

109TH CONGRESS
2^D SESSION

H. R. 6306

To enhance the security of the borders of the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2006

Mr. SPRATT introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Government Reform, Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance the security of the borders 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Immigration and Border Security Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—SECURING UNITED STATES BORDERS

Sec. 101. Achieving operational control on the border.

- Sec. 102. National strategy for border security.
- Sec. 103. Implementation of cross-border security agreements.
- Sec. 104. Biometric data enhancements.
- Sec. 105. One face at the border initiative.
- Sec. 106. Secure communication.
- Sec. 107. Border patrol agents.
- Sec. 108. Immigration enforcement agents.
- Sec. 109. Port of entry inspection personnel.
- Sec. 110. Canine detection teams.
- Sec. 111. Secure border initiative financial accountability.
- Sec. 112. Border patrol training capacity review.
- Sec. 113. Airspace security mission impact review.
- Sec. 114. Repair of private infrastructure on border.
- Sec. 115. Report on progress in tracking travel of Central American gangs along international border.
- Sec. 116. Collection of data.
- Sec. 117. Deployment of radiation detection portal equipment at United States ports of entry.
- Sec. 118. Sense of Congress regarding the Secure Border Initiative.
- Sec. 119. Report regarding enforcement of current employment verification laws.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

- Sec. 201. Joint strategic plan for United States border surveillance and support.
- Sec. 202. Border security on protected land.
- Sec. 203. Border security threat assessment and information sharing test and evaluation exercise.
- Sec. 204. Border Security Advisory Committee.
- Sec. 205. Center of excellence for border security.
- Sec. 206. Sense of Congress regarding cooperation with Indian Nations.

TITLE III—DETENTION AND REMOVAL

- Sec. 301. Enhanced detention capacity.
- Sec. 302. Increase in detention and removal officers.
- Sec. 303. Expansion and effective management of detention facilities.
- Sec. 304. Enhancing transportation capacity for unlawful aliens.
- Sec. 305. Report on financial burden of repatriation.
- Sec. 306. Training program.
- Sec. 307. GAO study on deaths in custody.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

- Sec. 401. Enhanced border security coordination and management.
- Sec. 402. Making Our Border Agencies Work.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

- Sec. 501. Emergency deployment of United States Border Patrol agents.

- Sec. 502. Helicopters and power boats.
- Sec. 503. Motor vehicles.
- Sec. 504. Portable computers.
- Sec. 505. Radio communications.
- Sec. 506. Hand-held global positioning system devices.
- Sec. 507. Night vision equipment.
- Sec. 508. Body armor.
- Sec. 509. Weapons.

Subtitle B—Human Capital Enhancements to Improve the Recruitment and Retention of Border Security Personnel

- Sec. 511. Maximum student loan repayments for United States Border Patrol agents.
- Sec. 512. Recruitment and relocation bonuses and retention allowances for personnel of the Department of Homeland Security.
- Sec. 513. Law enforcement retirement coverage for inspection officers and other employees.
- Sec. 514. Increase United States Border Patrol agent and inspector pay.
- Sec. 515. Compensation for training at Federal Law Enforcement Training Center.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

- Sec. 521. Increase in full time United States Customs and Border Protection import specialists.
- Sec. 522. Certifications relating to functions and import specialists of United States Custom and Border Protection.
- Sec. 523. Expedited traveler programs.

TITLE VI—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

- Sec. 601. Combating human smuggling.
- Sec. 602. Reestablishment of the United States Border Patrol anti-smuggling unit.
- Sec. 603. New nonimmigrant visa classification to enable informants to enter the United States and remain temporarily.
- Sec. 604. Adjustment of status when needed to protect informants.
- Sec. 605. Rewards program.
- Sec. 606. Outreach program.
- Sec. 607. Establishment of a special task force for coordinating and distributing information on fraudulent immigration documents.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

- Sec. 611. Short title.
- Sec. 612. Northern Border Prosecution Initiative.
- Sec. 613. Authorization of appropriations.

Subtitle C—Criminal Aliens

- Sec. 621. Removal of criminal aliens.
- Sec. 622. Assistance for States incarcerating undocumented aliens charged with certain crimes.

- Sec. 623. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
- Sec. 624. ICE strategy and staffing assessment.
- Sec. 625. Congressional mandate regarding processing of criminal aliens while incarcerated.
- Sec. 626. Increase in prosecutors and immigration judges and United States Marshals.

Subtitle D—Operation Predator

- Sec. 631. Direct funding for Operation Predator.

TITLE VII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

- Sec. 701. Biometric center of excellence.
- Sec. 702. Portal detection systems.
- Sec. 703. Border security technologies for use between ports of entry.
- Sec. 704. Immigration security initiative.

TITLE VIII—STATE AND LOCAL LAW ENFORCEMENT PROVISIONS

- Sec. 801. Agreements with State and local law enforcement agencies to identify and transfer to Federal custody criminal aliens.
- Sec. 802. Improved Federal sharing of immigration information.
- Sec. 803. State and local reporting of immigration information.
- Sec. 804. DWI and immigration information in the National Criminal Information Center.
- Sec. 805. State and local enforcement of Federal immigration laws.
- Sec. 806. Detention and deportation of aliens for driving while intoxicated (DWI).

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Location and deportation of criminal aliens.
- Sec. 902. Denying admission to foreign government officials of countries denying alien return.
- Sec. 903. Border patrol training facility.
- Sec. 904. Sense of Congress.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

- 3 (1) **APPROPRIATE CONGRESSIONAL COM-**
- 4 **MITTEE.**—The term “appropriate congressional com-
- 5 mittee” has the meaning given it in section 2(2) of
- 6 the Homeland Security Act of 2002 (6 U.S.C.
- 7 101(2)).

1 (2) STATE.—The term “State” has the mean-
2 ing given it in section 2(14) of the Homeland Secu-
3 rity Act of 2002 (6 U.S.C. 101(14)).

4 **TITLE I—SECURING UNITED**
5 **STATES BORDERS**

6 **SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE**
7 **BORDER.**

8 (a) IN GENERAL.—The Secretary of Homeland Secu-
9 rity shall take all actions the Secretary determines nec-
10 essary and appropriate to achieve and maintain oper-
11 ational control over the entire international land and mari-
12 time borders of the United States, to include the fol-
13 lowing—

14 (1) systematic surveillance of the international
15 land and maritime borders of the United States
16 through more effective use of personnel and tech-
17 nology, such as unmanned aerial vehicles, ground-
18 based sensors, satellites, radar coverage, and cam-
19 eras;

20 (2) physical infrastructure enhancements to
21 prevent unlawful entry by aliens into the United
22 States and facilitate access to the international land
23 and maritime borders by United States Customs and
24 Border Protection, such as additional checkpoints,
25 all weather access roads, and vehicle barriers; and

1 (3) increasing deployment of United States
2 Customs and Border Protection personnel to areas
3 along the international land and maritime borders of
4 the United States where there are high levels of un-
5 lawful entry by aliens and other areas likely to be
6 impacted by such increased deployment.

7 (b) OPERATIONAL CONTROL DEFINED.—In this sec-
8 tion, the term “operational control” means the prevention
9 of the entry into the United States of terrorists, other un-
10 lawful aliens, instruments of terrorism, narcotics, and
11 other contraband.

12 (c) DEPLOYMENT OF SURVEILLANCE SYSTEMS
13 ALONG U.S-MEXICO BORDER.—

14 (1) PLAN.—Not later than September 30,
15 2007, the Secretary of Homeland Security shall de-
16 velop a comprehensive plan to fully deploy techno-
17 logical surveillance systems along the U.S.-Mexico
18 border. Surveillance systems included in the deploy-
19 ment plan must—

20 (A) Ensure continuous monitoring of every
21 mile of the U.S-Mexico border; and

22 (B) to the extent practicable, be fully
23 interoperable with existing surveillance systems,
24 such as the Integrated Surveillance Intelligence

1 Systems already in use by the Department of
2 Homeland Security.

3 (2) ADDITIONAL ELEMENTS.—Additionally, the
4 deployment plan should include, but not be limited
5 to, the following elements:

6 (A) A description of the specific technology
7 to be deployed.

8 (B) An assessment of the success of exist-
9 ing technologies to determine if one technology
10 is better than another, or whether there is a
11 way to combine the capabilities of various de-
12 tection devices into a single device.

13 (C) A description of the technological fea-
14 tures of surveillance systems allowing for com-
15 patibility, if practicable, with existing surveil-
16 lance technologies.

17 (D) A description of how the U.S. Border
18 Patrol is working, or will work, with the Direc-
19 torate of Science and Technology to analyze
20 high altitude monitoring technologies (such as
21 unmanned aerial vehicles and tethered aerostat
22 radar systems) for use with land-based moni-
23 toring technologies.

24 (E) A description of how radiation portal
25 monitors will be deployed to ports of entry

1 along the U.S.-Mexico border, and other border
2 locations.

3 (F) A description of how K-9 detection
4 units will be increased along the U.S.-Mexico
5 border.

6 (G) A description of how surveillance tech-
7 nology will provide for continuous monitoring of
8 the border.

9 (H) The identification of any obstacles
10 that may impede full implementation of the de-
11 ployment plan.

12 (I) A detailed estimate of all costs associ-
13 ated with the implementation of the deployment
14 plan.

15 (3) DEPLOYMENT.—Not later than September
16 30, 2008, the Secretary of Homeland Security shall
17 fully implement the plan described in subsection (a).

18 (4) REPORT.—Not later than September 30,
19 2007, the Secretary of Homeland Security shall sub-
20 mit the plan described in subsection (a) to the ap-
21 propriate congressional committee (as defined in sec-
22 tion 2 of the Homeland Security Act of 2002 (6
23 U.S.C. 101)).

24 (5) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to carry out

1 this section \$200,000,000 for each of fiscal years
2 2007 and 2008, and such sums as may be necessary
3 for each succeeding fiscal year.

4 **SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.**

5 (a) SURVEILLANCE PLAN.—Not later than six
6 months after the date of the enactment of this Act, the
7 Secretary of Homeland Security shall submit to the appro-
8 priate congressional committees a comprehensive plan for
9 the systematic surveillance of the international land and
10 maritime borders of the United States. The plan shall in-
11 clude the following:

12 (1) An assessment of existing technologies em-
13 ployed on such borders.

14 (2) A description of whether and how new sur-
15 veillance technologies will be compatible with exist-
16 ing surveillance technologies.

17 (3) A description of how the United States Cus-
18 toms and Border Protection is working, or is ex-
19 pected to work, with the Directorate of Science and
20 Technology of the Department of Homeland Secu-
21 rity to identify and test surveillance technology.

22 (4) A description of the specific surveillance
23 technology to be deployed.

24 (5) The identification of any obstacles that may
25 impede full implementation of such deployment.

1 (6) A detailed estimate of all costs associated
2 with the implementation of such deployment and
3 continued maintenance of such technologies.

4 (7) A description of how the Department of
5 Homeland Security is working with the Federal
6 Aviation Administration on safety and airspace con-
7 trol issues associated with the use of unmanned aer-
8 ial vehicles in the National Airspace System.

9 (b) NATIONAL STRATEGY FOR BORDER SECURITY.—
10 Not later than one year after the date of the enactment
11 of this Act, the Secretary of Homeland Security, in con-
12 sultation with the heads of other appropriate Federal
13 agencies, shall submit to the appropriate congressional
14 committees a National Strategy for Border Security to
15 achieve operational control over all ports of entry into the
16 United States and the international land and maritime
17 borders of the United States. The Secretary shall update
18 the Strategy as needed and shall submit to the Committee,
19 not later than 30 days after each such update, the updated
20 Strategy. The National Strategy for Border Security shall
21 include the following:

22 (1) The implementation timeline for the surveil-
23 lance plan described in subsection (a).

24 (2) An assessment of the threat posed by ter-
25 rorists and terrorist groups that may try to infiltrate

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

3 (3) A risk assessment of all ports of entry to
4 the United States and all portions of the inter-
5 national land and maritime borders of the United
6 States with respect to—

7 (A) preventing the entry of terrorists,
8 other unlawful aliens, instruments of terrorism,
9 narcotics, and other contraband into the United
10 States; and

11 (B) protecting critical infrastructure at or
12 near such ports of entry or borders.

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

20 (5) An assessment of staffing needs for all bor-
21 der security functions, taking into account threat
22 and vulnerability information pertaining to the bor-
23 ders and the impact of new security programs, poli-
24 cies, and technologies.

1 (6) A description of the border security roles
2 and missions of Federal, State, regional, local, and
3 tribal authorities, and recommendations with respect
4 to how the Department of Homeland Security can
5 improve coordination with such authorities, to enable
6 border security enforcement to be carried out in an
7 efficient and effective manner.

8 (7) A prioritization of research and development
9 objectives to enhance the security of the inter-
10 national land and maritime borders of the United
11 States.

12 (8) A description of ways to ensure that the
13 free flow of legitimate travel and commerce of the
14 United States is not diminished by efforts, activities,
15 and programs aimed at securing the international
16 land and maritime borders of the United States.

17 (9) An assessment of additional detention facili-
18 ties and bed space needed to detain unlawful aliens
19 apprehended at United States ports of entry or
20 along the international land borders of the United
21 States in accordance with the National Strategy for
22 Border Security required under this subsection.

23 (10) A description of how the Secretary shall
24 ensure accountability and performance metrics with-
25 in the appropriate agencies of the Department of

1 Homeland Security responsible for implementing the
2 border security measures determined necessary upon
3 completion of the National Strategy for Border Se-
4 curity.

5 (11) A timeline for the implementation of the
6 additional security measures determined necessary
7 as part of the National Strategy for Border Secu-
8 rity, including a prioritization of security measures,
9 realistic deadlines for addressing the security and
10 enforcement needs, and resource estimates and allo-
11 cations.

12 (c) CONSULTATION.—In creating the National Strat-
13 egy for Border Security described in subsection (b), the
14 Secretary shall consult with—

15 (1) State, local, and tribal authorities along the
16 international land and maritime borders of the
17 United States; and

18 (2) an appropriate cross-section of private sec-
19 tor and nongovernmental organizations with relevant
20 expertise.

21 (d) PRIORITY OF NATIONAL STRATEGY.—The Na-
22 tional Strategy for Border Security described in subsection
23 (b) shall be the controlling document for security and en-
24 forcement efforts related to securing the international land
25 and maritime borders of the United States.

1 (e) IMMEDIATE ACTION.—Nothing in this section
2 shall be construed to relieve the Secretary of the responsi-
3 bility to take all actions necessary and appropriate to
4 achieve and maintain operational control over the entire
5 international land and maritime borders of the United
6 States pursuant to section 101 of this Act or any other
7 provision of law.

8 (f) REPORTING OF IMPLEMENTING LEGISLATION.—
9 After submittal of the National Strategy for Border Secu-
10 rity described in subsection (b) to the Committee on
11 Homeland Security of the House of Representatives, such
12 Committee shall promptly report to the House legislation
13 authorizing necessary security measures based on its eval-
14 uation of the National Strategy for Border Security.

15 **SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY**
16 **AGREEMENTS.**

17 (a) IN GENERAL.—Not later than six months after
18 the date of the enactment of this Act, the Secretary of
19 Homeland Security shall submit to the appropriate con-
20 gressional committees a report on the implementation of
21 the cross-border security agreements signed by the United
22 States with Mexico and Canada, including recommenda-
23 tions on improving cooperation with such countries to en-
24 hance border security.

1 (b) UPDATES.—The Secretary shall regularly update
2 the Committee concerning such implementation.

3 **SEC. 104. BIOMETRIC DATA ENHANCEMENTS.**

4 Not later than October 1, 2007, the Secretary of
5 Homeland Security shall—

6 (1) in consultation with the Attorney General,
7 enhance connectivity between the IDENT and
8 IAFIS fingerprint databases to ensure more expedi-
9 tious data searches; and

10 (2) in consultation with the Secretary of State,
11 collect ten fingerprints from each alien required to
12 provide fingerprints during the alien’s initial enroll-
13 ment in the integrated entry and exit data system
14 described in section 110 of the Illegal Immigration
15 Reform and Immigrant Responsibility Act of 1996
16 (8 U.S.C. 1221 note).

17 **SEC. 105. ONE FACE AT THE BORDER INITIATIVE.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, the Secretary of Homeland Security shall
20 submit to Congress a report—

21 (1) describing the tangible and quantifiable
22 benefits of the One Face at the Border Initiative es-
23 tablished by the Department of Homeland Security;

1 (2) identifying goals for and challenges to in-
2 creased effectiveness of the One Face at the Border
3 Initiative;

4 (3) providing a breakdown of the number of in-
5 spectors who were—

6 (A) personnel of the United States Cus-
7 toms Service before the date of the establish-
8 ment of the Department of Homeland Security;

9 (B) personnel of the Immigration and Nat-
10 uralization Service before the date of the estab-
11 lishment of the Department;

12 (C) personnel of the Department of Agri-
13 culture before the date of the establishment of
14 the Department; or

15 (D) hired after the date of the establish-
16 ment of the Department;

17 (4) describing the training time provided to
18 each employee on an annual basis for the various
19 training components of the One Face at the Border
20 Initiative; and

21 (5) outlining the steps taken by the Department
22 to ensure that expertise is retained with respect to
23 customs, immigration, and agriculture inspection
24 functions under the One Face at the Border Initia-
25 tive.

1 **SEC. 106. SECURE COMMUNICATION.**

2 The Secretary of Homeland Security shall, as expedi-
3 tiously as practicable, develop and implement a plan to
4 ensure clear and secure two-way communication capabili-
5 ties—

6 (1) among all Border Patrol agents conducting
7 operations between ports of entry;

8 (2) between Border Patrol agents and their re-
9 spective Border Patrol stations;

10 (3) between Border Patrol agents and residents
11 in remote areas along the international land border
12 who do not have mobile communications, as the Sec-
13 retary determines necessary; and

14 (4) between all appropriate Department of
15 Homeland Security border security agencies and
16 State, local, and tribal law enforcement agencies.

17 **SEC. 107. BORDER PATROL AGENTS.**

18 (a) INCREASE IN BORDER PATROL AGENTS.—To
19 provide the Department of Homeland Security with the
20 resources it needs to carry out its mission and responsi-
21 bility to secure United States ports of entry and the inter-
22 national land and maritime borders of the United States
23 and the Secretary of Homeland Security shall increase by
24 not less than 3,000 in each of the fiscal years 2007
25 through 2010 the number of positions for full-time active-
26 duty border patrol agents, subject to the availability of ap-

1 appropriations for such purpose. There are authorized to be
2 appropriated to the Secretary of Homeland Security such
3 funds as may be necessary through fiscal year 2010.

4 (b) ASSOCIATED COSTS.—There are authorized to be
5 appropriated to the Secretary of Homeland Security such
6 funds for fiscal years 2007 through 2010 as may be nec-
7 essary to pay the costs associated with—

8 (1) the number of mission or operational sup-
9 port staff needed;

10 (2) associated relocation costs;

11 (3) required information technology enhance-
12 ments; and

13 (4) costs to train such new hires.

14 **SEC. 108. IMMIGRATION ENFORCEMENT AGENTS.**

15 The Secretary of Homeland Security shall increase
16 by not less than 2,000 in each of the fiscal years 2007
17 through 2010 the number of positions for full-time active-
18 duty immigration enforcement agents, subject to the avail-
19 ability of appropriations for such purpose. There are au-
20 thorized to be appropriated to the Secretary of Homeland
21 Security such funds as may be necessary through fiscal
22 year 2010.

23 **SEC. 109. PORT OF ENTRY INSPECTION PERSONNEL.**

24 There are authorized to be appropriated to the Sec-
25 retary of Homeland Security—

1 (1) \$107,000,000 for fiscal year 2007 to hire
2 400 Customs and Border Protection Officers above
3 the number of such positions for which funds were
4 allotted for fiscal year 2006;

5 (2) \$154,000,000 for fiscal year 2008 to hire
6 400 Customs and Border Protection Officers above
7 the number of such positions for which funds were
8 allotted for fiscal year 2007;

9 (3) \$198,000,000 for fiscal year 2009 to hire
10 400 Customs and Border Protection Officers above
11 the number of such positions for which funds were
12 allotted for fiscal year 2008; and

13 (4) \$242,000,000 for fiscal year 2010 to hire
14 400 Customs and Border Protection Officers above
15 the number of such positions for which funds were
16 allotted for fiscal year 2009.

17 **SEC. 110. CANINE DETECTION TEAMS.**

18 In each of fiscal years 2007 through 2011, the Sec-
19 retary of Homeland Security shall, subject to the avail-
20 ability of appropriations, increase by not less than 25 per-
21 cent above the number of such positions for which funds
22 were allotted for the preceding fiscal year the number of
23 trained detection canines for use at United States ports
24 of entry and along the international land and maritime
25 borders of the United States.

1 **SEC. 111. SECURE BORDER INITIATIVE FINANCIAL AC-**
2 **COUNTABILITY.**

3 (a) **IN GENERAL.**—The Inspector General of the De-
4 partment of Homeland Security shall review each contract
5 action related to the Department’s Secure Border Initia-
6 tive having a value greater than \$20,000,000, to deter-
7 mine whether each such action fully complies with applica-
8 ble cost requirements, performance objectives, program
9 milestones, inclusion of small, minority, and women-owned
10 business, and timelines. The Inspector General shall com-
11 plete a review under this subsection with respect to a con-
12 tract action—

13 (1) not later than 60 days after the date of the
14 initiation of the action; and

15 (2) upon the conclusion of the performance of
16 the contract.

17 (b) **REPORT BY INSPECTOR GENERAL.**—Upon com-
18 pletion of each review described in subsection (a), the In-
19 spector General shall submit to the Secretary of Homeland
20 Security a report containing the findings of the review,
21 including findings regarding any cost overruns, significant
22 delays in contract execution, lack of rigorous departmental
23 contract management, insufficient departmental financial
24 oversight, bundling that limits the ability of small business
25 to compete, or other high risk business practices.

1 (c) REPORT BY SECRETARY.—Not later than 30 days
2 after the receipt of each report required under subsection
3 (b), the Secretary of Homeland Security shall submit to
4 the appropriate congressional committees a report on the
5 findings of the report by the Inspector General and the
6 steps the Secretary has taken, or plans to take, to address
7 the problems identified in such report.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
9 tion to amounts that are otherwise authorized to be appro-
10 priated to the Office of the Inspector General, an addi-
11 tional amount equal to at least five percent for fiscal year
12 2007, at least six percent for fiscal year 2008, and at least
13 seven percent for fiscal year 2009 of the overall budget
14 of the Office for each such fiscal year is authorized to be
15 appropriated to the Office to enable the Office to carry
16 out this section.

17 **SEC. 112. BORDER PATROL TRAINING CAPACITY REVIEW.**

18 (a) IN GENERAL.—The Comptroller General of the
19 United States shall conduct a review of the basic training
20 provided to Border Patrol agents by the Department of
21 Homeland Security to ensure that such training is pro-
22 vided as efficiently and cost-effectively as possible.

23 (b) COMPONENTS OF REVIEW.—The review under
24 subsection (a) shall include the following components:

1 (1) An evaluation of the length and content of
2 the basic training curriculum provided to new Bor-
3 der Patrol agents by the Federal Law Enforcement
4 Training Center, including a description of how the
5 curriculum has changed since September 11, 2001.

6 (2) A review and a detailed breakdown of the
7 costs incurred by United States Customs and Border
8 Protection and the Federal Law Enforcement Train-
9 ing Center to train one new Border Patrol agent.

10 (3) A comparison, based on the review and
11 breakdown under paragraph (2) of the costs, effec-
12 tiveness, scope, and quality, including geographic
13 characteristics, with other similar law enforcement
14 training programs provided by State and local agen-
15 cies, non-profit organizations, universities, and the
16 private sector.

17 (4) An evaluation of whether and how utilizing
18 comparable non-Federal training programs, pro-
19 ficiency testing to streamline training, and long-dis-
20 tance learning programs may affect—

21 (A) the cost-effectiveness of increasing the
22 number of Border Patrol agents trained per
23 year and reducing the per agent costs of basic
24 training; and

1 (B) the scope and quality of basic training
2 needed to fulfill the mission and duties of a
3 Border Patrol agent.

4 **SEC. 113. AIRSPACE SECURITY MISSION IMPACT REVIEW.**

5 Not later than 120 days after the date of the enact-
6 ment of this Act, the Secretary of Homeland Security shall
7 submit to the Committee on Homeland Security of the
8 House of Representatives a report detailing the impact the
9 airspace security mission in the National Capital Region
10 (in this section referred to as the “NCR”) will have on
11 the ability of the Department of Homeland Security to
12 protect the international land and maritime borders of the
13 United States. Specifically, the report shall address:

14 (1) The specific resources, including personnel,
15 assets, and facilities, devoted or planned to be de-
16 voted to the NCR airspace security mission, and
17 from where those resources were obtained or are
18 planned to be obtained.

19 (2) An assessment of the impact that diverting
20 resources to support the NCR mission has or is ex-
21 pected to have on the traditional missions in and
22 around the international land and maritime borders
23 of the United States.

1 **SEC. 114. REPAIR OF PRIVATE INFRASTRUCTURE ON BOR-**
2 **DER.**

3 (a) IN GENERAL.—Subject to the amount appro-
4 priated in subsection (d) of this section, the Secretary of
5 Homeland Security shall reimburse property owners for
6 costs associated with repairing damages to the property
7 owners' private infrastructure constructed on a United
8 States Government right-of-way delineating the inter-
9 national land border when such damages are—

10 (1) the result of unlawful entry of aliens; and

11 (2) confirmed by the appropriate personnel of
12 the Department of Homeland Security and sub-
13 mitted to the Secretary for reimbursement.

14 (b) VALUE OF REIMBURSEMENTS.—Reimbursements
15 for submitted damages as outlined in subsection (a) shall
16 not exceed the value of the private infrastructure prior to
17 damage.

18 (c) REPORTS.—Not later than six months after the
19 date of the enactment of this Act and every subsequent
20 six months until the amount appropriated for this section
21 is expended in its entirety, the Secretary of Homeland Se-
22 curity shall submit to the Committee on Homeland Secu-
23 rity of the House of Representatives a report that details
24 the expenditures and circumstances in which those ex-
25 penditures were made pursuant to this section.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 shall be authorized to be appropriated an initial \$50,000
3 for each fiscal year to carry out this section.

4 **SEC. 115. REPORT ON PROGRESS IN TRACKING TRAVEL OF**
5 **CENTRAL AMERICAN GANGS ALONG INTER-**
6 **NATIONAL BORDER.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the Secretary of Homeland Security shall
9 report to the Committee on Homeland Security of the
10 House of Representatives on the progress of the Depart-
11 ment of Homeland Security in tracking the travel of Cen-
12 tral American gangs across the international land border
13 of the United States and Mexico.

14 **SEC. 116. COLLECTION OF DATA.**

15 Beginning on October 1, 2007, the Secretary of
16 Homeland Security shall annually compile data on the fol-
17 lowing categories of information:

18 (1) The number of unauthorized aliens who re-
19 quire medical care taken into custody by Border Pa-
20 trol officials.

21 (2) The number of unauthorized aliens with se-
22 rious injuries or medical conditions Border Patrol
23 officials encounter, and refer to local hospitals or
24 other health facilities.

1 (3) The number of unauthorized aliens with se-
2 rious injuries or medical conditions who arrive at
3 United States ports of entry and subsequently are
4 admitted into the United States for emergency med-
5 ical care, as reported by United States Customs and
6 Border Protection.

7 (4) The number of unauthorized aliens de-
8 scribed in paragraphs (2) and (3) who subsequently
9 are taken into custody by the Department of Home-
10 land Security after receiving medical treatment.

11 **SEC. 117. DEPLOYMENT OF RADIATION DETECTION POR-**
12 **TAL EQUIPMENT AT UNITED STATES PORTS**
13 **OF ENTRY.**

14 (a) DEPLOYMENT.—Not later than one year after the
15 date of the enactment of this Act, the Secretary of Home-
16 land Security shall deploy radiation portal monitors at all
17 United States ports of entry and facilities as determined
18 by the Secretary to facilitate the screening of all inbound
19 cargo for nuclear and radiological material.

20 (b) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary shall submit
22 to the Committee on Homeland Security of the House of
23 Representatives and the Committee on Homeland Security
24 and Governmental Affairs of the Senate a report on the

1 Department's progress toward carrying out the deploy-
2 ment described in subsection (a).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary to carry
5 out subsection (a) such sums as may be necessary for each
6 of fiscal years 2007 and 2008.

7 **SEC. 118. SENSE OF CONGRESS REGARDING THE SECURE**
8 **BORDER INITIATIVE.**

9 It is the sense of Congress that—

10 (1) as the Secretary of Homeland Security de-
11 velops and implements the Secure Border Initiative
12 and other initiatives to strengthen security along the
13 Nation's borders, the Secretary shall conduct exten-
14 sive outreach to the private sector, including small,
15 minority-owned, women-owned, and disadvantaged
16 businesses; and

17 (2) the Secretary also shall consult with firms
18 that are practitioners of mission effectiveness at the
19 Department of Homeland Security, homeland secu-
20 rity business councils, and associations to identify
21 existing and emerging technologies and best prac-
22 tices and business processes, to maximize economies
23 of scale, cost-effectiveness, systems integration, and
24 resource allocation, and to identify the most appro-
25 priate contract mechanisms to enhance financial ac-

1 countability and mission effectiveness of border secu-
2 rity programs.

3 **SEC. 119. REPORT REGARDING ENFORCEMENT OF CUR-**
4 **RENT EMPLOYMENT VERIFICATION LAWS.**

5 The Secretary of Homeland Security shall issue a bi-
6 annual report regarding the Federal employment
7 verification laws that were enacted in 1986, as amended,
8 the efforts of the Department of Homeland Security to
9 sanction employers for knowingly hiring unauthorized
10 workers, and an assessment of the impact of enhanced re-
11 moval authorities sought by the Department.

12 **TITLE II—BORDER SECURITY**
13 **COOPERATION AND EN-**
14 **FORCEMENT**

15 **SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES**
16 **BORDER SURVEILLANCE AND SUPPORT.**

17 (a) IN GENERAL.—The Secretary of Homeland Secu-
18 rity and the Secretary of Defense shall develop a joint
19 strategic plan to use the authorities provided to the Sec-
20 retary of Defense under chapter 18 of title 10, United
21 States Code, to increase the availability and use of Depart-
22 ment of Defense equipment, including unmanned aerial
23 vehicles, tethered aerostat radars, and other surveillance
24 equipment, to assist with the surveillance activities of the
25 Department of Homeland Security conducted at or near

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

3 (b) REPORT.—Not later than six months after the
4 date of the enactment of this Act, the Secretary of Home-
5 land Security and the Secretary of Defense shall submit
6 to Congress a report containing—

7 (1) a description of the use of Department of
8 Defense equipment to assist with the surveillance by
9 the Department of Homeland Security of the inter-
10 national land and maritime borders of the United
11 States;

12 (2) the joint strategic plan developed pursuant
13 to subsection (a);

14 (3) a description of the types of equipment and
15 other support to be provided by the Department of
16 Defense under the joint strategic plan during the
17 one-year period beginning after submission of the re-
18 port under this subsection; and

19 (4) a description of how the Department of
20 Homeland Security and the Department of Defense
21 are working with the Department of Transportation
22 on safety and airspace control issues associated with
23 the use of unmanned aerial vehicles in the National
24 Airspace System.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed as altering or amending the prohi-
3 bition on the use of any part of the Army or the Air Force
4 as a posse comitatus under section 1385 of title 18,
5 United States Code.

6 **SEC. 202. BORDER SECURITY ON PROTECTED LAND.**

7 (a) IN GENERAL.—The Secretary of Homeland Secu-
8 rity, in consultation with the Secretary of the Interior,
9 shall evaluate border security vulnerabilities on land di-
10 rectly adjacent to the international land border of the
11 United States under the jurisdiction of the Department
12 of the Interior related to the prevention of the entry of
13 terrorists, other unlawful aliens, narcotics, and other con-
14 traband into the United States.

15 (b) SUPPORT FOR BORDER SECURITY NEEDS.—
16 Based on the evaluation conducted pursuant to subsection
17 (a), the Secretary of Homeland Security shall provide ap-
18 propriate border security assistance on land directly adja-
19 cent to the international land border of the United States
20 under the jurisdiction of the Department of the Interior,
21 its bureaus, and tribal entities.

1 **SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND IN-**
2 **FORMATION SHARING TEST AND EVALUA-**
3 **TION EXERCISE.**

4 Not later than one year after the date of the enact-
5 ment of this Act, the Secretary of Homeland Security shall
6 design and carry out a national border security exercise
7 for the purposes of—

8 (1) involving officials from Federal, State, terri-
9 torial, local, tribal, and international governments
10 and representatives from the private sector;

11 (2) testing and evaluating the capacity of the
12 United States to anticipate, detect, and disrupt
13 threats to the integrity of United States borders;
14 and

15 (3) testing and evaluating the information shar-
16 ing capability among Federal, State, territorial,
17 local, tribal, and international governments.

18 **SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT OF COMMITTEE.—Not later
20 than one year after the date of the enactment of this Act,
21 the Secretary of Homeland Security shall establish an ad-
22 visory committee to be known as the Border Security Ad-
23 visory Committee (in this section referred to as the “Com-
24 mittee”).

25 (b) DUTIES.—The Committee shall advise the Sec-
26 retary on issues relating to border security and enforce-

1 ment along the international land and maritime border of
2 the United States.

3 (c) MEMBERSHIP.—The Secretary shall appoint
4 members to the Committee from the following:

5 (1) State and local government representatives
6 from States located along the international land and
7 maritime borders of the United States.

8 (2) Community representatives from such
9 States.

10 (3) Tribal authorities in such States.

11 **SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECU-**
12 **RITY.**

13 (a) ESTABLISHMENT.—The Secretary of Homeland
14 Security shall establish a university-based Center of Excel-
15 lence for Border Security following the merit-review proc-
16 esses and procedures and other limitations that have been
17 established for selecting and supporting University Pro-
18 grams Centers of Excellence.

19 (b) ACTIVITIES OF THE CENTER.—The Center shall
20 prioritize its activities on the basis of risk to address the
21 most significant threats, vulnerabilities, and consequences
22 posed by United States borders and border control sys-
23 tems. The activities shall include the conduct of research,
24 the examination of existing and emerging border security
25 technology and systems, and the provision of education,

1 technical, and analytical assistance for the Department of
2 Homeland Security to effectively secure the borders.

3 **SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION**
4 **WITH INDIAN NATIONS.**

5 It is the sense of Congress that—

6 (1) the Department of Homeland Security
7 should strive to include as part of a National Strat-
8 egy for Border Security recommendations on how to
9 enhance Department cooperation with sovereign In-
10 dian Nations on securing our borders and preventing
11 terrorist entry, including, specifically, the Depart-
12 ment should consider whether a Tribal Smart Bor-
13 der working group is necessary and whether further
14 expansion of cultural sensitivity training, as exists in
15 Arizona with the Tohono O’odham Nation, should be
16 expanded elsewhere; and

17 (2) as the Department of Homeland Security
18 develops a National Strategy for Border Security, it
19 should take into account the needs and missions of
20 each agency that has a stake in border security and
21 strive to ensure that these agencies work together
22 cooperatively on issues involving Tribal lands.

1 **TITLE III—DETENTION AND**
2 **REMOVAL**

3 **SEC. 301. ENHANCED DETENTION CAPACITY.**

4 To avoid a return to the “catch and release” policy
5 and to address long-standing shortages of available deten-
6 tion beds, and to further authorize the provisions of sec-
7 tion 5204 of the Intelligence Reform and Terrorist Pre-
8 vention Act of 2004 (Public Law 108-458), there are au-
9 thorized to be appropriated to the Secretary of Homeland
10 Security such sums as may be necessary for each of fiscal
11 years 2007 through 2010 to increase by 25,000 for each
12 fiscal year the number of funded detention bed spaces.

13 **SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFI-**
14 **CERS.**

15 There are authorized to be appropriated to the Sec-
16 retary of Homeland Security such sums as may be nec-
17 essary to add 250 detention and removal officers for each
18 of fiscal years 2007 through 2010.

19 **SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF**
20 **DETENTION FACILITIES.**

21 Subject to the availability of appropriations, the Sec-
22 retary of Homeland Security shall fully utilize—

23 (1) all available detention facilities operated or
24 contracted by the Department of Homeland Secu-
25 rity; and

1 (2) all possible options to cost effectively in-
2 crease available detention capacities, including the
3 use of temporary detention facilities, the use of
4 State and local correctional facilities, private space,
5 and secure alternatives to detention.

6 **SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR**
7 **UNLAWFUL ALIENS.**

8 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
9 rity is authorized to enter into contracts with private enti-
10 ties for the purpose of providing secure domestic transport
11 of aliens who are apprehended at or along the inter-
12 national land or maritime borders from the custody of
13 United States Customs and Border Protection to deten-
14 tion facilities and other locations as necessary.

15 (b) **CRITERIA FOR SELECTION.**—Notwithstanding
16 any other provision of law, to enter into a contract under
17 paragraph (1), a private entity shall submit an application
18 to the Secretary at such time, in such manner, and con-
19 taining such information as the Secretary may require.
20 The Secretary shall select from such applications those en-
21 tities which offer, in the determination of the Secretary,
22 the best combination of service, cost, and security.

1 **SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRI-**
2 **ATION.**

3 Not later than October 31 of each year, the Secretary
4 of Homeland Security shall submit to the Secretary of
5 State and Congress a report that details the cost to the
6 Department of Homeland Security of repatriation of un-
7 lawful aliens to their countries of nationality or last habit-
8 ual residence, including details relating to cost per coun-
9 try. The Secretary shall include in each such report the
10 recommendations of the Secretary to more cost effectively
11 repatriate such aliens.

12 **SEC. 306. TRAINING PROGRAM.**

13 Not later than six months after the date of the enact-
14 ment of this Act, the Secretary of Homeland Security—

15 (1) review and evaluate the training provided to
16 Border Patrol agents and port of entry inspectors
17 regarding the inspection of aliens to determine
18 whether an alien is referred for an interview by an
19 asylum officer for a determination of credible fear;

20 (2) based on the review and evaluation de-
21 scribed in paragraph (1), take necessary and appro-
22 priate measures to ensure consistency in referrals by
23 Border Patrol agents and port of entry inspectors to
24 asylum officers for determinations of credible fear.

1 **SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.**

2 The Comptroller General of the United States, within
3 6 months after the date of the enactment of this Act, shall
4 submit to Congress a report on the deaths in custody of
5 detainees held on immigration violations by the Secretary
6 of Homeland Security. The report shall include the fol-
7 lowing information with respect to any such deaths and
8 in connection therewith:

9 (1) Whether any crimes were committed by per-
10 sonnel of the Department of Homeland Security.

11 (2) Whether any such deaths were caused by
12 negligence or deliberate indifference by such per-
13 sonnel.

14 (3) Whether Department practice and proce-
15 dures were properly followed and obeyed.

16 (4) Whether such practice and procedures are
17 sufficient to protect the health and safety of such
18 detainees.

19 (5) Whether reports of such deaths were made
20 under the Deaths in Custody Act.

1 **TITLE IV—EFFECTIVE ORGANI-**
2 **ZATION OF BORDER SECUR-**
3 **RITY AGENCIES**

4 **SEC. 401. ENHANCED BORDER SECURITY COORDINATION**
5 **AND MANAGEMENT.**

6 The Secretary of Homeland Security shall ensure full
7 coordination of border security efforts among agencies
8 within the Department of Homeland Security, including
9 United States Immigration and Customs Enforcement,
10 United States Customs and Border Protection, and
11 United States Citizenship and Immigration Services, and
12 shall identify and remedy any failure of coordination or
13 integration in a prompt and efficient manner. In par-
14 ticular, the Secretary of Homeland Security shall—

15 (1) oversee and ensure the coordinated execu-
16 tion of border security operations and policy;

17 (2) establish a mechanism for sharing and co-
18 ordinating intelligence information and analysis at
19 the headquarters and field office levels pertaining to
20 counter-terrorism, border enforcement, customs and
21 trade, immigration, human smuggling, human traf-
22 ficking, and other issues of concern to both United
23 States Immigration and Customs Enforcement and
24 United States Customs and Border Protection;

1 (3) establish Department of Homeland Security
2 task forces (to include other Federal, State, Tribal
3 and local law enforcement agencies as appropriate)
4 as necessary to better coordinate border enforcement
5 and the disruption and dismantling of criminal orga-
6 nizations engaged in cross-border smuggling, money
7 laundering, and immigration violations;

8 (4) enhance coordination between the border se-
9 curity and investigations missions within the Depart-
10 ment by requiring that, with respect to cases involv-
11 ing violations of the customs and immigration laws
12 of the United States, United States Customs and
13 Border Protection coordinate with and refer all such
14 cases to United States Immigration and Customs
15 Enforcement;

16 (5) examine comprehensively the proper alloca-
17 tion of the Department's border security related re-
18 sources, and analyze budget issues on the basis of
19 Department-wide border enforcement goals, plans,
20 and processes;

21 (6) establish measures and metrics for deter-
22 mining the effectiveness of coordinated border en-
23 forcement efforts; and

24 (7) develop and implement a comprehensive
25 plan to protect the northern and southern land bor-

1 ders of the United States and address the different
2 challenges each border faces by—

3 (A) coordinating all Federal border secu-
4 rity activities;

5 (B) improving communications and data
6 sharing capabilities within the Department and
7 with other Federal, State, local, tribal, and for-
8 eign law enforcement agencies on matters relat-
9 ing to border security; and

10 (C) providing input to relevant bilateral
11 agreements to improve border functions, includ-
12 ing ensuring security and promoting trade and
13 tourism.

14 **SEC. 402. MAKING OUR BORDER AGENCIES WORK.**

15 (a) IN GENERAL.—Title IV of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 201 et seq.) is amended—

17 (1) in subtitle A, by amending the heading to
18 read as follows: “**Bureau of Border Security**
19 **and Customs**”;

20 (2) by striking section 401 and inserting the
21 following section:

22 **“SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.**

23 “(a) ESTABLISHMENT.—There shall be in the De-
24 partment of Homeland Security a Bureau of Border Secu-

1 rity and Customs (in this section referred to as the ‘Bu-
2 reau’).

3 “(b) COMMISSIONER.—

4 “(1) IN GENERAL.—The head of the Bureau
5 shall be the Commissioner of Border Security and
6 Customs (in this section referred to as the ‘Commis-
7 sioner’). The Commissioner shall report directly to
8 the Secretary.

9 “(2) APPOINTMENT.—The Commissioner shall
10 be appointed—

11 “(A) by the President, by and with the ad-
12 vice and consent of the Senate; and

13 “(B) from individuals who have—

14 “(i) a minimum of ten years profes-
15 sional experience in law enforcement; and

16 “(ii) a minimum of ten years of man-
17 agement experience.

18 “(c) COORDINATION.—Among other duties, the Com-
19 missioner shall develop and implement a comprehensive
20 plan to protect the northern and southern land borders
21 of the United States and address the different challenges
22 each border faces by—

23 “(1) coordinating all Federal border security
24 activities;

1 “(2) improving communications and data shar-
2 ing capabilities within the Department and with
3 other Federal, State, local, tribal, and foreign law
4 enforcement agencies on matters relating to border
5 security; and

6 “(3) providing input to relevant bilateral agree-
7 ments to improve border functions, including ensur-
8 ing security and promoting trade and tourism.

9 “(d) ORGANIZATION.—The Bureau shall include five
10 primary divisions. The head of each division shall be an
11 Assistant Commissioner of Border Security and Customs
12 who shall be appointed by the Secretary of Homeland Se-
13 curity. The five divisions and their responsibilities are as
14 follows:

15 “(1) OFFICE OF IMMIGRATION ENFORCE-
16 MENT.—It shall be the responsibility of the Office of
17 Immigration Enforcement to enforce the immigra-
18 tion laws of the United States.

19 “(2) OFFICE OF CUSTOMS ENFORCEMENT.—It
20 shall be the responsibility of the Office of Customs
21 Enforcement to enforce the customs laws of the
22 United States.

23 “(3) OFFICE OF INSPECTION.—It shall be the
24 responsibility of the Office of Inspection to conduct
25 inspections at official United States ports of entry

1 and to maintain specialized immigration, customs,
2 and agriculture secondary inspection functions.

3 “(4) OFFICE OF BORDER PATROL.—It shall be
4 the responsibility of the Office of Border Patrol to
5 secure the international land and maritime borders
6 of the United States between ports of entry.

7 “(5) OFFICE OF MISSION SUPPORT.—It shall be
8 the responsibility of the Office of Mission Support to
9 provide assistance to the Bureau, including all of-
10 fices of the Bureau, and additional agencies as de-
11 termined appropriate by the Secretary. The Office
12 shall include, at a minimum, detention and removal
13 functions, intelligence functions, and air and marine
14 support.

15 “(e) REORGANIZATION.—The reorganization author-
16 ity described in section 872 shall not apply to this sec-
17 tion.”;

18 (3) in section 402, in the matter preceding
19 paragraph (1), by striking “acting through the
20 Under Secretary for Border and Transportation Se-
21 curity,” and inserting “acting through the Commis-
22 sioner of Border Security and Customs,”; and

23 (4) by inserting after section 403 the following
24 new section:

1 **“SEC. 404. TRANSFER.**

2 “The Bureau of Customs and Border Protection and
3 the Bureau of Immigration and Customs Enforcement of
4 the Department of Homeland Security, created pursuant
5 to the ‘Reorganization Plan Modification for the Depart-
6 ment of Homeland Security’ submitted to Congress as re-
7 quired under section 1502, is hereby transferred into the
8 Bureau of Border Security and Customs, established pur-
9 suant to section 401.”.

10 (b) CLERICAL AMENDMENTS.—The table of contents
11 of the Homeland Security Act of 2002 (6 U.S.C. 101 et
12 seq.) is amended—

13 (1) by striking the item related to section 401
14 and inserting the following item:

“Sec. 401. Bureau of Border Security and Customs.”;

15 and

16 (2) by inserting after the item relating to sec-
17 tion 403 the following new item:

“Sec. 404. Transfer.”.

18 (c) SHADOW WOLVES TRANSFER.—

19 (1) TRANSFER OF EXISTING UNIT.—In conjunc-
20 tion with the creation of the Bureau of Border Secu-
21 rity and Customs under section 401 of the Home-
22 land Security Act of 2002, as amended by section
23 201(a) of this Act, the Secretary of Homeland Secu-
24 rity shall transfer to United States Immigration and

1 Customs Enforcement all functions (including the
2 personnel, assets, and liabilities attributable to such
3 functions) of the Customs Patrol Officers unit oper-
4 ating on the Tohono O’odham Indian reservation
5 (commonly known as the “Shadow Wolves” unit).

6 (2) ESTABLISHMENT OF NEW UNITS.—The Sec-
7 retary is authorized to establish Shadow Wolves
8 units within both the Office of Immigration Enforce-
9 ment and Office of Customs Enforcement in the Bu-
10 reau of Border Security and Customs.

11 (3) DUTIES.—The Customs Patrol Officer unit
12 transferred pursuant to paragraph (1), and addi-
13 tional units established pursuant to paragraph (2),
14 shall operate on Indian lands by preventing the
15 entry of terrorists, other unlawful aliens, instru-
16 ments of terrorism, narcotics, and other contraband
17 into the United States.

18 (4) BASIC PAY FOR JOURNEYMAN OFFICERS.—
19 A Customs Patrol Officer in a unit described in this
20 subsection shall receive equivalent pay as a special
21 agent with similar competencies within United
22 States Immigration and Customs Enforcement pur-
23 suant to the Department of Homeland Security’s
24 Human Resources Management System established

1 under section 841 of the Homeland Security Act (6
2 U.S.C. 411).

3 (5) SUPERVISORS.—The Shadow Wolves unit
4 created within the Office of Immigration Enforce-
5 ment shall be supervised by a Chief Immigration Pa-
6 trol Officer. The Shadow Wolves unit created within
7 the Office of Customs Enforcement shall be super-
8 vised by a Chief Customs Patrol Officer. Each such
9 Officer shall have the same rank as a resident agent-
10 in-charge of the Office of Investigations within
11 United States Immigration and Customs Enforce-
12 ment.

13 (d) TECHNICAL AND CONFORMING AMENDMENTS TO
14 THE HOMELAND SECURITY ACT OF 2002.—

15 (1) TRANSPORTATION SECURITY ADMINISTRA-
16 TION.—Section 424(a) of the Homeland Security
17 Act of 2002 (6 U.S.C. 234(a)) is amended by strik-
18 ing “under the Under Secretary for Border Trans-
19 portation and Security”.

20 (2) OFFICE FOR DOMESTIC PREPAREDNESS.—
21 Section 430 of such Act (6 U.S.C. 238) is amend-
22 ed—

23 (A) in subsection (a), by striking “The Of-
24 fice for Domestic Preparedness shall be within
25 the Directorate of Border and Transportation

1 Security.” and inserting “There shall be in the
2 Department an Office for Domestic Prepared-
3 ness.”; and

4 (B) in subsection (b), in the second sen-
5 tence, by striking “Under Secretary for Border
6 and Transportation Security” and inserting
7 “Secretary of Homeland Security”.

8 (3) BUREAU OF BORDER SECURITY.—The
9 Homeland Security Act of 2002 (6 U.S.C. 101 et
10 seq.) is amended—

11 (A) in section 402 (6 U.S.C. 202)—

12 (i) in the matter preceding paragraph
13 (1), by striking “, acting through the
14 Under Secretary for Border and Transpor-
15 tation Security,”;

16 (ii) by redesignating paragraph (8) as
17 paragraph (9); and

18 (iii) by inserting after paragraph (7)
19 the following new paragraph:

20 “(8) Administering the program to collect infor-
21 mation relating to nonimmigrant foreign students
22 and other exchange program participants described
23 in section 641 of the Illegal Immigration Reform
24 and Immigrant Responsibility Act of 1996 (8 U.S.C.
25 1372), including the Student and Exchange Visitor

1 Information System established under that section,
2 and using such information to carry out the enforce-
3 ment functions of the Bureau.”;

4 (B) by inserting after section 404 (as
5 added by section 102(a)(4) of this Act) the fol-
6 lowing new sections:

7 **“SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.**

8 “(a) IN GENERAL.—There shall be a position of
9 Chief of Immigration Policy and Strategy for the Bureau
10 of Border Security and Customs.

11 “(b) FUNCTIONS.—In consultation with Bureau of
12 Border Security and Customs personnel in local offices,
13 the Chief of Immigration Policy and Strategy shall be re-
14 sponsible for—

15 “(1) making policy recommendations and per-
16 forming policy research and analysis on immigration
17 enforcement issues; and

18 “(2) coordinating immigration policy issues
19 with the Chief of Policy and Strategy for the Bureau
20 of Citizenship and Immigration Services (established
21 under subtitle E), as appropriate.

22 **“SEC. 406. IMMIGRATION LEGAL ADVISOR.**

23 “There shall be a principal immigration legal advisor
24 to the Commissioner of the Bureau of Border Security and
25 Customs. The immigration legal advisor shall provide spe-

1 cialized legal advice to the Commissioner of the Bureau
2 of Border Security and Customs and shall represent the
3 Bureau in all exclusion, deportation, and removal pro-
4 ceedings before the Executive Office for Immigration Re-
5 view.”; and

6 (C) by striking section 442 (6 U.S.C. 252)
7 and redesignating sections 443 through 446 as
8 sections 442 through 445, respectively.

9 (4) CONFORMING AMENDMENTS.—

10 (A) BUREAU OF BORDER SECURITY AND
11 CUSTOMS.—Each of the following sections of
12 the Homeland Security Act of 2002 is amended
13 by inserting “and Customs” after “Border Se-
14 curity” each place it appears:

15 (i) Section 442, as redesignated by
16 subsection (c)(3).

17 (ii) Section 443, as redesignated by
18 subsection (c)(3).

19 (iii) Section 444, as redesignated by
20 subsection (c)(3).

21 (iv) Section 451 (6 U.S.C. 271).

22 (v) Section 459 (6 U.S.C. 276).

23 (vi) Section 462 (6 U.S.C. 279).

24 (vii) Section 471 (6 U.S.C. 291).

25 (viii) Section 472 (6 U.S.C. 292).

1 (ix) Section 474 (6 U.S.C. 294).

2 (x) Section 475 (6 U.S.C. 295).

3 (xi) Section 476 (6 U.S.C. 296).

4 (xii) Section 477 (6 U.S.C. 297).

5 (B) COMMISSIONER OF THE BUREAU OF
6 BORDER SECURITY AND CUSTOMS.—The Home-
7 land Security Act of 2002 is amended—

8 (i) in section 442, as redesignated by
9 subsection (c)(3), in the matter preceding
10 paragraph (1), by striking “Under Sec-
11 retary for Border and Transportation Se-
12 curity” and inserting “Commissioner of
13 Border Security and Customs”;

14 (ii) in section 443, as redesignated by
15 subsection (c)(3), by striking “Under Sec-
16 retary for Border and Transportation Se-
17 curity” and inserting “Commissioner of
18 Border Security and Customs”;

19 (iii) in section 451(a)(2)(C) (6 U.S.C.
20 271(a)(2)(C)), by striking “Assistant Sec-
21 retary” and inserting “Commissioner”;

22 (iv) in section 459(e) (6 U.S.C.
23 276(e)), by striking “Assistant Secretary”
24 and inserting “Commissioner”; and

1 (v) in section 462(b)(2)(A) (6 U.S.C.
2 279(b)(2)(A)), by striking “Assistant Sec-
3 retary” and inserting “Commissioner”.

4 (5) REFERENCE.—Any reference to the Bureau
5 of Border Security in any other Federal law, Execu-
6 tive order, rule, regulation, or delegation of author-
7 ity, or any document of or pertaining to the Bureau
8 is deemed to refer to the Bureau of Border Security
9 and Customs.

10 (6) CLERICAL AMENDMENTS.—The table of
11 contents of the Homeland Security Act of 2002 (6
12 U.S.C. 101 et seq.) is amended—

13 (A) by inserting after the item relating to
14 section 404 (as added by section 102(b)(2) of
15 this Act) the following new items:

“Sec. 405. Chief of Policy and Strategy.
“Sec. 406. Legal advisor.”;

16 (B) by striking the item related to section
17 442; and

18 (C) by redesignating the items relating to
19 sections 443 through 446 as items relating to
20 sections 442 through 445, respectively.

1 **TITLE V—KEEPING OUR COM-**
2 **MITMENT TO ENSURE SUFFI-**
3 **CIENT, WELL TRAINED AND**
4 **WELL EQUIPPED PERSONNEL**
5 **AT THE UNITED STATES BOR-**
6 **DER**

7 **Subtitle A—Equipment Enhance-**
8 **ments to Address Shortfalls to**
9 **Securing United States Borders**

10 **SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES**
11 **BORDER PATROL AGENTS.**

12 (a) IN GENERAL.—If the Governor of a State on an
13 international border of the United States declares an
14 international border security emergency and requests ad-
15 ditional United States Border Patrol agents from the Sec-
16 retary of Homeland Security, the Secretary is authorized,
17 subject to subsections (b) and (c), to provide the State
18 with up to 1,000 additional United States Border Patrol
19 agents for the purpose of patrolling and defending the
20 international border, in order to prevent individuals from
21 crossing the international border and entering the United
22 States at any location other than an authorized port of
23 entry.

24 (b) CONSULTATION.—The Secretary of Homeland
25 Security shall consult with the President upon receipt of

1 a request under subsection (a), and shall grant it to the
2 extent that providing the requested assistance will not sig-
3 nificantly impair the Department of Homeland Security's
4 ability to provide border security for any other State.

5 (c) COLLECTIVE BARGAINING.—Emergency deploy-
6 ments under this section shall be made in conformance
7 with all collective bargaining agreements and obligations.

8 **SEC. 502. HELICOPTERS AND POWER BOATS.**

9 (a) IN GENERAL.—The Secretary of Homeland Secu-
10 rity shall increase by not less than 100 the number of
11 United States Border Patrol helicopters, and shall in-
12 crease by not less than 250 the number of United States
13 Border Patrol power boats. The Secretary of Homeland
14 Security shall ensure that appropriate types of helicopters
15 are procured for the various missions being performed.
16 The Secretary of Homeland Security also shall ensure that
17 the types of power boats that are procured are appropriate
18 for both the waterways in which they are used and the
19 mission requirements.

20 (b) USE AND TRAINING.—The Secretary of Home-
21 land Security shall establish an overall policy on how the
22 helicopters and power boats described in subsection (a)
23 will be used and implement training programs for the
24 agents who use them, including safe operating procedures
25 and rescue operations.

1 **SEC. 503. MOTOR VEHICLES.**

2 The Secretary of Homeland Security shall establish
3 a fleet of motor vehicles appropriate for use by the United
4 States Border Patrol that will permit a ratio of at least
5 one police-type vehicle per every 3 United States Border
6 Patrol agents. Additionally, the Secretary of Homeland
7 Security shall ensure that there are sufficient numbers
8 and types of other motor vehicles to support the mission
9 of the United States Border Patrol. All vehicles will be
10 chosen on the basis of appropriateness for use by the
11 United States Border Patrol, and each vehicle shall have
12 a “panic button” and a global positioning system device
13 that is activated solely in emergency situations for the
14 purpose of tracking the location of an agent in distress.
15 The police-type vehicles shall be replaced at least every
16 3 years.

17 **SEC. 504. PORTABLE COMPUTERS.**

18 The Secretary of Homeland Security shall ensure
19 that each police-type motor vehicle in the fleet of the
20 United States Border Patrol is equipped with a portable
21 computer with access to all necessary law enforcement
22 databases and otherwise suited to the unique operational
23 requirements of the United States Border Patrol.

24 **SEC. 505. RADIO COMMUNICATIONS.**

25 The Secretary of Homeland Security shall augment
26 the existing radio communications system so all Federal

1 law enforcement personnel working in every area in which
2 United States Border Patrol operations are conducted
3 have clear and encrypted two-way radio communication
4 capabilities at all times.

5 **SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DE-**
6 **VICES.**

7 The Secretary of Homeland Security shall ensure
8 that each United States Border Patrol agent is issued,
9 when on patrol, a state-of-the-art hand-held global posi-
10 tioning system device for navigational purposes.

11 **SEC. 507. NIGHT VISION EQUIPMENT.**

12 The Secretary of Homeland Security shall ensure
13 that sufficient quantities of state-of-the-art night vision
14 equipment are procured and regularly maintained to en-
15 able each United States Border Patrol agent patrolling
16 during the hours of darkness to be equipped with a port-
17 able night vision device.

18 **SEC. 508. BODY ARMOR.**

19 The Secretary of Homeland Security shall ensure
20 that every United States Border Patrol agent is issued
21 high-quality body armor that is appropriate for the climate
22 and risks faced by the individual officer. Each officer shall
23 be allowed to select from among a variety of approved
24 brands and styles. All body armor shall be replaced at
25 least once every five years.

1 **SEC. 509. WEAPONS.**

2 The Secretary of Homeland Security shall ensure
3 that United States Border Patrol agents are equipped
4 with weapons that are reliable and effective to protect
5 themselves, their fellow officers, and innocent third parties
6 from the threats posed by armed criminals. In addition,
7 the Secretary shall ensure that the policies of the Depart-
8 ment of Homeland Security allow all such officers to carry
9 weapons selected from a Department approved list that
10 are suited to the potential threats that such officers face.

11 **Subtitle B—Human Capital En-**
12 **hancements to Improve the Re-**
13 **ruitment and Retention of Bor-**
14 **der Security Personnel**

15 **SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR**
16 **UNITED STATES BORDER PATROL AGENTS.**

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

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

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

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

3 **SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND**
4 **RETENTION ALLOWANCES FOR PERSONNEL**
5 **OF THE DEPARTMENT OF HOMELAND SECU-**
6 **RITY.**

7 The Secretary of Homeland Security shall ensure
8 that the authority to pay recruitment and relocation bo-
9 nuses under section 5753 of title 5, United States Code,
10 the authority to pay retention bonuses under section 5754
11 of such title, and any other similar authorities available
12 under any other provision of law, rule, or regulation, are
13 exercised to the fullest extent allowable in order to encour-
14 age service in the Department of Homeland Security.

15 **SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE**
16 **FOR INSPECTION OFFICERS AND OTHER EM-**
17 **PLOYEES.**

18 (a) AMENDMENTS.—

19 (1) FEDERAL EMPLOYEES’ RETIREMENT SYS-
20 TEM.—

21 (A) Paragraph (17) of section 8401 of title
22 5, United States Code, is amended by striking
23 “and” at the end of subparagraph (C), and by
24 adding at the end the following:

1 “(E) an employee (not otherwise covered
2 by this paragraph)—

3 “(i) the duties of whose position in-
4 clude the investigation or apprehension of
5 individuals suspected or convicted of of-
6 fenses against the criminal laws of the
7 United States; and

8 “(ii) who is authorized to carry a fire-
9 arm; and

10 “(F) an employee of the Internal Revenue
11 Service, the duties of whose position are pri-
12 marily the collection of delinquent taxes and the
13 securing of delinquent returns;”.

14 (B) CONFORMING AMENDMENT.—Section
15 8401(17)(C) of title 5, United States Code, is
16 amended by striking “(A) and (B)” and insert-
17 ing “(A), (B), (E), and (F)”.

18 (2) CIVIL SERVICE RETIREMENT SYSTEM.—
19 Paragraph (20) of section 8331 of title 5, United
20 States Code, is amended by inserting after “posi-
21 tion.” (in the matter before subparagraph (A)) the
22 following: “For the purpose of this paragraph, the
23 employees described in the preceding provision of
24 this paragraph (in the matter before ‘including’)
25 shall be considered to include an employee, not oth-

1 erwise covered by this paragraph, who satisfies
2 clauses (i) and (ii) of section 8401(17)(E) and an
3 employee of the Internal Revenue Service the duties
4 of whose position are as described in section
5 8401(17)(F).”.

6 (3) EFFECTIVE DATE.—Except as provided in
7 subsection (b), the amendments made by this sub-
8 section shall take effect on the date of the enactment
9 of this Act, and shall apply only in the case of any
10 individual first appointed (or seeking to be first ap-
11 pointed) as a law enforcement officer (within the
12 meaning of those amendments) on or after such
13 date.

14 (b) TREATMENT OF SERVICE PERFORMED BY IN-
15 CUMBENTS.—

16 (1) LAW ENFORCEMENT OFFICER AND SERVICE
17 DESCRIBED.—

18 (A) LAW ENFORCEMENT OFFICER.—Any
19 reference to a law enforcement officer described
20 in this paragraph refers to an individual who
21 satisfies the requirements of section 8331(20)
22 or 8401(17) of title 5, United States Code (re-
23 lating to the definition of a law enforcement of-
24 ficer) by virtue of the amendments made by
25 subsection (a).

1 (B) SERVICE.—Any reference to service
2 described in this paragraph refers to service
3 performed as a law enforcement officer (as de-
4 scribed in this paragraph).

5 (2) INCUMBENT DEFINED.—For purposes of
6 this subsection, the term “incumbent” means an in-
7 dividual who—

8 (A) is first appointed as a law enforcement
9 officer (as described in paragraph (1)) before
10 the date of the enactment of this Act; and

11 (B) is serving as such a law enforcement
12 officer on such date.

13 (3) TREATMENT OF SERVICE PERFORMED BY
14 INCUMBENTS.—

15 (A) IN GENERAL.—Service described in
16 paragraph (1) which is performed by an incum-
17 bent on or after the date of the enactment of
18 this Act shall, for all purposes (other than those
19 to which subparagraph (B) pertains), be treated
20 as service performed as a law enforcement offi-
21 cer (within the meaning of section 8331(20) or
22 8401(17) of title 5, United States Code, as ap-
23 propriate), irrespective of how such service is
24 treated under subparagraph (B).

1 (B) RETIREMENT.—Service described in
2 paragraph (1) which is performed by an incum-
3 bent before, on, or after the date of the enact-
4 ment of this Act shall, for purposes of sub-
5 chapter III of chapter 83 and chapter 84 of
6 title 5, United States Code, be treated as serv-
7 ice performed as a law enforcement officer
8 (within the meaning of section 8331(20) or
9 8401(17), as appropriate), but only if an appro-
10 priate written election is submitted to the Office
11 of Personnel Management within 5 years after
12 the date of the enactment of this Act or before
13 separation from Government service, whichever
14 is earlier.

15 (4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR
16 SERVICE.—

17 (A) IN GENERAL.—An individual who
18 makes an election under paragraph (3)(B) may,
19 with respect to prior service performed by such
20 individual, contribute to the Civil Service Re-
21 tirement and Disability Fund the difference be-
22 tween the individual contributions that were ac-
23 tually made for such service and the individual
24 contributions that should have been made for

1 such service if the amendments made by sub-
2 section (a) had then been in effect.

3 (B) EFFECT OF NOT CONTRIBUTING.—If
4 no part of or less than the full amount required
5 under subparagraph (A) is paid, all prior serv-
6 ice of the incumbent shall remain fully cred-
7 itable as law enforcement officer service, but
8 the resulting annuity shall be reduced in a man-
9 ner similar to that described in section
10 8334(d)(2) of title 5, United States Code, to
11 the extent necessary to make up the amount
12 unpaid.

13 (C) PRIOR SERVICE DEFINED.—For pur-
14 poses of this subsection, the term “prior serv-
15 ice” means, with respect to any individual who
16 makes an election under paragraph (3)(B),
17 service (described in paragraph (1)) performed
18 by such individual before the date as of which
19 appropriate retirement deductions begin to be
20 made in accordance with such election.

21 (5) GOVERNMENT CONTRIBUTIONS FOR PRIOR
22 SERVICE.—

23 (A) IN GENERAL.—If an incumbent makes
24 an election under paragraph (3)(B), the agency
25 in or under which that individual was serving at

1 the time of any prior service (referred to in
2 paragraph (4)) shall remit to the Office of Per-
3 sonnel Management, for deposit in the Treasury
4 of the United States to the credit of the Civil
5 Service Retirement and Disability Fund, the
6 amount required under subparagraph (B) with
7 respect to such service.

8 (B) AMOUNT REQUIRED.—The amount an
9 agency is required to remit is, with respect to
10 any prior service, the total amount of additional
11 Government contributions to the Civil Service
12 Retirement and Disability Fund (above those
13 actually paid) that would have been required if
14 the amendments made by subsection (a) had
15 then been in effect.

16 (C) CONTRIBUTIONS TO BE MADE RAT-
17 ABLY.—Government contributions under this
18 paragraph on behalf of an incumbent shall be
19 made by the agency ratably (on at least an an-
20 nual basis) over the 10-year period beginning
21 on the date referred to in paragraph (4)(C).

22 (6) EXEMPTION FROM MANDATORY SEPARA-
23 TION.—Nothing in section 8335(b) or 8425(b) of
24 title 5, United States Code, shall cause the involun-
25 tary separation of a law enforcement officer (as de-

1 scribed in paragraph (1)) before the end of the 3-
2 year period beginning on the date of the enactment
3 of this Act.

4 (7) REGULATIONS.—The Office shall prescribe
5 regulations to carry out this section, including—

6 (A) provisions in accordance with which in-
7 terest on any amount under paragraph (4) or
8 (5) shall be computed, based on section 8334(e)
9 of title 5, United States Code; and

10 (B) provisions for the application of this
11 subsection in the case of—

12 (i) any individual who—

13 (I) satisfies subparagraph (A)
14 (but not subparagraph (B)) of para-
15 graph (2); and

16 (II) serves as a law enforcement
17 officer (as described in paragraph (1))
18 after the date of the enactment of this
19 Act; and

20 (ii) any individual entitled to a sur-
21 vivor annuity (based on the service of an
22 incumbent, or of an individual under
23 clause (i), who dies before making an elec-
24 tion under paragraph (3)(B)), to the ex-

1 tent of any rights that would then be avail-
2 able to the decedent (if still living).

3 (8) **RULE OF CONSTRUCTION.**—Nothing in this
4 subsection shall be considered to apply in the case
5 of a reemployed annuitant.

6 **SEC. 514. INCREASE UNITED STATES BORDER PATROL**
7 **AGENT AND INSPECTOR PAY.**

8 Effective as of the first day of the first applicable
9 pay period beginning on the date that is one year after
10 the date of the enactment of this Act, the highest basic
11 rate of pay for a journey level United States Border Patrol
12 agent or immigration, customs, or agriculture inspector
13 within the Department of Homeland Security whose pri-
14 mary duties consist of enforcing the immigration, customs,
15 or agriculture laws of the United States shall increase
16 from the annual rate of basic pay for positions at GS-
17 11 of the General Schedule to the annual rate of basic
18 pay for positions at GS-12 of the General Schedule.

19 **SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW**
20 **ENFORCEMENT TRAINING CENTER.**

21 Official training, including training provided at the
22 Federal Law Enforcement Training Center, that is pro-
23 vided to a customs officer or canine enforcement officer
24 (as defined in subsection (e)(1) of section 5 of the Act
25 of February 13, 1911 (19 U.S.C. 267), or to a customs

1 and border protection officer shall be deemed work for
2 purposes of such section. If such training results in the
3 officer performing work in excess of 40 hours in the ad-
4 ministrative workweek of the officer or in excess of 8 hours
5 in a day, the officer shall be compensated for that work
6 at an hourly rate of pay that is equal to 2 times the hourly
7 rate of the basic pay of the officer, in accordance with
8 subsection (a)(1) of such section. Such compensation shall
9 apply with respect to such training provided to such offi-
10 cers on or after January 1, 2002. Not later than 60 days
11 after the date of the enactment of this Act, such com-
12 pensation shall be provided to such officers, together with
13 any applicable interest, calculated in accordance with sec-
14 tion 5596(b)(2) of title 5, United States Code.

15 **Subtitle C—Securing and Facili-**
16 **tating the Movement of Goods**
17 **and Travelers**

18 **SEC. 521. INCREASE IN FULL TIME UNITED STATES CUS-**
19 **TOMS AND BORDER PROTECTION IMPORT**
20 **SPECIALISTS.**

21 (a) IN GENERAL.—The number of full time United
22 States Customs and Border Protection non-supervisory
23 import specialists in the Department of Homeland Secu-
24 rity shall be not less than 1,080 in fiscal year 2007.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary of
3 Homeland Security such sums as may be necessary to
4 fund these positions and related expenses including train-
5 ing and support.

6 **SEC. 522. CERTIFICATIONS RELATING TO FUNCTIONS AND**
7 **IMPORT SPECIALISTS OF UNITED STATES**
8 **CUSTOM AND BORDER PROTECTION.**

9 (a) FUNCTIONS.—The Secretary of Homeland Secu-
10 rity shall annually certify to Congress, that, pursuant to
11 paragraph (1) of section 412(b) of the Homeland Security
12 Act of 2002 (6 U.S.C. 212(b)) the Secretary has not con-
13 solidated, discontinued, or diminished those functions de-
14 scribed in paragraph (2) of such section that were per-
15 formed by the United States Customs Service, or reduced
16 the staffing level or reduced resources attributable to such
17 functions.

18 (b) NUMBER OF IMPORT SPECIALISTS.—The Sec-
19 retary of Homeland Security shall annually certify to Con-
20 gress that, in accordance with the requirement described
21 in section 302(a), the number of full time non-supervisory
22 import specialists employed by United States Customs and
23 Border Protection is at least 1,080.

1 **SEC. 523. EXPEDITED TRAVELER PROGRAMS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the expedited travel programs of the Depart-
4 ment of Homeland Security should be expanded to all
5 major United States ports of entry and participation in
6 the pre-enrollment programs should be strongly encour-
7 aged. These programs assist frontline officers of the
8 United States in the fight against terrorism by increasing
9 the number of known travelers crossing the border. The
10 identities of such expedited travelers should be entered
11 into a database of known travelers who have been sub-
12 jected to in-depth background and watch-list checks. This
13 will permit border control officers to focus more closely
14 on unknown travelers, potential criminals, and terrorists.

15 (b) MONITORING.—

16 (1) IN GENERAL.—The Secretary of Homeland
17 Security shall monitor usage levels of all expedited
18 travel lanes at United States land border ports of
19 entry.

20 (2) FUNDING FOR STAFF AND INFRASTRUC-
21 TURE.—If the Secretary determines that the usage
22 levels referred to in paragraph (1) exceed the capac-
23 ity of border facilities to provide expedited entry and
24 exit, the Secretary shall submit to Congress a re-
25 quest for additional funding for increases in staff

1 and improvements in infrastructure, as appropriate,
2 to enhance the capacity of such facilities.

3 (c) EXPANSION OF EXPEDITED TRAVELER SERV-
4 ICES.—The Secretary of Homeland Security shall—

5 (1) open new enrollment centers in States that
6 do not share an international land border with Can-
7 ada or Mexico but where the Secretary has deter-
8 mined that a large demand for expedited traveler
9 programs exist;

10 (2) reduce fee levels for the expedited traveler
11 programs to encourage greater participation; and

12 (3) cooperate with the Secretary of State in the
13 public promotion of benefits of the expedited traveler
14 programs of the Department of Homeland Security.

15 (d) REPORT ON EXPEDITED TRAVELER PRO-
16 GRAMS.—The Secretary of Homeland Security shall, on
17 biannually in 2007, 2008, and 2009, submit to Congress
18 a report on participation in the expedited traveler pro-
19 grams of the Department of Homeland Security.

20 (e) INTEGRATION AND INTEROPERABILITY OF EXPE-
21 DITED TRAVELER PROGRAM DATABASES.—Not later than
22 six months after the date of the enactment of this Act,
23 the Secretary of Homeland Security shall develop a plan
24 to full integrate and make interoperable the databases of
25 all of the expedited traveler programs of the Department

1 of Homeland Security, including NEXUS, AIR NEXUS,
2 SENTRI, FAST, and Register Traveler.

3 **TITLE VI—ALIEN SMUGGLING;**
4 **NORTHERN BORDER PROS-**
5 **ECUTION; CRIMINAL ALIENS**
6 **Subtitle A—Alien Smuggling**

7 **SEC. 601. COMBATING HUMAN SMUGGLING.**

8 (a) REQUIREMENT FOR PLAN.—The Secretary shall
9 develop and implement a plan to improve coordination be-
10 tween the Bureau of Immigration and Customs Enforce-
11 ment and the Bureau of Customs and Border Protection
12 of the Department of Homeland Security and any other
13 Federal, State, local, or tribal authorities, as determined
14 appropriate by the Secretary, to improve coordination ef-
15 forts to combat human smuggling.

16 (b) CONTENT.—In developing the plan required by
17 subsection (a), the Secretary shall consider—

18 (1) the interoperability of databases utilized to
19 prevent human smuggling;

20 (2) adequate and effective personnel training;

21 (3) methods and programs to effectively target
22 networks that engage in such smuggling;

23 (4) effective utilization of—

24 (A) visas for victims of trafficking and
25 other crimes; and

1 (B) investigatory techniques, equipment,
2 and procedures that prevent, detect, and pros-
3 ecute international money laundering and other
4 operations that are utilized in smuggling;

5 (5) joint measures, with the Secretary of State,
6 to enhance intelligence sharing and cooperation with
7 foreign governments whose citizens are preyed on by
8 human smugglers; and

9 (6) other measures that the Secretary considers
10 appropriate to combating human smuggling.

11 (c) REPORT.—Not later than 1 year after imple-
12 menting the plan described in subsection (a), the Sec-
13 retary shall submit to Congress a report on such plan, in-
14 cluding any recommendations for legislative action to im-
15 prove efforts to combating human smuggling.

16 **SEC. 602. REESTABLISHMENT OF THE UNITED STATES BOR-**
17 **DER PATROL ANTI-SMUGGLING UNIT.**

18 The Secretary of Homeland Security shall reestablish
19 the Anti-Smuggling Unit within the Office of United
20 States Border Patrol, and shall immediately staff such of-
21 fice with a minimum of 500 criminal investigators selected
22 from within the ranks of the United States Border Patrol.
23 Staffing levels shall be adjusted upward periodically in ac-
24 cordance with workload requirements.

1 **SEC. 603. NEW NONIMMIGRANT VISA CLASSIFICATION TO**
2 **ENABLE INFORMANTS TO ENTER THE**
3 **UNITED STATES AND REMAIN TEMPORARILY.**

4 (a) IN GENERAL.—Section 101(a)(15)(S) (8 U.S.C.
5 1101(a)(15)(S)) is amended

6 (1) in clause (i), by striking “or” at the end;

7 (2) in clause (ii), by striking the comma at the
8 end and inserting “; or”;

9 (3) by inserting after clause (ii) the following:

10 “(iii) who the Secretary of Homeland
11 Security, the Secretary of State, or the At-
12 torney General determines—

13 “(I) is in possession of critical re-
14 liable information concerning a com-
15 mercial alien smuggling organization
16 or enterprise or a commercial oper-
17 ation for making or trafficking in doc-
18 uments to be used for entering or re-
19 maining in the United States unlaw-
20 fully;

21 “(II) is willing to supply or has
22 supplied such information to a Fed-
23 eral or State court; or

24 “(III) whose presence in the
25 United States the Secretary of Home-
26 land Security, the Secretary of State,

1 or the Attorney General determines is
2 essential to the success of an author-
3 ized criminal investigation, the suc-
4 cessful prosecution of an individual in-
5 volved in the commercial alien smug-
6 gling organization or enterprise, or
7 the disruption of such organization or
8 enterprise or a commercial operation
9 for making or trafficking in docu-
10 ments to be used for entering or re-
11 maining in the United States unlaw-
12 fully.”;

13 (4) by inserting “, or with respect to clause
14 (iii), the Secretary of Homeland Security, the Sec-
15 retary of State, or the Attorney General” after
16 “jointly”; and

17 (5) by striking “(i) or (ii)” and inserting “(i),
18 (ii), or (iii)”.

19 (b) ADMISSION OF NONIMMIGRANTS.—Section
20 214(k) (8 U.S.C. 1184(k)) is amended

21 (1) by adding at the end of paragraph (1) the
22 following: “The number of aliens who may be pro-
23 vided a visa as nonimmigrants under section
24 101(a)(15)(S)(iii) in any fiscal year may not exceed
25 400.”; and

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

2 “(5) If the Secretary of Homeland Security, the
3 Secretary of State, or the Attorney General deter-
4 mines that a nonimmigrant described in clause (iii)
5 of section 101(a)(15)(S), or that of any family mem-
6 ber of such a nonimmigrant who is provided non-
7 immigrant status pursuant to such section, must be
8 protected, such official may take such lawful action
9 as the official considers necessary to effect such pro-
10 tection.”.

11 **SEC. 604. ADJUSTMENT OF STATUS WHEN NEEDED TO PRO-**
12 **TECT INFORMANTS.**

13 Section 245(j) (8 U.S.C. 1255(j)) is amended—

14 (1) in paragraph (3), by striking “(1) or (2),”
15 and inserting “(1), (2), (3), or (4),”;

16 (2) by redesignating paragraph (3) as para-
17 graph (5);

18 (3) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) if, in the opinion of the Secretary of
21 Homeland Security, the Secretary of State, or the
22 Attorney General—

23 “(A) a nonimmigrant admitted into the
24 United States under section 101(a)(15)(S)(iii)

1 has supplied information described in subclause
2 (I) of such section; and

3 “(B) the provision of such information has
4 substantially contributed to the success of a
5 commercial alien smuggling investigation or an
6 investigation of the sale or production of fraud-
7 ulent documents to be used for entering or re-
8 maining in the United States unlawfully, the
9 disruption of such an enterprise, or the pros-
10 ecution of an individual described in subclause
11 (III) of that section,

12 the Secretary of Homeland Security may adjust the
13 status of the alien (and the spouse, children, mar-
14 ried and unmarried sons and daughters, and parents
15 of the alien if admitted under that section) to that
16 of an alien lawfully admitted for permanent resi-
17 dence if the alien is not described in section
18 212(a)(3)(E).

19 “(4) The Secretary of Homeland Security may
20 adjust the status of a nonimmigrant admitted into
21 the United States under section 101(a)(15)(S)(iii)
22 (and the spouse, children, married and unmarried
23 sons and daughters, and parents of the non-
24 immigrant if admitted under that section) to that of
25 an alien lawfully admitted for permanent residence

1 on the basis of a recommendation of the Secretary
2 of State or the Attorney General.”; and

3 (4) by adding at the end the following:

4 “(6) If the Secretary of Homeland Security, the
5 Secretary of State, or the Attorney General deter-
6 mines that a person whose status is adjusted under
7 this subsection must be protected, such official may
8 take such lawful action as the official considers nec-
9 essary to effect such protection.”.

10 **SEC. 605. REWARDS PROGRAM.**

11 Section 274 (8 U.S.C. 1324) is amended by adding
12 at the end the following:

13 “(e) REWARDS PROGRAM.—

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

18 “(2) PURPOSE.—The rewards program shall be
19 designed to assist in the elimination of commercial
20 operations to produce or sell fraudulent documents
21 to be used for entering or remaining in the United
22 States unlawfully and to assist in the investigation,
23 prosecution, or disruption of a commercial alien
24 smuggling operation.

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

5 “(4) REWARDS AUTHORIZED.—In the sole dis-
6 cretion of the Secretary of Homeland Security, such
7 Secretary, in consultation, as appropriate, with the
8 Attorney General and the Secretary of State, may
9 pay a reward to any individual who furnishes infor-
10 mation or testimony leading to—

11 “(A) the arrest or conviction of any indi-
12 vidual conspiring or attempting to produce or
13 sell fraudulent documents to be used for enter-
14 ing or remaining in the United States unlaw-
15 fully or to commit an act of commercial alien
16 smuggling involving the transportation of
17 aliens;

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

20 “(C) the arrest or conviction of any indi-
21 vidual aiding or abetting the commission of
22 such an act;

23 “(D) the prevention, frustration, or favor-
24 able resolution of such an act, including the dis-
25 mantling of an operation to produce or sell

1 fraudulent documents to be used for entering or
2 remaining in the United States, or commercial
3 alien smuggling operations, in whole or in sig-
4 nificant part; or

5 “(E) the identification or location of an in-
6 dividual who holds a key leadership position in
7 an operation to produce or sell fraudulent docu-
8 ments to be used for entering or remaining in
9 the United States unlawfully or a commercial
10 alien smuggling operation involving the trans-
11 portation of aliens.

12 “(5) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated such sums
14 as may be necessary to carry out this subsection.
15 Amounts appropriated under this paragraph shall
16 remain available until expended.

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

23 “(7) PROTECTION MEASURES.—If the Secretary
24 of Homeland Security, the Secretary of State, or the
25 Attorney General determines that an individual who

1 furnishes information or testimony described in
2 paragraph (4), or any spouse, child, parent, son, or
3 daughter of such an individual, must be protected,
4 such official may take such lawful action as the offi-
5 cial considers necessary to effect such protection.

6 “(8) LIMITATIONS AND CERTIFICATION.—

7 “(A) MAXIMUM AMOUNT.—No reward
8 under this subsection may exceed \$100,000, ex-
9 cept as personally authorized by the Secretary
10 of Homeland Security.

11 “(B) APPROVAL.—Any reward under this
12 subsection exceeding \$50,000 shall be person-
13 ally approved by the Secretary of Homeland Se-
14 curity.

15 “(C) CERTIFICATION FOR PAYMENT.—Any
16 reward granted under this subsection shall be
17 certified for payment by the Secretary of Home-
18 land Security.”.

19 **SEC. 606. OUTREACH PROGRAM.**

20 Section 274 (8 U.S.C. 1324), as amended by sub-
21 section (a), is further amended by adding at the end the
22 following:

23 “(f) OUTREACH PROGRAM.—The Secretary of Home-
24 land Security, in consultation, as appropriate, with the At-
25 torney General and the Secretary of State, shall develop

1 and implement an outreach program to educate the public
2 in the United States and abroad about—

3 “(1) the penalties for—

4 “(A) bringing in and harboring aliens in
5 violation of this section; and

6 “(B) participating in a commercial oper-
7 ation for making, or trafficking in, documents
8 to be used for entering or remaining in the
9 United States unlawfully; and

10 “(2) the financial rewards and other incentives
11 available for assisting in the investigation, disrup-
12 tion, or prosecution of a commercial smuggling oper-
13 ation or a commercial operation for making, or traf-
14 ficking in, documents to be used for entering or re-
15 maining in the United States unlawfully.”.

16 **SEC. 607. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR**
17 **COORDINATING AND DISTRIBUTING INFOR-**
18 **MATION ON FRAUDULENT IMMIGRATION**
19 **DOCUMENTS.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-
21 rity shall establish a task force (to be known as the Task
22 Force on Fraudulent Immigration Documents) to carry
23 out the following:

24 (1) Collect information from Federal, State,
25 and local law enforcement agencies, and Foreign

1 governments on the production, sale, and distribu-
2 tion of fraudulent documents intended to be used to
3 enter or to remain in the United States unlawfully.

4 (2) Maintain that information in a comprehen-
5 sive database.

6 (3) Convert the information into reports that
7 will provide guidance for government officials on
8 identifying fraudulent documents being used to enter
9 or to remain in the United States unlawfully.

10 (4) Develop a system for distributing these re-
11 ports on an ongoing basis to appropriate Federal,
12 State, and local law enforcement agencies.

13 (b) DISTRIBUTION OF INFORMATION.—Distribute the
14 reports to appropriate Federal, State, and local law en-
15 forcement agencies on an ongoing basis.

16 **Subtitle B—Northern Border Pros-**
17 **ecution Initiative Reimburse-**
18 **ment Act**

19 **SEC. 611. SHORT TITLE.**

20 This title may be cited as the “Northern Border
21 Prosecution Initiative Reimbursement Act”.

22 **SEC. 612. NORTHERN BORDER PROSECUTION INITIATIVE.**

23 (a) INITIATIVE REQUIRED.—From amounts made
24 available to carry out this section, the Attorney General,
25 acting through the Director of the Bureau of Justice As-

1 sistance of the Office of Justice Programs, shall carry out
2 a program, to be known as the Northern Border Prosecu-
3 tion Initiative, to provide funds to reimburse eligible
4 northern border entities for costs incurred by those enti-
5 ties for handling case dispositions of criminal cases that
6 are federally initiated but federally declined-referred. This
7 program shall be modeled after the Southwestern Border
8 Prosecution Initiative and shall serve as a partner pro-
9 gram to that initiative to reimburse local jurisdictions for
10 processing Federal cases.

11 (b) PROVISION AND ALLOCATION OF FUNDS.—
12 Funds provided under the program shall be provided in
13 the form of direct reimbursements and shall be allocated
14 in a manner consistent with the manner under which
15 funds are allocated under the Southwestern Border Pros-
16 ecution Initiative.

17 (c) USE OF FUNDS.—Funds provided to an eligible
18 northern border entity may be used by the entity for any
19 lawful purpose, including the following purposes:

- 20 (1) Prosecution and related costs.
- 21 (2) Court costs.
- 22 (3) Costs of courtroom technology.
- 23 (4) Costs of constructing holding spaces.
- 24 (5) Costs of administrative staff.

1 (6) Costs of defense counsel for indigent de-
2 fendants.

3 (7) Detention costs, including pre-trial and
4 post-trial detention.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “eligible northern border entity”
7 means—

8 (A) any of the following States: Alaska,
9 Idaho, Maine, Michigan, Minnesota, Montana,
10 New Hampshire, New York, North Dakota,
11 Ohio, Pennsylvania, Vermont, Washington, and
12 Wisconsin; or

13 (B) any unit of local government within a
14 State referred to in subparagraph (A).

15 (2) The term “federally initiated” means, with
16 respect to a criminal case, that the case results from
17 a criminal investigation or an arrest involving Fed-
18 eral law enforcement authorities for a potential vio-
19 lation of Federal criminal law, including investiga-
20 tions resulting from multijurisdictional task forces.

21 (3) The term “federally declined-referred”
22 means, with respect to a criminal case, that a deci-
23 sion has been made in that case by a United States
24 Attorney or a Federal law enforcement agency dur-
25 ing a Federal investigation to no longer pursue Fed-

1 eral criminal charges against a defendant and to
2 refer of the investigation to a State or local jurisdic-
3 tion for possible prosecution. The term includes a
4 decision made on an individualized case-by-case
5 basis as well as a decision made pursuant to a gen-
6 eral policy or practice or pursuant to prosecutorial
7 discretion.

8 (4) The term “case disposition”, for purposes
9 of the Northern Border Prosecution Initiative, refers
10 to the time between a suspect’s arrest and the reso-
11 lution of the criminal charges through a county or
12 State judicial or prosecutorial process. Disposition
13 does not include incarceration time for sentenced of-
14 fenders, or time spent by prosecutors on judicial ap-
15 peals.

16 **SEC. 613. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this subtitle \$28,000,000 for fiscal year 2007 and such
19 sums as may be necessary for fiscal years after fiscal year
20 2007.

21 **Subtitle C—Criminal Aliens**

22 **SEC. 621. REMOVAL OF CRIMINAL ALIENS.**

23 (a) IN GENERAL.—Within one year after the date of
24 the enactment of this Act the Department of Homeland

1 Security shall locate and remove all criminal aliens who
2 have been ordered deported as of such enactment date.

3 (b) CONTINUATION AND EXPANSION OF INSTITU-
4 TIONAL REMOVAL PROGRAM.—

5 (1) IN GENERAL.—The Attorney General and
6 the Secretary of Homeland Security shall continue
7 to operate and implement the Institutional Removal
8 Program, under section 238(a)(1) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1228(a)(1)),
10 which identifies removable criminal aliens serving
11 sentences in Federal and State correctional facilities
12 for crimes set forth in section 238(a)(1) of such Act,
13 ensures such aliens are not released into the commu-
14 nity, and removes such aliens from the United
15 States upon completion of their sentences. The Insti-
16 tutional Removal Program shall be designed in ac-
17 cordance with section 238(a)(3) of such Act such
18 that removal proceedings may be initiated and, to
19 the extent possible, completed before completion of a
20 criminal sentence.

21 (2) EXPANSION.—The Institutional Removal
22 Program shall be made available to all States. The
23 Attorney General and Secretary of Homeland Secu-
24 rity shall increase the personnel for such program by

1 750 full-time equivalent personnel for fiscal years
2 2007 through 2010.

3 (3) TRAINING AND TECHNICAL ASSISTANCE.—

4 The Secretary of Homeland Security shall provide
5 training and technical assistance to State and local
6 correctional officers about the Institutional Removal
7 Program, the roles and responsibilities of Federal
8 immigration authorities in identifying and removing
9 criminal aliens pursuant to section 238(a)(3) of the
10 Immigration and Nationality Act, and methods for
11 communicating between State and local correctional
12 facilities and the Federal immigration agents re-
13 sponsible for removals.

14 (4) COOPERATION, IDENTIFICATION, AND NOTI-
15 FICATION.—Any State that receives Federal funds
16 pursuant to section 241(i) of the Immigration and
17 Nationality Act (8 U.S.C. 1231(i)) shall—

18 (A) cooperate with Federal Institutional
19 Removal Program officials in carrying out
20 criminal alien removals pursuant to section
21 238(a)(1) of such Act;

22 (B) permit Federal agents to expeditiously
23 and systematically identify such aliens des-
24 ignated under such section serving criminal sen-

1 tences in State and local correctional facilities;
2 and

3 (C) facilitate the transfer of such aliens to
4 Federal custody as a condition for receiving
5 such funds.

6 (5) TECHNOLOGY USAGE.—Technology, such as
7 videoconferencing, shall be used to the extent nec-
8 essary in order to make the Institutional Removal
9 Program available to facilities in remote locations.
10 The purpose of such technology shall be to ensure
11 inmate access to consular officials, and to permit
12 federal officials to screen inmates for deportability
13 pursuant to section 238(a)(1) of the Immigration
14 and Nationality Act (8 U.S.C. 1228(a)(1)). Use of
15 technology should in no way impede or interfere with
16 an individual's right to access to legal counsel, full
17 and fair immigration proceedings, and due process.

18 (6) REPORT TO CONGRESS.—The Secretary of
19 Homeland Security shall submit an annual report to
20 Congress on the participation of States in the Insti-
21 tutional Removal Program. The report should also
22 evaluate the extent to which States and localities
23 submit qualified requests for reimbursement pursu-
24 ant to section 241(i) of the Immigration and Na-

1 tional Act, but do not receive compensatory funding
2 for lack of appropriations.

3 (7) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to carry out
5 the institutional removal program—

6 (A) \$100,000,000 for fiscal year 2007;

7 (B) \$115,000,000 for fiscal year 2008;

8 (C) \$130,000,000 for fiscal year 2009; and

9 (D) \$145,000,000 for fiscal year 2010.

10 **SEC. 622. ASSISTANCE FOR STATES INCARCERATING UN-**

11 **DOCUMENTED ALIENS CHARGED WITH CER-**

12 **TAIN CRIMES.**

13 (a) IN GENERAL.—Section 241(i)(3)(A) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is
15 amended by inserting “charged with or” before “con-
16 victed”.

17 (b) AUTHORIZATION OF APPROPRIATIONS; LIMITA-
18 TION ON USE OF FUNDS.—Section 241(i) of such Act (8
19 U.S.C. 1231(i)) is amended by striking paragraphs (5)
20 and (6) and inserting the following:

21 “(5) There are authorized to be appropriated to
22 carry out this subsection \$500,000,000 for fiscal
23 year 2007 and \$1,000,000,000 for each of the suc-
24 ceeding ten fiscal years.

1 “(6) Amounts appropriated pursuant to para-
2 graph (5) that are distributed to a State or political
3 subdivision of a State, including a municipality, may
4 be used only for correctional purposes.”.

5 **SEC. 623. REIMBURSEMENT OF STATES FOR INDIRECT**
6 **COSTS RELATING TO THE INCARCERATION**
7 **OF ILLEGAL ALIENS.**

8 Section 501 of the Immigration Reform and Control
9 Act of 1986 (8 U.S.C. 1365) is amended—

10 (1) in subsection (a)—

11 (A) by striking “for the costs” and insert-
12 ing the following: “for—

13 “(1) the costs”; and

14 (B) by striking “such State.” and inserting
15 the following: “such State; and

16 “(2) the indirect costs related to the imprison-
17 ment described in paragraph (1).”; and

18 (2) by striking subsections (c) through (e) and
19 inserting the following:

20 “(c) **MANNER OF ALLOTMENT OF REIMBURSE-**
21 **MENTS.**—Reimbursements under this section shall be al-
22 lotted in a manner that gives special consideration for any
23 State that—

24 “(1) shares a border with Mexico or Canada; or

1 “(2) includes within the State an area in which
2 a large number of undocumented aliens reside rel-
3 ative to the general population of that area.

4 “(d) DEFINITIONS.—As used in this section:

5 “(1) INDIRECT COSTS.—The term ‘indirect
6 costs’ includes—

7 “(A) court costs, county attorney costs, de-
8 tention costs, and criminal proceedings expendi-
9 tures that do not involve going to trial;

10 “(B) indigent defense costs; and

11 “(C) unsupervised probation costs.

12 “(2) STATE.—The term ‘State’ has the mean-
13 ing given such term in section 101(a)(36) of the Im-
14 migration and Nationality Act.

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated \$200,000,000 for each
17 of the fiscal years 2007 through 2011 to carry out sub-
18 section (a)(2).”.

19 **SEC. 624. ICE STRATEGY AND STAFFING ASSESSMENT.**

20 (a) IN GENERAL.—Not later than December 31 of
21 each year, the Secretary of Homeland Security shall sub-
22 mit to the Government Accountability Office and the ap-
23 propriate congressional committees (as defined by section
24 2 of the Homeland Security Act of 2002 (6 U.S.C. 101))
25 a written report describing its strategy for deploying

1 human resources (including investigators and support per-
2 sonnel) to accomplish its border security mission.

3 (b) REVIEW.—Not later than 90 days after receiving
4 any report under subsection (a), the Government Account-
5 ability Office shall submit to each appropriate congres-
6 sional committee (as defined by section 2 of the Homeland
7 Security Act of 2002 (6 U.S.C. 101)) a written evaluation
8 of such report, including recommendations pertaining to
9 how U.S. Immigration and Customs Enforcement could
10 better deploy human resources to achieve its border secu-
11 rity mission through legislative or administrative action.

12 **SEC. 625. CONGRESSIONAL MANDATE REGARDING PROC-**
13 **ESSING OF CRIMINAL ALIENS WHILE INCAR-**
14 **CERATED.**

15 The Secretary of Homeland Security shall work with
16 prisons in which criminal aliens are incarcerated to com-
17 plete their removal or deportation proceeding before such
18 aliens are released from prison and sent to Federal deten-
19 tion.

20 **SEC. 626. INCREASE IN PROSECUTORS AND IMMIGRATION**
21 **JUDGES AND UNITED STATES MARSHALS.**

22 (a) IMMIGRATION JUDGE INCREASE.—The Executive
23 Office for Immigration Review in the Department of Jus-
24 tice shall increase the number of immigration judges by

1 not less than 75 judges for each of fiscal years 2007
2 through 2010.

3 (b) US ATTORNEY OFFICE INCREASE.—The Depart-
4 ment of Justice shall dedicate an additional 100 attorney
5 positions at offices of the United States Attorney in the
6 States of Arizona, New Mexico, and Texas for the enforce-
7 ment of immigration law and create a supervisory staff
8 position to coordinate the enforcement activities in each
9 of fiscal years 2007 through 2010.

10 (c) US MARSHALL INCREASE.—The Department of
11 Justice shall provide for an increase of 250 United States
12 Marshals to provide support for border patrol agents in
13 each of fiscal years 2007 through 2010.

14 **Subtitle D—Operation Predator**

15 **SEC. 631. DIRECT FUNDING FOR OPERATION PREDATOR.**

16 (a) IN GENERAL.—The Operation Predator initiative
17 of the Bureau of Immigration and Customs Enforcement
18 (ICE) of the Department of Homeland Security is respon-
19 sible for identifying child predators and removing them
20 from the United States if they are subject to deportation.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out the Oper-
23 ation Predator initiative such funds as may be necessary
24 for fiscal year 2007 through fiscal year 2011.

1 **TITLE VII—FULFILLING FUND-**
2 **ING COMMITMENTS MADE IN**
3 **THE INTELLIGENCE REFORM**
4 **AND TERRORISM PREVEN-**
5 **TION ACT OF 2004**

6 **SEC. 701. BIOMETRIC CENTER OF EXCELLENCE.**

7 In addition to such other sums as are authorized
8 under law, to carry out section 4011(d) of the Intelligence
9 Reform and Terrorism Prevention Act of 2004 (118 Stat.
10 3714), there is authorized to be appropriated \$1,000,000
11 for fiscal year 2007 for the establishment of a competitive
12 center of excellence that will develop and expedite the Fed-
13 eral Government's use of biometric identifiers.

14 **SEC. 702. PORTAL DETECTION SYSTEMS.**

15 In addition to such other sums as are authorized
16 under law, to carry out section 44925 of title 49, United
17 States Code, there is authorized to be appropriated to the
18 Secretary of Homeland Security for the use of the Trans-
19 portation Security Administration \$250,000,000 for fiscal
20 year 2007 for research, development, and installation of
21 detection systems and other devices for the detection of
22 biological, chemical, radiological, and explosive materials.

1 **SEC. 703. BORDER SECURITY TECHNOLOGIES FOR USE BE-**
2 **TWEEN PORTS OF ENTRY.**

3 In addition to such other sums as are authorized
4 under law, to carry out subtitle A of title V of the Intel-
5 ligence Reform and Terrorism Prevention Act (118 Stat.
6 3732), there is authorized to be appropriated \$25,000,000
7 for fiscal year 2007 for the formulation of a research and
8 development program to test various advanced tech-
9 nologies to improve border security between ports of entry
10 as established in sections 5101, 5102, 5103, and 5104 of
11 the Intelligence Reform and Terrorism Prevention Act of
12 2004.

13 **SEC. 704. IMMIGRATION SECURITY INITIATIVE.**

14 In addition to such other sums as are authorized
15 under law, to carry out section 7206 of the Intelligence
16 Reform and Terrorism Prevention Act (118 Stat. 3817),
17 there are authorized to be appropriated to the Secretary
18 of Homeland Security to carry out the amendments made
19 by subsection (a) \$40,000,000 for fiscal year 2007.

1 **TITLE VIII—STATE AND LOCAL**
2 **LAW ENFORCEMENT PROVI-**
3 **SIONS**

4 **SEC. 801. AGREEMENTS WITH STATE AND LOCAL LAW EN-**
5 **FORCEMENT AGENCIES TO IDENTIFY AND**
6 **TRANSFER TO FEDERAL CUSTODY CRIMINAL**
7 **ALIENS.**

8 Not later than one year after the date of the enact-
9 ment of this Act, the Secretary of Homeland Security shall
10 enter into written agreements under section 287(g) of the
11 Immigration and Nationality Act (8 U.S.C. 1357(g)) with
12 States and political subdivisions of States to train and
13 deputize jail and prison custodial officials—

14 (1) to identify each individual in their custody
15 who is a alien and who appears to be deportable
16 under section 237(a)(2) of such Act (8 U.S.C.
17 1227(a)(2));

18 (2) to contact the Department of Homeland Se-
19 curity concerning each alien so identified; and

20 (3) to transfer each such identified alien to a
21 Federal law enforcement official for deportation pro-
22 ceedings.

1 **SEC. 802. IMPROVED FEDERAL SHARING OF IMMIGRATION**
2 **INFORMATION.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall share with the Attorney General immigration in-
5 formation.

6 (b) IMPROVED OPERATION OF FEDERAL IMMIGRA-
7 TION DATABASES.—

8 (1) REPORT.—Not later than 90 days after the
9 date of the enactment of this Act, the Secretary and
10 the Attorney General shall jointly submit to Con-
11 gress a report on improving performance of Federal
12 immigration databases to ensure the prompt entry of
13 immigration information into such databases.

14 (2) COMPATIBILITY.—Such report shall contain
15 recommendations to improve the compatibility
16 among Federal immigration databases in order to—

17 (A) improve data entry, including elimi-
18 nating of data entry backlogs;

19 (B) increase efficiency; and

20 (C) increase accessibility of information to
21 Federal, State, and local law enforcement agen-
22 cies.

23 (3) PROGRESS.—Such report shall include in-
24 formation on the progress that has been made with
25 respect to the elimination of data entry backlogs in

1 such databases and any additional resources re-
2 quired to eliminate such backlogs.

3 (c) DEFINITIONS.—For purposes of this section and
4 section 3:

5 (1) The term “DWI” means driving while in-
6 toxicated and includes similar motor vehicle viola-
7 tions.

8 (2) The term “Federal immigration database”
9 means each of the following:

10 (A) The database of the LESC insofar as
11 it relates to immigration information.

12 (B) The database of the NCIC insofar as
13 it relates to immigration information.

14 (C) Any other database containing immi-
15 gration information identified by the Secretary
16 of Homeland Security.

17 (3) The term “immigration information” means
18 information specified by the Secretary of Homeland
19 Security, in consultation with the Attorney General,
20 relating to immigration, including illegal immigra-
21 tion.

22 (4) The term “LESC” means the Law Enforce-
23 ment Support Center.

24 (5) The term “NCIC” means the National
25 Criminal Information Center.

1 (6) The term “Secretary” means the Secretary
2 of Homeland Security.

3 **SEC. 803. STATE AND LOCAL REPORTING OF IMMIGRATION**
4 **INFORMATION.**

5 (a) REQUIREMENT.—

6 (1) IN GENERAL.—Subject to subsection (c),
7 the director of each State and local law enforcement
8 agency shall collect and report to the Secretary such
9 immigration and DWI information and collected in
10 the course of the director’s normal duties, and in
11 such form and manner, as the Secretary may specify
12 for entry into Federal immigration databases.

13 (2) CONDITION OF RECEIPT OF SCAAP FUND-
14 ING.—If the director of a State or local law enforce-
15 ment agency does not collect and report information
16 in accordance with paragraph (1), such State or
17 local law enforcement agency shall be ineligible to
18 receive funding under the State Criminal Alien As-
19 sistance Program under section 241(i) of the Immi-
20 gration and Nationality Act (8 U.S.C. 1231(i)).

21 (3) REPORT ON RESOURCES.—Not later than
22 90 days after the date of the enactment of this Act,
23 the Secretary and the Attorney General shall jointly
24 submit to Congress a report on additional resources

1 required by State and local law enforcement agencies
2 to comply with the requirement of paragraph (1).

3 (b) PROMOTION OF LAW ENFORCEMENT SUPPORT
4 CENTER.—The Secretary shall promote the use of the
5 LESC to State and local law enforcement agencies.

6 (c) EXEMPTION FROM STATE AND LOCAL REPORT-
7 ING OF IMMIGRATION INFORMATION.—State and local law
8 enforcement agencies are not required to collect and report
9 immigration information relating to individuals who assist
10 law enforcement agencies in the performance of their du-
11 ties, including as an informant, witness or in other similar
12 capacity.

13 **SEC. 804. DWI AND IMMIGRATION INFORMATION IN THE**
14 **NATIONAL CRIMINAL INFORMATION CENTER.**

15 (a) INCLUSION.—DWI and immigration information
16 in the NCIC—

17 (1) shall appear as a flag on the wants/war-
18 rants page of the NCIC; and

19 (2) shall be timely and readily available to State
20 and local law enforcement officers while they are in
21 the course of their normal duties.

22 (b) MANDATORY DETENTION.—A State or local law
23 enforcement officer who finds a flag for a DWI and immi-
24 gration violation of an alien on the wants/warrants page
25 of the NCIC and who arrests the alien shall detain the

1 alien in a State or local jail until the alien can be trans-
2 ferred to Federal custody.

3 **SEC. 805. STATE AND LOCAL ENFORCEMENT OF FEDERAL**
4 **IMMIGRATION LAWS.**

5 (a) IN GENERAL.—Section 287(g) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1357(g)) is amended—

7 (1) in paragraph (1), by striking “may” and in-
8 serting “shall” the first place it appears;

9 (2) in paragraph (2), by adding at the end the
10 following new sentence: “If such training is provided
11 by a State or political subdivision of a State to an
12 officer or employee of such State or political subdivi-
13 sion of a State, the cost of such training (including
14 applicable cost of overtime) shall be reimbursed by
15 the Secretary of Homeland Security.”; and

16 (3) by striking paragraph (9) and redesignating
17 paragraph (10) as paragraph (9).

18 (b) EFFECTIVE DATES.—

19 (1) REQUIREMENT FOR AGREEMENT.—The
20 amendments made by paragraphs (1) and (3) of
21 subsection (a) shall take effect on such date (not
22 later than 1 year after the date of the enactment of
23 this Act) as the Secretary of Homeland Security
24 shall specify.

1 (2) PAYMENT FOR TRAINING COSTS.—The
2 amendment made by subsection (a)(2) shall take ef-
3 fect on the first day of the first fiscal year beginning
4 after the date of the enactment of this Act.

5 **SEC. 806. DETENTION AND DEPORTATION OF ALIENS FOR**
6 **DRIVING WHILE INTOXICATED (DWI).**

7 (a) IN GENERAL.—Section 236 of the Immigration
8 and Nationality Act (8 U.S.C. 1226) is amended—

9 (1) in subsection (c)(1)—

10 (A) in subparagraph (C), by striking “or”
11 at the end;

12 (B) in subparagraph (D), by adding “or”
13 at the end; and

14 (C) by inserting after subparagraph (D)
15 the following new subparagraph:

16 “(E) is deportable on any grounds and is
17 apprehended for driving while intoxicated, driv-
18 ing under the influence, or similar violation of
19 State law (as determined by the Secretary of
20 Homeland Security) by a State or local law en-
21 forcement officer covered under an agreement
22 under section 287(g),”;

23 (2) by redesignating subsection (e) as sub-
24 section (f); and

1 (3) by inserting after subsection (d) the fol-
2 lowing new subsection:

3 “(e) DRIVING WHILE INTOXICATED.—If a State or
4 local law enforcement officer apprehends an individual for
5 an offense described in subsection (c)(1)(E) and the offi-
6 cer has reasonable ground to believe that the individual
7 is an alien—

8 “(1) the officer shall verify with the databases
9 of the Federal Government, including the National
10 Criminal Information Center and the Law Enforce-
11 ment Support Center, whether the individual is an
12 alien and whether such alien is unlawfully present in
13 the United States; and

14 “(2) if any such database—

15 “(A) indicates that the individual is an
16 alien unlawfully present in the United States—

17 “(i) an officer covered under an agree-
18 ment under section 287(g) is authorized to
19 issue a Federal detainer to maintain the
20 alien in custody in accordance with such
21 agreement until the alien is convicted for
22 such offense or the alien is transferred to
23 Federal custody;

24 “(ii) the officer is authorized to trans-
25 port the alien to a location where the alien

1 can be transferred to Federal custody and
2 shall be removed from the United States in
3 accordance with applicable law; and

4 “(iii) the Secretary of Homeland Se-
5 curity shall reimburse the State and local
6 law enforcement agencies involved for the
7 costs of transporting aliens when such
8 transportation is not done in the course of
9 their normal duties; or

10 “(B) indicates that the individual is an
11 alien but is not unlawfully present in the
12 United States, the officer shall take the alien
13 into custody for such offense in accordance with
14 State law and shall promptly notify the Sec-
15 retary of Homeland Security of such apprehen-
16 sion and maintain the alien in custody pending
17 a determination by the Secretary with respect
18 to any action to be taken by the Secretary
19 against such alien.”.

20 (b) DEPORTATION FOR DWI.—

21 (1) IN GENERAL.—Section 237(a)(2) of such
22 Act (8 U.S.C. 1227(a)(2)) is amended by adding at
23 the end the following new subparagraph:

24 “(F) DRIVING WHILE INTOXICATED.—Any
25 alien who is convicted of driving while intoxi-

1 cated, driving under the influence, or similar
2 violation of State law (as determined by the
3 Secretary of Homeland Security), or who re-
4 fuses in violation of State law to submit to a
5 Breathalyzer test or other test for the purpose
6 of determining blood alcohol content is deport-
7 able and shall be deported.”.

8 (2) EFFECTIVE DATE.—The amendment made
9 by paragraph (1) shall apply to violations or refusals
10 occurring after the date of the enactment of this
11 Act.

12 (c) SHARING OF INFORMATION BY MOTOR VEHICLE
13 ADMINISTRATORS REGARDING DWI CONVICTIONS AND
14 REFUSALS.—Each State motor vehicle administrator
15 shall—

16 (1) share with the Secretary of Homeland Secu-
17 rity information relating to any alien who has a con-
18 viction or refusal described in section 237(a)(2)(F)
19 of the Immigration and Nationality Act;

20 (2) share such information with other State
21 motor vehicle administrators through the Drivers Li-
22 cense Agreement of the American Association of
23 Motor Vehicle Administrators; and

24 (3) enter such information into the NCIC in a
25 timely manner.

1 **TITLE IX—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 901. LOCATION AND DEPORTATION OF CRIMINAL**
4 **ALIENS.**

5 (a) IN GENERAL.—The Secretary of Homeland Secu-
6 rity shall locate and deport all aliens in the United States
7 who are deportable under section 237(a)(2) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1227(a)(2), relating
9 to criminal aliens), including such aliens who under a
10 “catch and release” policy have been apprehended and re-
11 leased by Border Patrol agents or other immigration offi-
12 cers pending review of their cases.

13 (b) INCREASE IN PROSECUTORS AND OTHER PER-
14 SONNEL.—There are authorized to be appropriated such
15 sums as may be necessary to provide for additional pros-
16 ecutors and other personnel to effect the deportation of
17 aliens under subsection (a).

18 **SEC. 902. DENYING ADMISSION TO FOREIGN GOVERNMENT**
19 **OFFICIALS OF COUNTRIES DENYING ALIEN**
20 **RETURN.**

21 Subsection (d) of section 243 of the Immigration and
22 Nationality Act (8 U.S.C. 1253) is amended to read as
23 follows:

24 “(d) DENYING ADMISSION TO FOREIGN GOVERN-
25 MENT OFFICIALS OF COUNTRIES DENYING ALIEN RE-

1 TURN.—Whenever the Secretary of Homeland Security de-
2 termines that the government of a foreign country has de-
3 nied or unreasonably delayed accepting an alien who is
4 a citizen, subject, national, or resident of that country
5 after the alien has been ordered removed from the United
6 States, the Secretary, in consultation with the Secretary
7 of State, may deny admission to any citizen, subject, na-
8 tional, or resident of that country who has received a non-
9 immigrant visa pursuant to subparagraphs (A) or (G) of
10 section 101(a)(15) of the Immigration and Nationality Act
11 (8 U.S.C. 1101(a)(15)), unless such denial of admission
12 violates an international treaty in force between the
13 United States and that country.”.

14 **SEC. 903. BORDER PATROL TRAINING FACILITY.**

15 The Secretary of Homeland Security shall establish
16 a Border Patrol training facility at a location that is cen-
17 trally and geographically located at United States-Mexico
18 border to assist in the training of additional Border Patrol
19 agents authorized under this Act or any other provision
20 of law.

21 **SEC. 904. SENSE OF CONGRESS.**

22 It is the sense of the Congress that the United States
23 will not be fully secure until we enhance border security
24 and enforcement, overhaul the immigration system, and
25 take a realistic and bipartisan approach to dealing with

- 1 the 12,000,000 undocumented workers already present in
- 2 the country.

