

108TH CONGRESS  
1ST SESSION

# H. R. 2671

To provide for enhanced Federal, State, and local enforcement of the immigration laws of the United States.

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IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2003

Mr. NORWOOD (for himself, Mr. BOYD, Ms. HART, and Mr. DEAL of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for enhanced Federal, State, and local enforcement of the immigration laws of 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.**

4 This Act may be cited as the “Clear Law Enforce-  
5 ment for Criminal Alien Removal Act of 2003” or the  
6 “CLEAR Act of 2003”.

1 **TITLE I—ENHANCING FEDERAL,**  
2 **STATE, AND LOCAL ENFORCE-**  
3 **MENT OF THE IMMIGRATION**  
4 **LAWS**

5 **SEC. 101. FEDERAL AFFIRMATION OF IMMIGRATION LAW**  
6 **ENFORCEMENT BY STATES AND POLITICAL**  
7 **SUBDIVISIONS OF STATES.**

8 Notwithstanding any other provision of law and re-  
9 affirming the existing general authority, law enforcement  
10 personnel of a State or a political subdivision of a State  
11 are fully authorized to investigate, apprehend, detain, or  
12 remove aliens in the United States (including the trans-  
13 portation of such aliens across State lines to detention  
14 centers), in the enforcement of the immigration laws of  
15 the United States.

16 **SEC. 102. STATE AUTHORIZATION FOR ENFORCEMENT OF**  
17 **FEDERAL IMMIGRATION LAWS ENCOURAGED.**

18 (a) IN GENERAL.—Effective 2 years after the date  
19 of the enactment of this Act, a State (or political subdivi-  
20 sion of a State) that fails to have in effect a statute that  
21 expressly authorizes law enforcement officers of the State,  
22 or of a political subdivision within the State, to enforce  
23 Federal immigration laws in the course of carrying out  
24 the officer’s law enforcement duties shall not receive any  
25 of the funds that would otherwise be allocated to the State

1 under section 241(i) of the Immigration and Nationality  
2 Act (8 U.S.C. 1231(i)).

3 (b) REALLOCATION OF FUNDS.—Any funds that are  
4 not allocated due to failure to comply with this section  
5 shall be reallocated to States that comply with this section.

6 **SEC. 103. ESTABLISHMENT OF CRIMINAL PENALTIES AND**  
7 **FORFEITURE FOR ALIENS UNLAWFULLY**  
8 **PRESENT IN THE UNITED STATES, ENHANCE-**  
9 **MENT OF CRIMINAL AND CIVIL PENALTIES**  
10 **FOR ALIENS WHO ILLEGALLY ENTER THE**  
11 **UNITED STATES, AND STATE AND LOCAL EN-**  
12 **TITLEMENT TO CIVIL PENALTIES COL-**  
13 **LECTED DUE TO STATE AND LOCAL IMMIGRA-**  
14 **TION LAW ENFORCEMENT AND APPREHEN-**  
15 **SION OF VIOLATORS.**

16 (a) ALIENS UNLAWFULLY PRESENT.—The Immigra-  
17 tion and Nationality Act is amended by adding after sec-  
18 tion 275 the following new section:

19 “CRIMINAL PENALTIES AND FORFEITURE FOR  
20 UNLAWFUL PRESENCE IN THE UNITED STATES

21 “SEC. 275A. Any alien present in the United States  
22 in violation of this Act shall be fined under title 18, United  
23 States Code, imprisoned not more than one year, or both.  
24 The assets of any alien present in the United States in  
25 violation of this Act shall be subject to forfeiture under  
26 title 18, United States Code.”.

1           (b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL  
2 ENTRY.—Section 275(a) of the Immigration and Nation-  
3 ality Act (8 U.S.C. 1325(a)) is amended by striking “6  
4 months,” and inserting “one year,”.

5           (c) INCREASE IN CIVIL PENALTIES FOR VARIOUS  
6 VIOLATIONS OF THE IMMIGRATION LAWS OF THE UNITED  
7 STATES.—Section 275(b) of the Immigration and Nation-  
8 ality Act (8 U.S.C. 1325(b)) is amended to read as fol-  
9 lows:

10           “(b)(1) Any alien described in paragraph (2) shall be  
11 subject to a civil penalty of—

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

13                   “(B) \$2,500 in the case of an alien who has  
14 been once previously subject to a civil penalty under  
15 this subsection;

16                   “(C) \$5,000 in the case of an alien who has  
17 been twice previously subject to a civil penalty under  
18 this subsection; and

19                   “(D) \$10,000 in the case of an alien who has  
20 been three or more times previously subject to a civil  
21 penalty under this subsection.

22           “(2)(A) An alien described—

23                   “(i) is apprehended while entering (or attempt-  
24 ing to enter) the United States at a time or place  
25 other than as designated by immigration officers;

1           “(ii) enters the United States without inspec-  
2           tion;

3           “(iii) fails to depart the United States within  
4           30 days after the expiration of a nonimmigrant visa  
5           or a voluntary departure agreement and is not in  
6           other lawful status; or

7           “(iv) fails to depart the United States within 30  
8           days after a final order of removal and is not in  
9           other lawful status.

10           “(B) In the case of an alien described in sub-  
11           paragraph (A)(iv) who fails to depart the United  
12           States within 30 days after a final order of removal,  
13           the alien shall be subject to civil penalties under this  
14           subsection that are 5 times the amounts set forth  
15           under paragraph (1).

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

19           (d) INCREASE IN CIVIL PENALTIES FOR FAILURE TO  
20           DEPART.—Section 274D(a) of the Immigration and Na-  
21           tionality Act (8 U.S.C. 1324d(a)) is amended by striking  
22           “not more than”.

23           (e) FORFEITURE FOR FAILURE TO DEPART FOR  
24           MORE THAN ONE YEAR.—Section 274D of the Immigra-  
25           tion and Nationality Act (8 U.S.C. 1324d) is amended—

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

3           (2) by inserting after subsection (a) the fol-  
4           lowing new subsection:

5           “(b) FORFEITURE FOR LONG-TERM FAILURE TO  
6           DEPART.—The assets of any alien in violation of sub-  
7           section (a) for more than one year shall be subject to for-  
8           feiture under title 18, United States Code.”.

9           (f) PAYMENT OF CIVIL PENALTIES WHEN ILLEGAL  
10          ALIENS APPREHENDED BY STATE AND LOCAL LAW EN-  
11          FORCEMENT.—Section 280 of the Immigration and Na-  
12          tionality Act (8 U.S.C. 1330) is amended by adding at  
13          the end the following:

14          “(c) Notwithstanding any other provision of law, half  
15          of the amounts deposited in the Immigration Enforcement  
16          Account from the payment of any civil penalties or asset  
17          forfeiture collected under section 274D, 275, or 276 as  
18          a result of the apprehension of a violator by law enforce-  
19          ment officials of a State or a political subdivision of a  
20          State shall be paid to the appropriate law enforcement  
21          agency of a State or a political subdivision of a State re-  
22          sponsible for the apprehension of the violator.”.

23          (g) PERMISSION TO DEPART VOLUNTARILY.—Sec-  
24          tion 240B(a)(2)(A) of the Immigration and Nationality

1 Act (8 U.S.C. 1229c(a)(2)(A)) is amended by striking  
2 “120” and inserting “30”.

3 **SEC. 104. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**  
4 **TIONAL CRIME INFORMATION CENTER DATA-**  
5 **BASE.**

6 (a) PROVISION OF INFORMATION TO THE NCIC.—  
7 Within 180 days after the date of the enactment of this  
8 section, the Director of Border and Transportation Secu-  
9 rity of the Department of Homeland Security shall provide  
10 the National Crime Information Center of the Department  
11 of Justice with such information as the Commissioner may  
12 have on any person who has violated any immigration law  
13 of the United States.

14 (b) INCLUSION OF INFORMATION IN THE NCIC  
15 DATABASE.—Section 534(a) of title 28, United States  
16 Code, is amended by redesignating paragraph (4) as para-  
17 graph (5) and inserting after paragraph (3) the following:

18 “(4) acquire, collect, classify, and preserve  
19 records of violations of the immigration laws of the  
20 United States; and”.

21 **SEC. 105. STATE AND LOCAL LAW ENFORCEMENT PROVI-**  
22 **SION OF INFORMATION ABOUT APPRE-**  
23 **HENDED ILLEGAL ALIENS.**

24 (a) IN GENERAL.—Every state or locality must  
25 have a policy that requires the State or entity (as

1 applicable) to provide to the Department of Justice  
2 and the Department of Homeland Security the infor-  
3 mation under subsection (b) on each alien in viola-  
4 tion of the immigration laws of the United States  
5 apprehended in the jurisdiction. Information re-  
6 quired by this subsection shall be provided not later  
7 than 10 days after the alien was encountered within  
8 such jurisdiction and shall be provided in such form  
9 and in such manner as the Attorney General may by  
10 regulation or guideline require. Failure to have such  
11 a policy and practice by any State or locality shall  
12 result in ineligibility for funds under section 241(i)  
13 of the Immigration and Nationality Act until such a  
14 policy is implemented.

15 (b) INFORMATION REQUIRED.—The information re-  
16 quired by subsection (a) is as follows:

- 17 (1) The alien's name.
- 18 (2) The alien's address or place of residence.
- 19 (3) A physical description of the alien.
- 20 (4) The date, time, and location of the encoun-  
21 ter with the alien and reason for stopping, detaining,  
22 apprehending, or arresting the alien.
- 23 (5) If applicable, the alien's driver's license  
24 number and the State of issuance of such license.

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

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

9           (8) A photo of the alien if available or readily  
10          obtainable.

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

13          (c) INCOMPLETE REPORTING.—If the Attorney Gen-  
14          eral finds that a State or a political subdivision of a State  
15          engages in a pattern or practice of submission of incom-  
16          plete information under subsection (b) or noncompliance  
17          under subsection (a), the Attorney General shall notify the  
18          State or political subdivision of a State of such finding  
19          (and detail the instances and areas of deficiency). Not  
20          later than 30 days after a notification under this para-  
21          graph, the State or political subdivision of a State shall  
22          submit to the Attorney General a detailed written response  
23          to the notification (which addresses each instance and  
24          area of deficiency under the notification) and a detailed

1 plan for correcting any deficiencies in the submission of  
2 such information.

3 **SEC. 106. FINANCIAL ASSISTANCE TO STATE AND LOCAL**  
4 **POLICE AGENCIES THAT ENFORCE IMMIGRA-**  
5 **TION LAWS.**

6 (a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING  
7 AND PROCESSING ILLEGAL ALIENS.—From amounts  
8 made available to make grants under this section, the At-  
9 torney General shall make grants to local law enforcement  
10 agencies for procurement of equipment, technology, facili-  
11 ties, and other products that facilitate and are directly re-  
12 lated to housing and processing illegal aliens in custody  
13 for immigration law violations, including additional ad-  
14 ministrative costs incurred under this Act.

15 (b) ELIGIBILITY.—To be eligible to receive a grant  
16 under this section, the local law enforcement agency must  
17 have the authority to, and have in effect the policy and  
18 practice to, enforce Federal immigration laws in the  
19 course of carrying out such agency's law enforcement du-  
20 ties.

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

1 **SEC. 107. FEDERAL CUSTODY OF ILLEGAL ALIENS APPRE-**  
2 **HENDED BY STATE OR LOCAL LAW ENFORCE-**  
3 **MENT.**

4 (a) AMENDMENT TO IMMIGRATION AND NATION-  
5 ALITY ACT.—The Immigration and Nationality Act is  
6 amended by adding after section 240C the following new  
7 section:

8 “CUSTODY OF ILLEGAL ALIENS  
9 “SEC. 240D.

10 “(a) If the chief executive officer of a State (or, if  
11 appropriate, a political subdivision of the State) exercising  
12 authority with respect to the apprehension of an illegal  
13 alien submits a request to the Attorney General or the  
14 Secretary of the Department of Homeland Security, the  
15 Attorney General or Secretary shall—

16 “(1) enter into a contractual arrangement  
17 which provides for compensation to the State or a  
18 political subdivision of the State, as may be appro-  
19 priate, with respect to the incarceration of the illegal  
20 alien;

21 “(2) take the illegal alien into the custody of  
22 the Federal Government and incarcerate the alien;  
23 or

24 “(3) designate a Federal, State, or local prison  
25 or jail or a private contracted prison or detention fa-  
26 cility within a region as the central facility for that

1 region to maintain custody of the criminal or illegal  
2 aliens.”.

3 “(b) Compensation under subsection (a)(1) shall be  
4 the average cost of incarceration of a prisoner in the rel-  
5 evant State as determined by the chief executive officer  
6 of a State (or, as appropriate, a political subdivision of  
7 the State).

8 “(c) For purposes of this section, the term ‘illegal  
9 alien’ means an alien who—

10 “(1) entered the United States without inspec-  
11 tion or at any time or place other than as designated  
12 by the Attorney General or the Secretary of the De-  
13 partment of Homeland Security;

14 “(2) was admitted as a nonimmigrant and at  
15 the time he or she was taken into custody by the  
16 State or a political subdivision of the State has  
17 failed to maintain the nonimmigrant status in which  
18 the alien was admitted or to which it was changed  
19 under section 248, or to comply with the conditions  
20 of any such status; or

21 “(3) failed to depart the United States under a  
22 voluntary departure agreement or under a final  
23 order of removal.

24 “(d) The Attorney General or the Secretary of the  
25 Department of Homeland Security shall ensure that un-

1 documented aliens incarcerated in Federal facilities pursu-  
2 ant to this subsection are held in facilities which provide  
3 an appropriate level of security.

4 “(e) In carrying out this section, the Attorney Gen-  
5 eral or the Secretary of the Department of Homeland Se-  
6 curity will establish a regular circuit and schedule for the  
7 prompt collection of apprehended undocumented aliens  
8 from the custody of States and political subdivisions of  
9 States to Federal custody. The Attorney General or the  
10 Secretary of the Department of Homeland Security is au-  
11 thorized to enter into contracts to implement this sub-  
12 section.

13 “(f) Notwithstanding any other provision of this Act  
14 or any other law, one-third of immigrant and non-  
15 immigrant visa fees and adjustment of status fees, as des-  
16 ignated by the Attorney General or the Secretary of the  
17 Department of Homeland Security in regulations, shall be  
18 deposited as offsetting receipts into a separate account en-  
19 titled ‘State and Local Immigration Law Enforcement Fee  
20 Account’ in the Treasury of the United States. The Attor-  
21 ney General or the Secretary of the Department of Home-  
22 land Security shall set all such fees at a level that will  
23 ensure receipt of amounts sufficient to pay the full costs  
24 of carrying out the provisions of this section, the full costs  
25 of processing visas, and a significant portion of the costs

1 of Federal enforcement of immigration violations.  
2 Amounts deposited into the fee account shall be available,  
3 without further appropriation, to the Attorney General or  
4 the Secretary of the Department of Homeland Security  
5 to carry out the provisions of this section. All deposits into  
6 the fee account shall remain available until expended.”.

7 (b) GAO AUDIT.—Not later than 3 years after the  
8 date of the enactment of this Act, the General Accounting  
9 Office shall conduct an audit of compensation to States  
10 and political subdivisions of States for the incarceration  
11 of illegal aliens under section 240D(a) of the Immigration  
12 and Nationality Act (as amended by subsection (a)).

13 **SEC. 108. ESTABLISHMENT OF PROCESS FOR CLAIMS BY**  
14 **STATES AND LOCALITIES AGAINST THE FED-**  
15 **ERAL GOVERNMENT FOR FAILURE TO FA-**  
16 **CILITATE THE COOPERATION OF STATES AND**  
17 **LOCALITIES IN THE ENFORCEMENT OF THE**  
18 **IMMIGRATION LAWS OF THE UNITED STATES.**

19 (a) CLAIMS BY STATES AND LOCALITIES AGAINST  
20 THE FEDERAL GOVERNMENT FOR FAILURE TO COOPER-  
21 ATE IN THE ENFORCEMENT OF THE IMMIGRATION  
22 LAWS.—

23 (1) IN GENERAL.—A State or a political sub-  
24 division of a State adversely affected may file a  
25 claim against any Federal agency for failure to co-

1 operate with a State or a political subdivision of a  
2 State to enforce or comply in a reasonable manner  
3 with certain enforcement provisions of the immigra-  
4 tion laws of the United States relating to the identi-  
5 fication, apprehension, arrest, detention, and re-  
6 moval of aliens who are in violation of the immigra-  
7 tion laws.

8 (2) ADJUDICATION OF CLAIMS.—Claims under  
9 this section shall be filed only with the administra-  
10 tive law judge established under subsection (b).  
11 Claims under this section shall be adjudicated only  
12 by such judge. The validity and appropriateness of  
13 the decision of the judge may be appealed only to  
14 the Attorney General or the Secretary of the Depart-  
15 ment of Homeland Security and shall not be subject  
16 to judicial review.

17 (3) ADMINISTRATIVE PROCEDURE ACT.—Except  
18 as otherwise provided, the Administrative Procedure  
19 Act shall apply to the adjudication of claims under  
20 this section.

21 (4) FINES.—

22 (A) The appropriate Federal agency shall  
23 be fined \$1,000 for each instance of non-  
24 enforcement determined to be valid in a deci-  
25 sion by the judge on a claim.

1           (B) In addition to fines under subpara-  
2 graph (A), if in a decision on any claim the  
3 judge determines that a Federal agency has en-  
4 tered into a pattern or practice of nonenforce-  
5 ment of, or noncompliance with a State or local  
6 law enforcement agency's enforcement of, the  
7 immigration laws, that Federal Agency shall be  
8 fined \$10,000.

9           (5) PAYMENT OF FINES.—

10           (A) Notwithstanding any other provision of  
11 law, only amounts deposited into the Immigra-  
12 tion Examination Fee Account (under section  
13 286(m) of the Immigration and Nationality  
14 Act) shall be available to the Attorney General  
15 or the Secretary of the Department of Home-  
16 land Security for the payment of fines levied  
17 against a Federal agency under this section.

18           (B) Fines levied against a Federal agency  
19 pursuant to this section shall be paid to the  
20 State or political subdivision of the State that  
21 brought the claim for noncooperation not later  
22 than 90 days after the entry of a final judg-  
23 ment.

24           (C) The Attorney General or the Secretary  
25 of the Department of Homeland Security is au-

1           thorized to increase the amount of any of the  
2           adjudication fees designated by the Attorney  
3           General or the Secretary of the Department of  
4           Homeland Security under section 286(m) of the  
5           Immigration and Nationality Act in order to en-  
6           sure that funds sufficient for the payment of  
7           fines pursuant to this section are available.  
8           Notwithstanding any other provision of law,  
9           amounts in the Immigration Examination Fee  
10          Account shall be available without further ap-  
11          propriation or fiscal year limitation.

12          (b) ESTABLISHMENT OF ADMINISTRATIVE LAW  
13 JUDGE FOR FEDERAL, STATE, AND LOCAL IMMIGRATION  
14 LAW ENFORCEMENT COOPERATION.—There is estab-  
15 lished within the Department of Justice the position of  
16 Administrative Law Judge for Federal, State, and Local  
17 Immigration Law Enforcement Cooperation (hereafter in  
18 this section referred to as the “judge”).

19 **SEC. 109. TRAINING OF STATE AND LOCAL LAW ENFORCE-**  
20 **MENT PERSONNEL RELATING TO THE EN-**  
21 **FORCEMENT OF IMMIGRATION LAWS.**

22          (a) ESTABLISHMENT OF TRAINING MANUAL.—Not  
23 later than 180 days after the date of the enactment of  
24 this Act, the Attorney General or the Secretary of the De-  
25 partment of Homeland Security shall establish a training

1 manual for law enforcement personnel of a State or a po-  
2 litical subdivision of a State that has in effect a statute  
3 under section 102 or a policy under section 105 to train  
4 such personnel in the investigation, identification, appre-  
5 hension, arrest, detention, and removal of aliens in the  
6 United States (including the transportation of such aliens  
7 across State lines to detention centers and identification  
8 of fraudulent documents).

9 (b) ADMINISTRATION.—

10 (1) The Attorney General or Secretary may  
11 charge a fee for training under subsection (a) which  
12 is not more than half the actual costs of such train-  
13 ing.

14 (2) The training of State and local law enforce-  
15 ment personnel under this section shall not displace  
16 or otherwise adversely affect the training of Federal  
17 personnel.

18 (c) TRAINING FLEXIBILITY.—The Department of  
19 Justice or the Department of Homeland Security shall  
20 make such training of State and local law enforcement of-  
21 ficers available through as many means as possible, includ-  
22 ing but not limited to residential training at a Federal  
23 facility, on-site training held at a State or local police  
24 agency or facility, online training courses by computer,

1 teleconferencing, and videotape or DVD of a training  
2 course or courses.

3 (d) CLARIFICATION.—Nothing in this Act or any  
4 other provision of law shall be construed as making any  
5 immigration-related training a requirement for or pre-  
6 requisite to any State or local law enforcement officer to  
7 enforce Federal immigration laws in the normal course of  
8 carrying out their law enforcement duties.

9 **SEC. 110. IMMUNITY.**

10 (a) PERSONAL IMMUNITY.—Notwithstanding any  
11 other provision of law, a law enforcement officer of a Fed-  
12 eral, State, or local law enforcement agency shall be im-  
13 mune from personal liability arising out of the enforce-  
14 ment of any immigration law if the officer is acting within  
15 the scope of his or her official duties.

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

1 **SEC. 111. PLACES OF DETENTION FOR ALIENS ARRESTED**  
2 **PENDING EXAMINATION AND DECISION ON**  
3 **REMOVAL.**

4 Section 241(g) of the Immigration and Nationality  
5 Act (8 U.S.C. 1231(g)) is amended by adding at the end  
6 the following:

7 “(3) POLICY ON DETENTION IN STATE AND  
8 LOCAL DETENTION FACILITIES.—In carrying out  
9 paragraph (1), the Attorney General or Secretary of  
10 the Department of Homeland Security shall ensure  
11 that an alien arrested under this Act shall be de-  
12 tained, pending the alien’s being taken for the exam-  
13 ination described in such section, in a State or local  
14 prison, jail, detention center, or other comparable fa-  
15 cility notwithstanding any other provision of law or  
16 regulation, such facility is adequate for detention,  
17 if—

18 “(A) such a facility is the most suitably lo-  
19 cated Federal, State, or local facility available  
20 for such purpose under the circumstances;

21 “(B) an appropriate arrangement for such  
22 use of the facility can be made; and

23 “(C) such facility satisfies the standards  
24 for the housing, care, and security of persons  
25 held in custody of a United States marshal.”.

1 **SEC. 112. INSTITUTIONAL REMOVAL PROGRAM.**

2 (a) CONTINUATION AND EXPANSION.—The Depart-  
3 ment of Justice and the Department of Homeland Secu-  
4 rity shall continue to operate and implement the program  
5 known as the Institutional Removal Program (IRP) which  
6 identifies removable criminal aliens in Federal and State  
7 correctional facilities, ensures such aliens are not released  
8 into the community, and removes such aliens from the  
9 United States after the completion of their sentences. The  
10 Institutional Removal Program shall be extended to all  
11 States. Any State that receives Federal funds for the in-  
12 carceration of criminal aliens shall cooperate with Federal  
13 Institutional Removal Program officials, expeditiously and  
14 systematically identify criminal aliens in its prison and jail  
15 populations, and promptly convey such information to  
16 Federal IRP authorities as a condition for receiving such  
17 funds.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out the Institu-  
20 tional Removal Program \$10,000,000 for the fiscal year  
21 2004, \$20,000,000 for the fiscal year 2005, \$30,000,000  
22 for the fiscal year 2006, \$40,000,000 for the fiscal year  
23 2007, \$50,000,000 for the fiscal year 2008, \$60,000,000  
24 for the fiscal year 2009, \$70,000,000 for the fiscal year  
25 2010, and \$80,000,000 for the fiscal year 2011.

1           (c) TECHNOLOGY USAGE.—Technology such as  
2 videoconferencing shall be used to the maximum extent  
3 possible in order to make IRP available in remote loca-  
4 tions. Mobile access to Federal databases of aliens, such  
5 as IDENT, and live scan technology shall be used to the  
6 maximum extent practicable in order to make these re-  
7 sources available to State and local law enforcement agen-  
8 cies in remote locations.

9 **SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.**

10           (a) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM  
11 (SCAAP).—Section 241(i)(5) of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1231(i)) is amended by inserting  
13 before the period at the end “and \$1,000,000,000 for each  
14 of the subsequent fiscal years”.

15           (b) AUTHORIZATION OF APPROPRIATIONS FOR THE  
16 DETENTION AND REMOVAL OF ALIENS NOT LAWFULLY  
17 PRESENT.—There are authorized to be appropriated for  
18 each fiscal year \$500,000,000 for the detention and re-  
19 moval of aliens not lawfully present in the United States  
20 under the Immigration and Nationality Act.

21           (c) IN GENERAL.—There are authorized to be appro-  
22 priated such sums as may be necessary to carry out all  
23 of title I.

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