation, are exercised to the fullest extent  
24 allowable in order to encourage service in the  
25 Department of Homeland Security.

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

3           (A) the Committee on Appropriations, the  
4       Committee on Armed Services, and the Com-  
5       mittee on Homeland Security of the House of  
6       Representatives; and

7           (B) the Committee on Appropriations, the  
8       Committee on Armed Services, and the Com-  
9       mittee on Homeland Security and Govern-  
10      mental Affairs of the Senate.

11 **SEC. 102. TECHNOLOGY.**

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

24       (b) REPORT.—Not later than 6 months after the date  
25 of enactment of this Act (and then annually from that

1 point), the Secretary and the Secretary of Defense shall  
2 submit to Congress a report that contains—

3 (1) a description of the current use of Depart-  
4 ment of Defense equipment to assist the Secretary  
5 in carrying out surveillance of the international land  
6 borders of the United States and assessment of the  
7 potential risks to citizens of the United States and  
8 key foreign policy interests associated with the use  
9 of such equipment;

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

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

17 (c) SECURE COMMUNICATION.—The Secretary shall,  
18 as expeditiously as practicable, develop and implement a  
19 plan to improve the use of satellite communications and  
20 other technologies to ensure clear and secure 2-way com-  
21 munication capabilities—

22 (1) among all Border Patrol agents conducting  
23 operations between ports of entry;

24 (2) between Border Patrol agents and their re-  
25 spective Border Patrol stations; and

1           (3) between all appropriate law enforcement  
2           agencies of the Department and State, local, and  
3           tribal law enforcement agencies.

4           (d) OTHER TECHNOLOGY UPGRADES.—The Sec-  
5           retary shall purchase and implement new technology to se-  
6           cure the borders, including, but not limited to drones, in-  
7           frared cameras, sensors, mobile lighting units, radar and  
8           infrared heat.

9           (e) AUTHORIZATION OF APPROPRIATIONS.—The nec-  
10          essary funds are authorized to be appropriated to the Sec-  
11          retary for each of the fiscal years 2014 through 2018 to  
12          carry out this section.

13       **SEC. 103. INFRASTRUCTURE.**

14          (a) INFRASTRUCTURE IMPROVEMENTS.—Subject to  
15          the availability of appropriations, the Secretary shall con-  
16          struct or purchase—

17               (1) office facilities to accommodate additional  
18               border patrol manpower;

19               (2) sport utility vehicles for officers;

20               (3) all-weather roads for better vehicle access  
21               and performance on remote and rugged terrain  
22               (road construction should be done in consultation  
23               with the owner of the land and take into account  
24               any environmental or other land-use issues that are  
25               relevant);

1           (4) additional fencing (and aesthetic fencing in  
2       business districts) in urban areas of the border; and  
3           (5) vehicle barriers, to support, not replace,  
4       manpower, in rural and remote areas of the border  
5       necessary to achieve operational control of the inter-  
6       national borders of the United States.

7       (b) AUTHORIZATION OF APPROPRIATIONS.—The nec-  
8       essary funds are authorized to be appropriated to the Sec-  
9       retary for each of the fiscal years 2014 through 2018 to  
10      carry out this section.

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

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

18       (b) UNMANNED AERIAL VEHICLES AND ASSOCIATED  
19      INFRASTRUCTURE.—The Secretary shall acquire and  
20      maintain unmanned aerial vehicles and related equipment  
21      for use to patrol the international borders of the United  
22      States, including equipment such as—

- 23           (1) additional sensors;  
24           (2) satellite command and control; and

1           (3) other necessary equipment for operational  
2 support.

3           (c) AUTHORIZATION OF APPROPRIATIONS.—

4           (1) IN GENERAL.—There are authorized to be  
5 appropriated to the Secretary for each of the fiscal  
6 years 2014 and 2015 such sums as may be nec-  
7 essary to carry out subsection (b).

8           (2) AVAILABILITY OF FUNDS.—Amounts appro-  
9 priated pursuant to the authorization of appropria-  
10 tions in paragraph (1) are authorized to remain  
11 available until expended.

12          (d) AERIAL SURVEILLANCE PROGRAM.—

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

1 to ensure continuous monitoring of each mile of each  
2 border.

3 (2) ASSESSMENT AND CONSULTATION REQUIRE-  
4 MENTS.—In developing the program under this sub-  
5 section, the Secretary shall—

6 (A) consider current and proposed aerial  
7 surveillance technologies;

8 (B) assess the feasibility and advisability  
9 of utilizing such technologies to address border  
10 threats, including an assessment of the tech-  
11 nologies considered best suited to address re-  
12 spective threats;

13 (C) consult with the Secretary of Defense  
14 regarding any technologies or equipment, which  
15 the Secretary may deploy along an international  
16 border of the United States; and

17 (D) consult with the Administrator of the  
18 Federal Aviation Administration regarding safe-  
19 ty, airspace coordination and regulation, and  
20 any other issues necessary for implementation  
21 of the program.

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

1 (e) INTEGRATED AND AUTOMATED SURVEILLANCE  
2 PROGRAM.—

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

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

15 (A) the technologies utilized in the Inte-  
16 grated and Automated Surveillance Program  
17 are integrated and function cohesively in an  
18 automated fashion, including the integration of  
19 motion sensor alerts and cameras in a manner  
20 where a sensor alert automatically activates a  
21 corresponding camera to pan and tilt in the di-  
22 rection of the triggered sensor;

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

1 (C) such camera views and positions are  
2 not fixed;

3 (D) surveillance video taken by such cam-  
4 eras is able to be viewed at multiple designated  
5 communications centers;

6 (E) a standard process is used to collect  
7 and record, catalog, and report intrusion and  
8 response data collected under the Program;

9 (F) future remote surveillance technology  
10 investments and upgrades for the program can  
11 be integrated with existing systems;

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

18 (H) plans are developed under the program  
19 to streamline site selection and site validation  
20 processes to minimize delays of installing sur-  
21 veillance technology infrastructure;

22 (I) standards are developed under the pro-  
23 gram to expand the shared use of existing pri-  
24 vate and governmental structures to install re-

1           mote surveillance technology infrastructure  
2           where possible;

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

8           (K) Border Patrol agents respond to each  
9           reported intrusion that appears to involve aliens  
10          or smugglers.

11          (3) EVALUATION OF CONTRACTORS.—

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

17           (B) REVIEW BY THE COMPTROLLER GEN-  
18           ERAL OF THE UNITED STATES.—

19           (i) IN GENERAL.—The Comptroller  
20           General of the United States shall review  
21           each new contract related to the Program  
22           and should report to Congress regarding  
23           contracts with a value of more than  
24           \$5,000,000 in a timely manner, to deter-  
25           mine whether such contract fully complies

1 with applicable cost requirements, perform-  
2 ance objectives, program milestones, and  
3 schedules.

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

9 (4) AUTHORIZATION OF APPROPRIATIONS.—

10 The necessary funds are authorized to be appro-  
11 priated to carry out this subsection.

12 **Subtitle B—Strategies and**  
13 **Progress Reports for Securing**  
14 **America's Borders**

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

16 (a) REQUIREMENT FOR NATIONAL STRATEGY.—The  
17 Secretary, in consultation with the heads of other appro-  
18 priate Federal agencies, shall develop a national strategy  
19 to secure the borders that describes actions to be carried  
20 out to achieve operational control over all ports of entry  
21 into the United States and the international land and mar-  
22 itime borders of the United States by December 31, 2019.

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

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

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

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

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

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

24          (4) An assessment of staffing needs for all bor-  
25          der security functions, taking into account threat

1 and vulnerability information pertaining to the bor-  
2 ders and the impact of new security programs, poli-  
3 cies, and technologies.

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

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

23 (7) A prioritized list of research and develop-  
24 ment objectives to enhance the security of the inter-

1 national land and maritime borders of the United  
2 States.

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

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

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

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

23 (c) CONSULTATION.—In developing the national  
24 strategy for border security, the Secretary shall consult  
25 with representatives of—

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

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

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

14          (e) SUBMISSION TO CONGRESS.—

15               (1) STRATEGY.—Not later than December 31,  
16          2014, the Secretary shall submit to Congress the na-  
17          tional strategy for border security.

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

22          (f) IMMEDIATE ACTION.—Nothing in this section  
23          may be construed to relieve the Secretary of the responsi-  
24          bility to take all actions necessary and appropriate to  
25          achieve and maintain operational control over the entire

1 international land and maritime borders of the United  
2 States.

3 **SEC. 112. ACCOUNTABLE FINANCING OF A SECURE BORDER**  
4 **INITIATIVE.**

5 (a) COMPTROLLER GENERAL OF THE UNITED  
6 STATES.—

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

20 (2) REPORT.—Upon the completion of each re-  
21 view described in paragraph (1), the Comptroller  
22 General of the United States shall submit to Con-  
23 gress and to the Secretary a report containing the  
24 findings of the review, including findings regard-  
25 ing—

1 (A) cost overruns;

2 (B) significant delays in contract execu-  
3 tion;

4 (C) lack of rigorous departmental contract  
5 management;

6 (D) insufficient departmental financial  
7 oversight;

8 (E) bundling that limits the ability of  
9 small businesses to compete; or

10 (F) other high-risk business practices.

11 (b) REPORTS BY THE SECRETARY.—

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

22 (2) CONTRACTS WITH FOREIGN COMPANIES.—

23 Not later than 60 days after the initiation of each  
24 contract action with a company whose headquarters  
25 are not based in the United States, the Secretary

1 shall submit a report to the Committee on the Judi-  
2 ciary of the Senate and the Committee on the Judi-  
3 ciary of the House of Representatives, regarding the  
4 Secure Border Initiative.

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

11 (1) the proposed purchase;

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

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

16 **Subtitle C—Rapid Response**  
17 **Measures**

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

19 (a) EMERGENCY DEPLOYMENT OF BORDER PATROL  
20 AGENTS.—

21 (1) IN GENERAL.—If the Governor of a State  
22 on an international border of the United States de-  
23 clares an international border security emergency  
24 and requests additional agents of the Border Patrol  
25 (referred to in this subtitle as “agents”) from the

1 Secretary, the Secretary, subject to paragraphs (2)  
2 and (3), may provide the State with not more than  
3 1,000 additional agents for the purpose of patrolling  
4 and defending the international border, in order to  
5 prevent individuals from crossing the international  
6 border into the United States at any location other  
7 than an authorized port of entry.

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

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

18 (b) FLEXIBLE DEPLOYMENT OF BORDER PATROL  
19 AGENTS.—The Secretary shall ensure that agents are not  
20 precluded from performing patrol duties and appre-  
21 hending violators of law, except in unusual circumstances  
22 if the temporary use of fixed deployment positions is nec-  
23 essary.

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

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

9 (b) HELICOPTERS AND POWER BOATS.—

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

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

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

23 (A) establish an overall policy on how the  
24 helicopters and power boats procured under this  
25 subsection will be used; and

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

4 (c) MOTOR VEHICLES.—

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

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

15 (A) be appropriate for the mission of the  
16 Border Patrol; and

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

21 **SEC. 123. ELECTRONIC EQUIPMENT.**

22 (a) PORTABLE COMPUTERS.—The Secretary shall en-  
23 sure that each police-type motor vehicle in the fleet of the  
24 Border Patrol is equipped with a portable computer with  
25 access to all necessary law enforcement databases and oth-

1 erwise suited to the unique operational requirements of  
2 the Border Patrol.

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

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

17 (d) NIGHT VISION EQUIPMENT.—The Secretary shall  
18 ensure that sufficient quantities of state-of-the-art night  
19 vision equipment are procured and maintained to enable  
20 each Border Patrol agent working during the hours of  
21 darkness to be equipped with a portable night vision de-  
22 vice.

23 **SEC. 124. PERSONAL EQUIPMENT.**

24 (a) BODY ARMOR.—The Secretary shall ensure that  
25 every agent on duty is issued high-quality body armor that

1 is appropriate for the climate and risks faced by the agent.  
2 Enough body armor must be purchased to cover every  
3 agent in the field.

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

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

20 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Sec-  
22 retary such sums as may be necessary for each of the fis-  
23 cal years 2014 through 2018 to carry out this subtitle.

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

3   **SEC. 131. DEFINITIONS.**

4       In this subtitle:

5           (1) COMMISSIONER.—The term “Commis-  
6       sioner” means the Commissioner of United States  
7       Customs and Border Protection.

8           (2) NORTHERN BORDER.—The term “northern  
9       border” means the international border between the  
10      United States and Canada.

11          (3) SOUTHERN BORDER.—The term “southern  
12      border” means the international border between the  
13      United States and Mexico.

14   **SEC. 132. EXPANSION OF COMMERCE SECURITY PRO-**  
15       **GRAMS.**

16      (a) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-  
17      RORISM.—

18           (1) IN GENERAL.—Not later than 180 days  
19      after the date of enactment of this Act, the Commis-  
20      sioner, in consultation with the Secretary, shall de-  
21      velop a plan to expand the programs of the Cus-  
22      toms-Trade Partnership Against Terrorism estab-  
23      lished pursuant to section 211 of the SAFE Port  
24      Act (6 U.S.C. 961), including adding additional per-  
25      sonnel for such programs, along the northern border

1 and southern border, including the following pro-  
 2 grams:

3 (A) The Business Anti-Smuggling Coali-  
 4 tion.

5 (B) The Carrier Initiative Program.

6 (C) The Americas Counter Smuggling Ini-  
 7 tiative.

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

11 (E) The Free and Secure Trade Initiative.

12 (F) Other industry partnership programs  
 13 administered by the Commissioner.

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

## 19 **Subtitle E—Other Border Security** 20 **Initiatives**

### 21 **SEC. 141. ALIEN SMUGGLING AND TERRORISM PREVEN-** 22 **TION.**

23 (a) CHECKS AGAINST TERRORIST WATCHLIST.—The  
 24 Secretary of Homeland Security shall, to the extent prac-  
 25 ticable, check against all available terrorist watchlists

1 those persons suspected of alien smuggling and smuggled  
2 individuals who are interdicted at the land, air, and sea  
3 borders of the United States.

4 (b) STRENGTHENING PROSECUTION AND PUNISH-  
5 MENT OF ALIEN SMUGGLERS.—Section 274(a) of the Im-  
6 migration and Nationality Act (8 U.S.C. 1324(a)) is  
7 amended—

8 (1) by amending the subsection heading to read  
9 as follows: “BRINGING IN, HARBORING, AND SMUG-  
10 GLING OF UNLAWFUL AND TERRORIST ALIENS.—”;  
11 and

12 (2) by amending paragraphs (1) through (2) to  
13 read as follows:

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

18 “(i) brings that individual to the United States  
19 in any manner whatsoever regardless of any future  
20 official action which may be taken with respect to  
21 such individual;

22 “(ii) recruits, encourages, or induces that indi-  
23 vidual to come to, enter, or reside in the United  
24 States;

1           “(iii) transports or moves that individual in the  
2       United States, in furtherance of their unlawful pres-  
3       ence; or

4           “(iv) harbors, conceals, or shields from detec-  
5       tion the individual in any place in the United States,  
6       including any building or any means of transpor-  
7       tation;

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

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

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

23           “(i) if the offense results in the death of any  
24       person, be fined under title 18, United States Code,

1 and subject to the penalty of death or imprisonment  
2 for any term of years or for life;

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

11 “(iii) if the offense involves an individual who  
12 the defendant knew was engaged in or intended to  
13 engage in terrorist activity (as defined in section  
14 212(a)(3)(B)), be fined under title 18, United States  
15 Code, or imprisoned not more than 30 years, or  
16 both;

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

22 “(v) if the offense is a violation of paragraph  
23 (1)(A)(i) and was committed for the purpose of prof-  
24 it, commercial advantage, or private financial gain,  
25 or if the offense was committed with the intent or

1 reason to believe that the individual unlawfully  
2 brought into the United States will commit an of-  
3 fense against the United States or any State that is  
4 punishable by imprisonment for more than 1 year,  
5 be fined under title 18, United States Code, and im-  
6 prisoned, in the case of a first or second violation,  
7 not less than 3 nor more than 10 years, and for any  
8 other violation, not less than 5 nor more than 15  
9 years;

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

16 “(vii) if the offense involves the transit of the  
17 defendant’s spouse, child, sibling, parent, grand-  
18 parent, or niece or nephew, and the offense is not  
19 described in any of clauses (i) through (vi), be fined  
20 under title 18, United States Code, or imprisoned  
21 not more than 1 year, or both; and

22 “(viii) in any other case, be fined under title  
23 18, United States Code, or imprisoned not more  
24 than 5 years, or both.

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

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

8           “(i) as soon as practicable, reported to the  
9 Coast Guard the circumstances of the necessity, and  
10 if a rescue is claimed, the name, description, registry  
11 number, and location of the vessel engaging in the  
12 rescue; and

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

23       “(C) It is not a violation of, or an attempt or con-  
24 spiracy to violate, clause (iii) or (iv) of paragraph (1)(A),  
25 or paragraph (1)(A)(ii) (except if a person recruits, en-

1 courages, or induces an alien to come to or enter the  
2 United States), for a religious denomination having a bona  
3 fide nonprofit, religious organization in the United States,  
4 or the agents or officer of such denomination or organiza-  
5 tion, to encourage, invite, call, allow, or enable an alien  
6 who is present in the United States to perform the voca-  
7 tion of a minister or missionary for the denomination or  
8 organization in the United States as a volunteer who is  
9 not compensated as an employee, notwithstanding the pro-  
10 vision of room, board, travel, medical assistance, and other  
11 basic living expenses, provided the minister or missionary  
12 has been a member of the denomination for at least one  
13 year.

14 “(D) For purposes of this paragraph and paragraph  
15 (1)—

16 “(i) the term ‘United States’ means the several  
17 States, the District of Columbia, the Commonwealth  
18 of Puerto Rico, Guam, American Samoa, the United  
19 States Virgin Islands, the Commonwealth of the  
20 Northern Mariana Islands, and any other territory  
21 or possession of the United States; and

22 “(ii) the term ‘lawful authority’ means permis-  
23 sion, authorization, or waiver that is expressly pro-  
24 vided for in the immigration laws of the United  
25 States or the regulations prescribed under those

1 laws and does not include any such authority se-  
2 cured by fraud or otherwise obtained in violation of  
3 law or authority that has been sought but not ap-  
4 proved.”.

5 (c) MARITIME LAW ENFORCEMENT.—

6 (1) PENALTIES.—Subsection (b) of section  
7 2237 of title 18, United States Code, is amended to  
8 read as follows:

9 “(b) Whoever intentionally violates this section  
10 shall—

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

18 “(2) if the offense results in serious bodily in-  
19 jury (as defined in section 1365 of this title) or  
20 transportation under inhumane conditions, be fined  
21 under this title, imprisoned not more than 15 years,  
22 or both;

23 “(3) if the offense is committed in the course  
24 of a violation of section 274 of the Immigration and  
25 Nationality Act (alien smuggling); chapter 77 (peon-

1 age, slavery, and trafficking in persons), section 111  
 2 (shipping), 111A (interference with vessels), 113  
 3 (stolen property), or 117 (transportation for illegal  
 4 sexual activity) of this title; chapter 705 (maritime  
 5 drug law enforcement) of title 46, or title II of the  
 6 Act of June 15, 1917 (chapter 30; 40 Stat. 220), be  
 7 fined under this title or imprisoned for not more  
 8 than 10 years, or both; and

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

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

14 (A) by inserting “(1)” after “(c)”; and

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

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

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

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

1           “(C) did not bring, attempt to bring, or in any  
2           manner intentionally facilitate the entry of any alien,  
3           as that term is defined in section 101(a)(3) of the  
4           Immigration and Nationality Act (8 U.S.C.  
5           1101(a)(3)), into the land territory of the United  
6           States without lawful authority, unless exigent cir-  
7           cumstances existed that placed the life of that alien  
8           in danger, in which case the reporting requirement  
9           of subparagraph (B) is satisfied by notifying the  
10          Coast Guard as soon as practicable after delivering  
11          that person to emergency medical or law enforce-  
12          ment personnel ashore.”.

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

15                   (A) by striking “and” at the end of para-  
16                   graph (4);

17                   (B) by striking the period at the end of  
18                   paragraph (5) and inserting “; and”; and

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

20           “(6) the term ‘transportation under inhumane  
21           conditions’ means the transportation of persons in  
22           an engine compartment, storage compartment, or  
23           other confined space, transportation at an excessive  
24           speed, transportation of a number of persons in ex-  
25           cess of the rated capacity of the means of transpor-

1       tation, or intentionally grounding a vessel in which  
2       persons are being transported.”.

3       (d) AMENDMENT TO THE SENTENCING GUIDE-  
4 LINES.—

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

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

15           (A) consider providing sentencing enhance-  
16      ments or stiffening existing enhancements for  
17      those convicted of offenses described in sub-  
18      section (a) that—

19                  (i) involve a pattern of continued and  
20                  flagrant violations;

21                  (ii) are part of an ongoing commercial  
22                  organization or enterprise;

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

1 (iv) involve the transportation or  
 2 abandonment of aliens in a manner that  
 3 endangered their lives; or

4 (v) involve the facilitation of terrorist  
 5 activity; and

6 (B) consider cross-references to the guide-  
 7 lines for Criminal Sexual Abuse and Attempted  
 8 Murder.

9 (3) EXPEDITED PROCEDURES.—The Commis-  
 10 sion may promulgate the guidelines or amendments  
 11 under this section in accordance with the procedures  
 12 set forth in section 21(a) of the Sentencing Act of  
 13 1987, as though the authority under that Act had  
 14 not expired.

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

16 (a) DEFINITIONS.—In this section:

17 (1) PROTECTED LAND.—The term “protected  
 18 land” means land under the jurisdiction of the Sec-  
 19 retary concerned.

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

22 (A) with respect to land under the jurisdic-  
 23 tion of the Secretary of Agriculture, the Sec-  
 24 retary of Agriculture; and

1 (B) with respect to land under the jurisdic-  
2 tion of the Secretary of the Interior, the Sec-  
3 retary of the Interior.

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

9 (1) units of the National Park System;

10 (2) National Forest System land;

11 (3) land under the jurisdiction of the United  
12 States Fish and Wildlife Service and Bureau of  
13 Land Management; and

14 (4) other relevant land under the jurisdiction of  
15 the Secretary of the Interior or the Secretary of Ag-  
16 riculture.

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

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

3                   (A) 4 for California;

4                   (B) 9 for Arizona;

5                   (C) 2 for New Mexico; and

6                   (D) 7 for Texas;

7           (2) 2 such agents of the United States Fish  
8           and Wildlife Service, for Texas;

9           (3) 22 such officers of the National Park Serv-  
10          ice, including—

11                   (A) 13 for Arizona; and

12                   (B) 9 for Texas;

13          (4) 2 such agents of the National Park Service,  
14          for Texas;

15          (5) 19 such officers of the Bureau of Land  
16          Management, including—

17                   (A) 5 for California;

18                   (B) 4 for Arizona;

19                   (C) 4 for New Mexico; and

20                   (D) 6 for Texas;

21          (6) 2 such agents of the Bureau of Land Man-  
22          agement, including—

23                   (A) 1 for California;

24                   (B) 2 for Arizona; and

25                   (C) 1 for New Mexico; and

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

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

## 12       **TITLE II—ENDING UNLAWFUL** 13               **EMPLOYMENT**

### 14       **Subtitle A—Employee Verification**

#### 15       **SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION** 16               **VERIFICATION.**

17       (a) MAKING E-VERIFY PROGRAM PERMANENT.—  
18 Section 401(b) of the Illegal Immigration Reform and Im-  
19 migrant Responsibility Act of 1996 (8 U.S.C. 1324a note)  
20 is amended by adding before the period at the end of the  
21 last sentence the following “, except that the E-Verify Pro-  
22 gram described in section 403(a) shall be a permanent  
23 program”.

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

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

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

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

20                (B) FEDERAL CONTRACTORS.—A con-  
21                tractor that—

22                       (i) has entered into a contract with  
23                       the Federal Government to which section  
24                       2(b)(1) of the Service Contract Act of

1           1965 (41 U.S.C. 351(b)(1)) applies, and  
2           any subcontractor under such contract; or  
3           (ii) has entered into a contract ex-  
4           empted from the application of such Act by  
5           section 6 of such Act (41 U.S.C. 356), and  
6           any subcontractor under such contract.

7           (C) LARGE EMPLOYERS.—An employer  
8           that employs more than 250 individuals in the  
9           United States.

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

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

17           (B) THREE YEARS FOR EMPLOYERS WITH  
18           30 OR MORE EMPLOYEES.—All entities that em-  
19           ploy 30 or more individuals in the United  
20           States must satisfy the requirement in para-  
21           graph (1) by not later than three years after  
22           the date of the enactment of this Act.

23           (C) FOUR YEARS FOR ALL EMPLOYERS.—  
24           All entities that employ one or more individuals  
25           in the United States must satisfy the require-

1           ment in paragraph (1) by not later than four  
2           years after the date of the enactment of this  
3           Act.

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

11          (5) DEFENSE.—In accordance with section  
12          274A(a)(3) of the Immigration and Nationality Act  
13          (8 U.S.C. 1324a(a)(3)), a person or entity that es-  
14          tablishes that it has complied in good faith with the  
15          requirements of section 274A(b) of such Act with re-  
16          spect to the hiring, recruiting, or referral for em-  
17          ployment of an alien in the United States has estab-  
18          lished an affirmative defense that the person or enti-  
19          ty has not violated section 274A(a)(1)(A) of such  
20          Act with respect to such hiring, recruiting or refer-  
21          ral. Furthermore an employer who has complied  
22          with the requirements in paragraphs (1) and (4) of  
23          this Act shall not be liable for hiring an unauthor-  
24          ized alien, if—

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

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

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

10 (A) be treated as a violation of section  
11 274A(a)(1)(B) with respect to each offense; and

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

15 (7) VOLUNTARY PARTICIPATION OF EMPLOYERS  
16 NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—  
17 Nothing in this subsection shall be construed as pre-  
18 venting a person or other entity that is not imme-  
19 diately subject to the requirement of paragraph (1)  
20 pursuant to paragraph (2) or (3) from voluntarily  
21 using the E-Verify program to verify the employ-  
22 ment authorization of new hires or current employ-  
23 ees.

24 (8) STATE INTERFERENCE.—No State may  
25 prohibit a person or other entity from using the E-

1       Verify program to verify the employment authoriza-  
2       tion of new hires or current employees.

3               (9) E-VERIFY STUDY.—

4               (A) FINDINGS.—The Congress finds as fol-  
5       lows:

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

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

1 employer would allow that individual to  
2 correct data errors at his or her conven-  
3 ience. This may also serve to lessen peak  
4 demand on Social Security Administration  
5 field offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

tion shall be determined in accordance with the following table:

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

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to with respect to information returns required to be filed for years beginning after December 31, 2012.

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

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

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

**SEC. 211. CLARIFICATION THAT WAGES PAID TO UNAUTHORIZED ALIENS MAY NOT BE DEDUCTED FROM GROSS INCOME.**

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

“(4) **WAGES PAID TO OR ON BEHALF OF UNAUTHORIZED ALIENS.**—

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

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

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

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

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

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

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

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

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

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

20          (d) AVAILABILITY OF INFORMATION.—

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

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

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

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

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

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

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

poses of carrying out any enforcement activities of such Administration or Department with respect to such employers or individuals.”.

(B) RECORDKEEPING.—Paragraph (4) of section 6103(p) of such Code is amended—

(i) by striking “(5), or (7)” in the matter preceding subparagraph (A) and inserting “(5), (7), or (9)”, and

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

(e) EFFECTIVE DATE.—

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

(2) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2013.

## **TITLE III—ENHANCING AND UTILIZING CURRENT INTERIOR ENFORCEMENT METHODS**

### **SEC. 301. INCREASE INVESTIGATIVE EFFORTS.**

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

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

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

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

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

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

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

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

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

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

10          (b) USE OF FUNDS.—

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

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

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

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

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

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

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

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

22          (c) APPLICATION.—

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

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

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

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

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

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

13 There are authorized to be appropriated to the Sec-  
14 retary of Homeland Security to carry out this section  
15 \$200,000,000 for fiscal year 2014 and each succeeding  
16 fiscal year.

17 **SEC. 305. REGULATIONS.**

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

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

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

24 “(f) REWARDS PROGRAM.—

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

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

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

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

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

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

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

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

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

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

23 “(5) AUTHORIZATION OF APPROPRIATIONS.—  
24 There are authorized to be appropriated such sums  
25 as may be necessary to carry out this subsection.

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

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

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

17              “(8) LIMITATIONS AND CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (d) COOPERATION WITH OTHER GOVERNMENTS.—  
19 The Secretary of Homeland Security shall make all rea-  
20 sonable attempts to cooperate with the governments of the  
21 countries from which the largest number of undocumented  
22 aliens originate in the implementation of this media cam-  
23 paign.

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