His failed management of the war has not made us safer, and his recent attacks against Americans who question our strategy undermine the very freedoms he has sworn to protect.

To fulfill our national security mission, it is time for a new Secretary of Defense and time for a new direction in Iraq.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1442. An act to complete the codification of title 46, United States Code, ''Shipping'', as positive law.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1902. An act to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children.

S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

## PROVIDING FOR CONSIDERATION OF H.R. 6061, SECURE FENCE ACT OF 2006

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 1002 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman, my friend, from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for purposes of debate only.

This rule provides for 1 hour debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. It waives all points of order against consideration of the bill and provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. Finally, the rule provides the minority with one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and the underlying bill, H.R. 6061, the Secure Fence Act of 2006. This legislation, much of which has already been passed by the House as part of H.R. 4437, the Border Protection, Anti-terrorism, and Illegal Control Act of 2005, is a positive step in regaining operational control of our borders and achieving broad reform of the immigration process.

This legislation is the product of five formal hearings in standing committees during this Congress alone. It also draws on a number of hearings in past Congresses and a wealth of information learned through field hearings conducted over the August recess by Members of this Republican majority.

Last month, many Members of this body, who were greatly concerned with addressing the problem of our porous borders, traveled across the country to determine what steps could be taken to harden our borders and ensure that those who would wish to harm us cannot exploit this well-documented weakness.

Like many other Members, over August I traveled to our border. I traveled with Congressmen CHARLIE DENT, HENRY CUELLAR, JOHN DOOLITTLE, and JO BONNER to meet with Border Patrol agents from Laredo, Texas, and to see firsthand the needs of our country as it relates to border protection.

We discussed with these dedicated men and women on the front line of our border how best to address the rampant drug and human smuggling that occurs in an area along our southern border. We learned firsthand of the challenges faced by our brave Border Patrol agents in combating the flood of criminal activity that occurs along our southern border on a daily basis. The information we learned on this trip, and the information learned from dozens of other field hearings just like this from this past August, all have been incorporated in the legislation that we will hope to take up today.

The Secure Fence Act of 2006 advances the rule of law and protects our Nation by providing our Border Patrol with the tools they need to achieve operational control of the border. The language closely mirrors sections 101, 1002, and 1003 of the border bill already passed by the House, and authorizes more than 700 miles of two-layered reinforced fencing along the southwest border with prioritized placement at critical, highly populated areas. It also requires an evaluation of infrastructure needs along the northern border of America.

The Secure Fence Act also mandates that the Department of Homeland Security achieve and maintain operational control over the entire border through a ''virtual fence'' utilizing leading edge technology and through established best practices to create optimum results at the most efficient cost. This includes the deployment of cameras, ground sensors, unmanned aerial vehicles, and integrated surveillance technology.

This legislation further requires the Department of Homeland Security to provide all necessary authority to border personnel to disable fleeing vehicles, similar to the authority already held by United States Coast Guard for maritime vessels.

Finally, this legislation requires DHS to assess our Nation's vulnerability on our northern border and to address how they can be effectively and efficiently resolved.

Mr. Speaker, this legislation represents a commonsense step that this Congress can take to deal with problems of alien smuggling, illicit drug running, and illegal immigration. The House has already passed a more comprehensive bill that enjoyed the support of 239 bipartisan Members. But because a broader package of reforms may not be enacted into law this year, our Republican leadership has decided to take the least controversial portions of this broader reform effort and to pass them in pieces that the other body can then take up and pass.

I would like to commend Speaker HASTERT and Majority Leader BOEHNER for their vision and leadership in bringing this commonsense bill to the floor today. I would also like to thank my dear friend, Mr. SENSENBRENNER, chairman of the Judiciary Committee, and Chairman PETE KING, who is chairman of Homeland Security, and all the members of the Judiciary and Homeland Security Committees for their hard work in doing the research and hearings that were necessary to bring this bill to the floor.

I encourage all my colleagues to support this rule and the underlying legislation to provide operational control of our borders.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas, my friend, Mr. SESSIONS, for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this closed rule and the underlying legislation, which is nothing more than political gamesmanship in the run-up to the mid-term election. Sounds good, does nothing.

To paraphrase the Vice President, it seems to me that the majority is in the last throes of keeping control of the House and is throwing vacuous public policy at us in a vain attempt to fool the American public. Well, Mr. Speaker, I believe the American people are much smarter than that. They can see

through these charades to see that this country needs a new direction.

This bill is a case in point. If you were to believe my colleague, my friend from Texas, Mr. SESSIONS, and the other proponents of this legislation, this bill would lead to the construction of a fence along some parts of the United States-Mexican border. But guess what? This bill does not authorize a single nickel or dime for construction.

I asked the distinguished chairman of the Homeland Security Committee, our colleague, and my friend, PETER KING of New York, yesterday, point-blank, in the Rules Committee, ''Does this bill fund construction of a fence along our border?'' The transcript of the Rules Committee hearing will back me up when I say that Chairman KING answered with, ''No, but.'' And Members of the majority party always seem to have an excuse at the ready when they pretend to legislate but simply pontificate.

If Americans want to see results instead of rhetoric, if taxpayers would like solutions instead of sound bites, and hard work instead of horse trading, I suggest you take a short look, and it won't take much longer, at the accomplishments of this Congress.

I don't intend to waste too much of our time on this lazy attempt at legislating. I will let others do that. However, there are a few other things to consider when thinking about this bill.

This so-called border security bill not only doesn't spend a nickel, a penny, or a dime of money to construct a fence, it also does not increase the number of Border Patrol agents, customs, and immigration enforcement authorities.

□ 1030

It doesn't help law enforcement. It doesn't provide accountability, and it won't stop illegal immigration into this country.

I said in last night's meeting, there ain't no mountain high enough and there ain't no river valley wide enough to stop the tide of what is happening on our border unless we do it comprehensively.

Get real, folks. If the Congress had any real intent in making this country safer and more secure, they would have allowed the ranking Democratic member of the Homeland Security Committee to offer a substitute bill.

If our colleague and my very good friend, Mr. BENNIE THOMPSON of Mississippi, had an opportunity to offer his legislation, then we could have had a serious debate. But, of course, the majority has no interest in allowing the House to work its will; thus, closed this rule. That only happens in a democracy. But had Mr. THOMPSON been allowed to offer his substitute, we would have seen what a real homeland security bill looks like.

The Thompson legislation would have provided the technology, personnel and equipment needed to monitor and secure every mile of the border 24 hours a day, 7 days a week. And there is no one in this body or in America that is concerned about this issue that does not understand the need to secure our borders. Everybody knows that.

The Thompson legislation authorized 3,000 additional Border Patrol agents. It would have allowed for the creation of 2,000 more immigration officials and hundreds more detention officials. It would have enlisted 250 more Federal marshals and more than 70 new judgeships to deal strictly with immigration issues.

Yes, all of this could have been considered today on the House floor. It would have been considered if the majority party was truly interested in protecting the American people instead of their own positions as the majority. Sounds good, does nothing.

I invite my colleague, Mr. SESSIONS, to point out in this legislation where any money is spent to put a border along the United States-Mexico border.

I urge a ''no'' vote on this closed rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 7 minutes to the gentleman from Fullerton, California, chairman of the International Terrorism and Nonproliferation Subcommittee, Chairman ROYCE.

Mr. ROYCE. Mr. Speaker, let me say, in order to spend the money, you first have to authorize the money. In the Senate, as I rise in support of this rule to consider H.R. 6061, let me say that the Senate has attached to the defense authorization bill language, and this is what is anticipated, that will discuss the building of a border fence. But we want to make certain on the House side as we pass the authorization language and go into conference with the Senate that we disabuse our colleagues in the other House from one concept, and that is the language that would preclude the construction of any border fence without consultation with the Government of Mexico. Let me explain why I think that approach would not be in the interest of the United States.

We in California have dealt for some years now with trying to close one breach in our border fence. It is called Smugglers Gulch, a fence that runs from the foothills to the ocean. Through that small 3-mile breach, it has taken 8½ years to get the California Coastal Commission to go along with closing that fence in consultation, 8½ years, and it took an act of Congress that we passed here to do it.

So if the Senate prevails on this issue, it means no border fence. We need this legislation to authorize the border fence before we go into conference with the Senate.

I am a cosponsor of this bill, and I was a cosponsor of the border fence amendment offered by Congressman DUNCAN HUNTER and myself that was added to the House-passed border security bill last September.

As chairman of the Subcommittee on International Terrorism and Nonproliferation, I held field hearings in San Diego on July 5 and Laredo, Texas, on July 7. We heard from the men and women of the Border Patrol whose job it is to secure our border. We heard from the sheriffs whose deputies have been shot in the line of duty. We heard from Federal inspectors who have smuggled across that porous border the materials for a dirty bomb.

And so this hearing that was focused on border vulnerabilities, we heard from these witnesses and we heard them express that the border fence is very effective. The Border Patrol testified as to that effectiveness. Daryl Griffin, who is the chief agent in San Diego, said, ''It is a great force multiplier. It expands our enforcement capacity. It allows us the discretion to redeploy agents to areas of vulnerability or risk. It is one component that certainly has been integral to everything we have accomplished here, raising the level of security.''

A fair question is, how effective has it been in San Diego? Well, apprehensions along the region with a security fence dropped from 202,000 in 1992 to 9,000 in 1994.

With the establishment of the border fence in San Diego, crime rates have fallen off dramatically. Vehicle drive-throughs have fallen. San Diego is no longer one of the most prolific drug-smuggling corridors.

This amendment puts a fence where it is needed most: in areas that have the highest instances of drug smuggling and illegal border crossings. It allows the Border Patrol to focus its resources and better protect our border. It is past time that we strengthen operational control of all the borders and ports through additional physical barriers and fencing.

In this bill is greater use of state-of-the-art technology and surveillance along the Southwest border. Expanding the border fence is needed and it is needed now. The first step is to get the authorization, and the second step is to get the appropriation with the Senate.

This last year, I can tell you, just over this last 12 months, over 450 OTMs were apprehended illegally entering the United States from special-interest countries, also from countries that are state sponsors of terrorism. So we see people coming over the border illegally from Afghanistan, Angola, Jordan, Qatar, Pakistan, Yemen. I will give you one example. Mohammed Karani is the brother of a commander of Hezbollah in south Lebanon. He came over the border in my State in the trunk of a car. He paid a coyote to get him across the border. He was later arrested in Dearborn, Michigan. He is serving 4½ years. He is a member of Hezbollah. He was in the process of securing funds and resources for Hezbollah in the United States.

Two border Governors have declared states of emergency over illegal immigration. This is something I think we

can all agree upon, and it shouldn't be held hostage to immigration policies. The 9/11 Commission studied the problem. Border security is national security. At some point we have to come to grips with the fact that our Border Patrol agents need a border fence on our southern border in order for them to be able to secure an area where we are now facing infiltration by members of terrorist organizations like Hezbollah. We should listen to those agents.

There is one who told me his personal story of stopping a man who had been trained in an Afghan training camp, originally from Uzbekistan. This man injured him, actually bit his arm as he was trying to take him down. He told me one of his concerns was, this was the second time this man tried to get illegally into the United States. Post-9/11, we have to be serious about border security. This bill should pass this House.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman from California (Mr. ROYCE), if the gentleman you described was in the back of a car, in the trunk, then he came through a port of entry. He didn't ride across no mountain, and you could have built every fence on Earth and he still could have been in the back of the car.

Now let me straighten you out on something else. We already, with the Hunter amendment to the border security measure, passed the identical language that is in here. This is nothing but political gamesmanship when all is said and done. And for you to say that we have to do this before we can authorize puts the lie to you being in the majority. You have the power to authorize. You could authorize. Don't tell the American people that we have to wait for some mish-mash language that has no money in it to build a fence, that that is the only way that we can do that.

Mr. Speaker, I yield to Mr. ROYCE to respond.

Mr. ROYCE. Mr. Speaker, I appreciate the gentleman yielding.

The reason we cannot get the bill through the Senate is because of the opposition of Senator KENNEDY and others, and others, to the concept of the border fence.

Now the reason that it would be helpful to have the fence is, when you are stopping cars coming through and checking the trunks, if your Border Patrol agents are spread out all along the Southwest, it is a force multiplier to have that fence. You can then deploy more agents to the points where the smugglers bring people in in the trunks of cars.

Mr. HASTINGS of Florida. So you also favor a fence along the Canadian border because terrorists have come through from that area as well?

Mr. ROYCE. Let me just say in this very bill is a study to do just that, and study the northern border as well to look at those areas where people are crossing illegally.

Mr. HASTINGS of Florida. Reclaiming my time, Mr. ROYCE, I am tired of studying and the American people are tired of studying. The Thompson substitute that was not allowed because of this closed rule does, in fact, do what is necessary for secure borders.

Mr. Speaker, at this time I am more than pleased to yield 5 minutes to a colleague that I served with on the Permanent Select Committee on Intelligence and who, for 26 years, was in charge of border security, the chief of two major regions of border security and who happened to be at the hearings that you were at, Mr. ROYCE, my distinguished colleague, SILVESTRE REYES.

Mr. REYES. Mr. Speaker, as we debate the issue of border security here, as we talk about an issue that is so vitally important to the American people, I am disappointed that we can't seem to work together on this particular issue. I have been in Congress for 10 years. I have been advocating that we hire 1,000 to 1,500 Border Patrol agents a year along with the resources necessary to support them. Yet we get this proposal for a fence.

This is the best we can do? This is the best you can do to assure the American people that we are going to focus on border security? It falls woefully short, and I say that with all due respect because I spent 26½ years on America's border. When I retired, I had been the chief for a little over 12 years in charge of McAllen sector and El Paso sector. I am the one who instituted Operation Hold the Line that shifted border enforcement away from apprehension and towards deterrence. I have, I think, the kind of experience that we ought to be able to count on on both sides of the aisle.

I have tried to work with many Members on the other side of the aisle and have always, as I put forth my ideas on the issue of border security for the last 10 years, have always been told, well, it is not the right time. It's too expensive, it is not the right strategy to pursue at this time.

I really felt after 9/11 we would have a new focus on border security. Today, 5 years later, the American people are focused like a laser on the fact that our borders are vulnerable.

I would say to my distinguished colleague, Chairman ROYCE, I was at the hearing in Laredo with you, as I have been at numerous hearings the last 2 months, hearings where the message has come across loud and clear from members of Customs and Border Protection. What they need: They need manpower, they need technology and they need infrastructure.

In Naco, Arizona, we have 1,200 to 1,300 Border Patrol agents housed out of a station that was designed for 25 people.

□ 1015

That is infrastructure that we need. How can we expect them to be professionals if we don't treat them like professionals, if we don't invest in the infrastructure that is so desperately needed? We were there, looking at their sensor systems, and it was a bipartisan group from the interparliamentary group. We looked at not just the physical layout of the station, but the condition of their vehicles. They need vehicles.

The vehicles, the technology that they were using, the cameras that they were monitoring, were over 15 years old. The sensors were 20 years old. That is why, consistently, the message has been at all these hearings the last couple of months that they need manpower, they need technology, and they need infrastructure support, new technology that is available that will serve as the force multiplier, Chairman, that you were referring to.

We can do much better than this. A fence is ludicrous in the face of the needs of the Customs and Border Patrol people.

When we talk about the issue of fencing, and we compare that with all the other needs, and, believe me, at all the hearings I was at the message was consistent. In fact, when the question was asked of the chiefs, what about fencing, well, fencing has limited use. As a former chief for over 12 years, I can tell you fencing would be down after those three priorities, because across that 2,000-mile border with Mexico that everybody is so concerned with, probably less than 10 percent, much less than 10 percent, in one of the hearings that we were talking about, we were concerned about a range in Yuma, Arizona. It seemed like it was an area that needed hundreds of miles of fencing. You know what? It came out to 37 miles of fencing that was needed.

I say, put up a fence for those 37 miles. I supported the fencing with my friend and colleague, DUNCAN HUNTER, in San Diego, because it makes sense. But it does not make sense to put a 2,000-mile fence along our southern border. It does not make sense, and it is not in the best interests of the taxpayers to foolishly commit to spending at least $7 billion just on the construction of this fencing. We can do much better.

I am extremely disappointed that after all we hear about post-9/11, after all we hear about the concern that terrorists are apt to hit us here in the homeland again, that this is the best we can do. This is the equivalent of a doctor in the emergency room having a patient come in from a severe automobile accident with broken limbs and wounds over most parts of his body, and the physician saying, nurse, give me a Band-Aid. This is a Band-Aid approach that we can do much better with.

Let us do a comprehensive piece of legislation that addresses the three major priorities that the Border Patrol wants, manpower, technology, infrastructure. Let's not forget that there is a whole pipeline. If you hire more Border Patrol agents, you need to hire

marshals, you need to hire detention officers. You need to hire judges. You need to hire prosecutors. All of that is essential. Let's do a comprehensive piece of legislation that the American people will finally say, this Congress gets the fact that we are in danger from terrorism. We can do better. This is a ludicrous proposal, as far as I am concerned.

Mr. SESSIONS. Mr. REYES, by the way, this entire body not only recognizes but appreciates your service to this Nation, not only for the professionalism that you continue to exhibit but that which you did for your 26 years.

I would say to the gentleman two things, if I could politely suggest to him that he knows it is not truthful to say that we are going to have a 2,000-mile fence along the border. That has not been suggested. We have never talked about that, and to insinuate that would simply be untruthful.

We have not suggested that, and this bill very specifically, and I would like to have the gentleman, if he would like to get a copy, relates to adding 10 miles of fencing that extends 10 miles west of the Tecate, California port entry to 10 miles east of the Tecate, California, port of entry; 10 miles west of Calexico, California to 5 miles east of Douglas, Arizona; 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso; extending 5 miles northwest of Del Rio to 5 miles southeast of Eagle Pass, Texas; extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry. This will be literally 100 miles worth of fencing. It will be 700 miles worth of fencing when you add up the total. What we are trying to do is to take the things that we heard firsthand that the men and women who work on the border said. This is the priority, not 2,000 miles.

Mr. REYES. Will the gentleman yield on that point?

Mr. SESSIONS. I yield to the gentleman from Texas.

Mr. REYES. The reference to 2,000 miles of fencing I heard repeatedly by Members of your party at the hearing.

Mr. SESSIONS. I would like to reclaim my time. We have talked about this since 2001. The fact of the matter is that this bill is very specific. It aims directly at where the problem is. I would like to also note that not one mile of fencing is in the Democrat plan, not even 15 feet worth of fencing. I don't know how you can have a comprehensive plan when you talk directly to Border Patrol agents who are in Laredo, Texas and other points along the border, and they say their number one concern, they are asked is the fencing, first of all, to allow them for their own safety, their own safety. The men and women of law enforcement who are down there have asked for, and, in the Republican bill, will get the fencing that they have asked for.

Mr. REYES. Will the gentleman yield?

Mr. SESSIONS. I will not at this time, but I know that the gentleman has lots of time left to continue the debate.

We need to make sure that we are doing what the men and women of law enforcement are asking for. What else are they asking for? They are also asking for, and I have seen firsthand, the need to better protect those people, the unassuming people, who illegally are entering our country, who do so at great risk and peril. These fences, which are in our bill, not their bill, not 10 feet of fencing that is in their bill, will allow our Border Patrol agents to effectively deal with this huge number of people who are coming here to wall off areas that are dangerous for our men and women, as well as people who are just dumped off on the border late at night and told, go that way.

Mr. Speaker, we have taken time, Republicans and Democrats have taken time to come to our border and see what we need. It is the Republicans that heard from the Border Patrol agents and others. We need to help protect this country, yes, but we need to do it to protect people who many times get in trouble, many times who need desperate help, and it is to help save our agents as well as those people.

I am proud of my bill. For the characterization that this is a do-nothing bill, I would say, I am sorry that you didn't hear what was said at these important hearings and did something about it. That is all this bill is. It is to take what we heard of the most immediate concerns. We know we have a debate with the Senate. We know we have got some problems trying to negotiate that through, but this should not be held hostage.

I would like to go directly, Mr. Speaker, to H.R. 6061, which is what we are discussing here, but bringing in to incorporate the things that we know we have already done under our FY07 Department of Homeland Security appropriations. We are going to provide for $19.6 billion for border protection.

What we are going to do, as I recall it is darn near September, and as soon as this month is over with we want to have new money. We are going to pay for this fencing. To assume or to say that it is not going to happen would really be, I think, less than honest. The administration is working with this body. We are opening up this information to the other party that had been a part of the hearings, and they know that we are going to have money that is available directly for the needs of what this bill is about.

But what this bill specifically does is it says this is the priority at this time. We believe the fencing is there for good and intended purposes.

Mr. Speaker, at this time I yield 8 minutes to the gentleman from Indiana (Mr. SOUDER), the vice chairman of the Criminal Justice and Drug Policy Subcommittee.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, it has been my privilege here in Congress to serve as the Drug Policy chairman, and also as a senior member of the Homeland Security Committee, and thus, during most of my career, I have been on both the north and south border. A number of years ago, prior to the creation of the Homeland Security Committee, we did a major border report, the most comprehensive border report ever done in the history of this Congress.

In that process, we had done roughly, I believe, six hearings on the Mexican border and three on the Canadian border, and I have personally visited nearly every border crossing on both the north and south border with very few exceptions.

In that course of time, it becomes apparent that some of what Mr. REYES has been saying is absolutely true. We do not have enough money for the Border Patrol. We do not have a salary scale with which to keep them in the Border Patrol, and I have worked over multiple years to keep increasing that.

In fact, we have tried to increase the Border Patrol here in Congress, because it is not easy to just stay standing in the sand, in the heat, day after day. We have tried to vary their positions, but when they get other opportunities to be air marshals, when they get other opportunities to take other posts, they tend to leave.

We, in spite of our hiring, have been putting hundreds and thousands through training and can barely gain in the numbers. We need to be more aggressive, and we need to have a realistic pay scale and job opportunities for the people who go into our Border Patrol, but absolutely we need to ramp up at a faster rate the number of Border Patrol people. We need to make sure they have adequate facilities with them, cars, equipment, radios, that when some of the drug terrorists or people who are moving large numbers of people come out with more military weapons and guns than our Border Patrol have, and in greater numbers, we have a human problem at the border, and we need to understand that in many cases those who are trying to invade us are armed, and armed more aggressively.

We may have places where we have one agent or two agents with 100 to 200 people coming at them. It is a very difficult job, and we ought to raise, defend, expand and give the equipment to our Border Patrol. That is what we do in the Homeland Security bill, and we need to ramp it up faster.

But there is another problem here, and my friend Mr. REYES and I have been at joint hearings, we have traveled together, and I very much respect his position. But with the people along the border, it is a much more controversial issue. But as we look at a broader immigration strategy in the United States, and I absolutely agree with that, we have three different problems, the illegal immigration problem,

the terrorism problem and the narcotics and contraband problem. Narcotics and contraband would also include chemical, nuclear and biological weapons and parts.

Basically, if you can't protect your border, you are not safe. If you can't protect your border, you don't know who is here. If you can't protect your border, we cannot stop what will be a flood now of meth precursors and meth coming across the border now that we have changed our internal laws.

This is a comprehensive question, and we need a comprehensive solution. But part of that is a fence, and you have to have different types of fencing, physical fencing, fences that keep people out or at least going over the top so the Border Patrol can kind of bend behind them and get them in groups, rather than having to station 20,000 Border Patrol agents who cannot cover 1,000 miles. You have to have fencing to drive them to certain locations to give time for the Border Patrol to sag and work with that. It is not realistic.

That is why the fences work well in San Diego, why the fences worked well in El Paso. In the areas where there are gaps in those fences, and it is difficult in Mr. REYES' home area in El Paso, is where the road comes so close to the line or the railroad comes close, and there isn't fencing, and there is a huge challenge for the Border Patrol.

Now, we have some places, let me give you an illustration, which I have talked to Chairman HUNTER, and I don't believe is in the 700 miles, but we have talked about we need to add it, that is over in west Texas in the sector, I believe it is Marfa, just right at the edge of the Marfa sector just east of El Paso. There we have a place called Neely's crossing.

We recently had a case where a truck was moving what we believe was 10,000 pounds of marijuana, 10,000 pounds, 5 tons. Our Border Patrol came up on the vehicle.

□ 1100

They negotiated with them and they said they got stuck in the sand, because when they saw the Border Patrol coming they tried to back up and they got stuck. They got about 1,700 pounds, they estimate, out; and then they came back with their guns and said basically, we have got a tow vehicle here. You can't take this. Now, if you can smuggle 10,000 pounds of marijuana, you can certainly get nuclear, chemical and biological.

Now, why are they running trucks through that area? The Rio Grande in that area is not a continuous, huge, wide river. It is pockets of water. There are only certain places in the Rio Grande and other places on the border where you can take a truck that handles 10,000 pounds because it sinks.

But there is gravel in that area, and guess what? They have a bulldozer on the other side. Every time they try to put up a border on that side, they bring the bulldozer across from the Mexican side and bulldoze it down. They bulldoze it down. When I was there with the sector chiefs on either side, they started up the bulldozer and they said, ''Mr. SOUDER, you need to get out of here. It is not safe anymore.'' Our agents had to retreat when they came out with their guns.

This is a huge problem at Neely's Crossing. That is one of the areas where there has to be at a minimum a barrier fence that can take a 40-mile-an-hour hit from a large vehicle, because no Border Patrol agent can stop it.

In New Mexico, as I was visiting in New Mexico, we pioneered a fence there because there have been vehicles at high speed and knocking down some of these fences that will now take that kind of hit, as well as they are doing it in Yuma, Arizona. People are coming into the Barry Goldwater Air Range. We have to either stop our training or we are going to drop a bomb on these individuals.

They are going through the Organ Pipe Cactus Park, and some of the most beautiful hiking trails in America are no longer safe. We had a park ranger killed there. It is chaos in Organ Pipe.

In South Padre Island National Park, they have, they said, drug dealers coming up, all sorts of things. It is in times in danger of being overrun. We have fish and wildlife areas where habitat is being absolutely destroyed by the number and the quantity of illegal immigrants moving through.

We need to have more Border Patrol agents, but they need the supplemental fencing to help control that. And it will not reduce the number of Border Patrol agents. It will decrease the demand.

The thing the American people need to understand is, this will be expensive. We can't work out our internal controls and figure out whether we are going to do work visas, what we are going to do for the people here, if we don't have secure IDs and we don't have a fence because, as I just heard in one of the hearings I conducted for Ms. HARRIS, Mrs. MYRICK, Ms. FOXX and Mr. MCHENRY in North Carolina, they had a lady whose daughter and son-in-law were killed in an automobile wreck, one was killed, one is still comatose, and they had been deported three times for drunk driving before. Until we control the Southwest border, until we figure out how to get secure IDs, all this other talk is basically irrelevant.

I favor trying to work this out, but we can't; when you have multiple people calling in with similar names and just picture IDs and no fingerprints, you can't run employer enforcement. And if you are going to deport them, if you don't have a way to stop them at the border, it won't work.

This needs to be incremental, it needs to be comprehensive, but it has got to start with the border, and fencing is a key part of that. The agents will always be the critical part, because they will come around the fences, they will come over the fences, but it is one way to control the size of the vehicles, the size of the weapons, the quantity that is coming at you. And I strongly believe that we need this fence, and I do not understand, I do not understand, the Democratic opposition to a fence.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding again to Mr. REYES, I would say to Mr. SOUDER, there is nobody here that has opposition. We have already passed a measure that has 370 miles of fencing. Why don't the people over here just fess up? Their argument is against the Senate plan that has a guest worker program in it. It already has fence in it, so that is not even the issue.

What I continue to ask, and I invite Mr. SESSIONS again to answer, is whether or not the measure we are discussing today has one penny, one nickel or one dime in it to build a fence.

Mr. Speaker, I yield an additional minute to Mr. REYES to respond to some of the matters that were brought to our attention earlier.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there is a fundamental difference in how we approach this issue. Our plan says, we want to fund infrastructure, let the chief make the decisions.

When the gentleman from Texas talks about there isn't any proposal in our bill for fencing, here is what infrastructure entails. It entails buildings, antivehicle barriers, observation towers, access roads and fencing. The difference is, we don't legislate from here and tell a chief patrol agent, this is how much fence you are going to get. We tell them, this is what is available, you tell us what you need.

When the gentleman talks about what is needed, what the testimony was, heard along the border, I don't know how many hearings he attended, but I can tell you this, at the hearings that I attended, the chief patrol agents wanted three things, and I will reiterate them: manpower, technology and infrastructure. All of those things are included under ''infrastructure.''

I think the professionals that we charge in protecting the border deserve the courtesy of telling us what it is that they need, what kind of combination.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say this as simply as I possibly can: The American people are fed up with our porous borders and illegal immigration. If you had the conversations that I had with constituents over the August recess, then you all know how the American

people feel about the problems at our southern border with illegal immigration.

I had an opportunity in July to travel to the southern border with Speaker HASTERT and Chairman KING, and I saw the situation firsthand. I saw some of the fencing being built in Yuma, by the Kentucky National Guard actually, who was there at that time. We need this fence.

I also was proud during the month of August to welcome the House Armed Services Committee to my district, which shares a very long, liquid border with Canada. I live in Michigan, of course. There we had this hearing to investigate the issue of northern border security.

As a result of that hearing, this legislation also requires the Department of Homeland Security to conduct a study that will allow us to field a state-of-the-art barrier system on the northern border. And let me say that it is very much needed. Every day smugglers are bringing drugs and people and other contraband across our northern border, which is met with little or no resistance. Terror cells have been rounded up in Toronto, which is literally only a 3-hour drive from my district.

While it is very important to secure our southern border, I am glad that this House is not losing sight of our northern border as well. I urge my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this place never ceases to amaze me. Our friend from Michigan talks about the southern border. I gather that there is no illegal immigration on the northern border which she lives close to.

Mr. Speaker, I am very pleased to yield 3 minutes to my distinguished colleague and good friend, the gentleman from Mississippi (Mr. THOMPSON), who is the distinguished ranking member of the Homeland Security Committee and author of the substitute that was not allowed under this closed rule, that would handle the problems of comprehensive border control as well as immigration.

Mr. THOMPSON of Mississippi. Mr. Speaker, where I stand, I have to say the majority sure seem like ponies. Last week, we were down here on the floor voting on a horse protection bill. This week, the majority is again on the floor having us vote on a bill that has already passed.

This ''one trick pony'' approach to legislating is stale. The majority is out of fresh ideas on how to secure the border, and it shows.

Last night, I offered an amendment in Rules that would have provided an all-encompassing approach to border security and ensured that every mile of the border is monitored and secured 24 hours a day, 7 days a week.

A fence alone won't protect us from those who want to harm us. Even the Department of Homeland Security has come to realize that we need an integrated approach that combines personnel, equipment, technology and infrastructure.

The timing of this vote, Mr. Speaker, is bizarre. Why are we telling the Department to build a fence before they have come up with a comprehensive solution? Are we really going to tie up billions and billions in border security dollars to build a fence when the Border Patrol and ICE need more agents and investigators? Estimates on what it would cost to just build the fence alone is in the neighborhood of $7 billion. Once you add the maintenance costs, we are looking at possibly doubling that number.

My amendment, that the Rules Committee rejected, would have provided the Border Patrol with 3,000 more agents. We know they need the help. Why else would the National Guard be there now? It also would have added 2,000 new ICE investigators and 250 detention officers. It would have provided the men and women who police the border with equipment they need to get the job done. It would have given them helicopters, all-terrain vehicles, radio communication, GPS devices and night-vision goggles.

There are many more provisions in my bill that I am prepared to discuss today, had my amendment been allowed to be considered. But given that there are many speakers who wish to be recognized, Mr. Speaker, I will close.

The only thing I want to share is that people talk about operational control. The only way you can do it is comprehensively.

This is an unfunded mandate. There are no dollars attached to it. Republicans always talk about unfunded mandates. The priority at this time is not a fence, it is a comprehensive strategy, and because we have no comprehensive strategy for border protection at this time, I am in opposition, Mr. Speaker, to the rule.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING), the chairman of the Committee on Homeland Security.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Texas for yielding, and I rise in strong support of H.R. 6061. H.R. 6061, to me, addresses the most direct need of the American people, and that is to show that we can take meaningful action to secure our border.

I have never seen more of a disconnect between the American people and the elite in Washington, between the American people and the American media, because overwhelmingly the American people want us to secure the border. They want us to show that we can fulfill the most basic requirement of a government, and that is to ensure the sanctity and the security of our borders.

Now, we did pass comprehensive legislation last December by a large vote, including almost 40 Democrats, H.R. 4437, and I strongly stand by that. The fact is that right now is not moving as quickly as we would like it to, and, therefore, rather than saying we are going to wait until everything can be done before we do anything, I am saying, let's pick areas where there has been agreement.

The Senate has agreed to have a 370-mile fence along the border. We now have a 700-mile fence. This is something which clearly can be done. It will work. Is it the entire fence? Absolutely not. More has to be done. But, in the meantime, let's show progress. Let's get this done. Let's show the American people that we have listened to what they have said and we are going to do what they want.

Then we can deal in a comprehensive way, we can go issue by issue, we can go item by item, but let's focus on what we know will work. And this will work. You add this fence, in addition to the new Border Patrol agents which are in the FY07 bills which are going to result in a 40 percent increase since 2001, and we hope to double that by 2008.

Also the idea of having a fence, it can also allow better reallocation of Border Patrol agents because the fence will serve a security purpose which can actually allow Border Patrol agents to expand their own focus more.

So, with that, Mr. Speaker, I just strongly urge the adoption of this. The American people are watching. The American people have spoken loudly and clearly. We have responded to that in a responsible, effective way. And for the life of me, I don't know why people on the other side are saying, just because we can't do everything, we should do nothing.

Doing nothing is the worst thing Congress can do, and that is why we are doing something very meaningful. I urge its adoption.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume before yielding to my good friend, the distinguished gentlewoman from Texas, just to say to the chairman of the Homeland Security Committee, last night in the Rules Committee I asked him a simple question. He said he can't for the life of him understand what our opposition is, just because we can't do everything, we do nothing.

□ 1115

This measure that we are discussing today does nothing other than provide midterm yacking before the election. There are no dollars, not a penny, not a nickel, not a dime in this measure to build any fence. We have already passed legislation that has 370 miles of fences in it.

So why are we here? We have got an election coming up. That is why we are here. So you have to do things to put on a bumper sticker.

The American public can see through this charade. There isn't opposition to

protecting the border. But we are saying that you cannot come forward with something that does nothing, and that is what this is. Nothing. Talk. We need action.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Houston, Texas (Ms. JACKSON-LEE), who has attended a lot of these hearings that we are talking about and is a distinguished member of the Judiciary Committee and the Homeland Security Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not intend to play hide and seek with the American people this morning. I think unabashedly, I believe in comprehensive immigration reform, and, frankly, so does most of America.

My disappointment with my good friends is, one, that they are politicizing this very important debate. And, of course, my friend from Indiana wanted to make sure that he cast his hand to our side of the aisle and suggested that the Democrats do not want a fence or the Democrats do not believe in getting the job done.

The question that really should be asked is why the Republican majority passed a legislative initiative dealing with the immigration concerns of America and yet cannot get a compromise between the House and the Senate, both controlled by Republicans, and the presidency controlled by Republicans.

But I am not prepared to play with the lives of the American people. This legislation, 730 miles of fence, does not deal with the lives of our Border Patrol agents and Customs and Border Protection. And the reality is that time and time again we have seen that Republicans have spoken the word but have done nothing about it.

For example, this particular amendment that we had way back in 2001. Each and every time we offered amendments to provide for border security, 2001, after 9/11, Republicans voted ''no.'' In 2003 Republicans voted ''no.'' In 2001 we asked for $78 million for detention beds. The Republicans voted ''no.'' In 2003 again we asked for border security funding, Democrats. Republicans voted ''no.'' We asked for numbers of items for our Border Patrol agents and Customs and Border Protection. We asked for power boats. We asked for night goggles. We asked for laptop computers.

For those who believe that only Republicans have the knowledge of the border, I have walked the border in the day and night, and I have been at hearings all throughout the summer. I would venture to say that there were more questions asked by Border Patrol agents. It was, When are we going to get more Border Patrol agents? And as you can see, the average number of new Border Patrol agents added per year decreased under this Republican administration, 411 in 2005, but in the Democratic, President Clinton's administration we were giving them at least 642 a year. The 9/11 Commission asked us to give 2,000 a year. This administration has yet to commit to 2,000 Border Patrol agents in a year.

So, Mr. Speaker, I believe in comprehensive immigration reform. I also believe that we can compromise in a conference committee. They know that you do not need this freestanding bill that is very limited. You can go to conference and actually agree to the fencing language, if that is a priority, in the Senate's conference bill.

Now, my question to Mr. SESSIONS, who is on the Rules Committee, is, does he have an agreement that the Senate leadership is going to take this bill? Because if he does not, we have literally 2 weeks before we are out of session. And is there a commitment to this bill? If it is, tell us on the floor of the House. We might want to join in a reasonable response if we know that you are going to go to conference with your bill, which will pass because you have the numbers, but with the idea of comprehensive immigration reform.

Let me share a letter that has just come from Governor Rick Perry of Texas, a Republican; Governor Janet Napolitano, Governor of Arizona; the Governor of California, Governor Schwarzenegger; and Governor Bill Richardson of New Mexico. Allow me to read this:

''As governors who are on the front lines of America's immigration crisis, we write to urge you to take real action and pass comprehensive reform legislation that secures the border, protects taxpayers, and restores the rule of law by practically dealing with the estimated 12 million illegal immigrants currently in this country.

''Instead of holding dozens of field hearings that do little but stir the pot of discontent, we urge you to get back to work and pass legislation that puts the interests of taxpayers first and solves this crisis once and for all. We ask that you pass comprehensive reform and address this critical crisis before Congress adjourns for the year.''

These are two Republican governors and two Democrats who are on the front lines of immigration issues in America. And I will submit this letter for the RECORD.

I am not going to hide the ball. I want comprehensive immigration reform, but I am not afraid of border security. Read H.R. 4044, 100,000 detention beds. That is by a Democrat.

Mr. Speaker, I think it is important that we vote down this rule, we do what the Governors have asked us to do, comprehensive immigration reform. Let us not operate in the darkness. Let us not label Democrats weak on border security. We are ready to fight the battle. We know that 9/11 impacted all of America. I am not going to take that rap. You need to do your job.

AUGUST 25, 2006.

Hon. J. DENNIS HASTERT,
*Speaker of the House of Representatives, Washington, DC.*
Hon. BILL FRIST,
*U.S. Senate, Washington, DC.*

DEAR MR. SPEAKER AND SENATOR FRIST: As governors who are on the front lines of America's immigration crisis, we write to urge you to take real action and pass comprehensive reform legislation that secures the border, protects taxpayers and restores the rule of law by practically dealing with the estimated 12 million illegal immigrants currently in the country. We believe that a solution modeled on these principles would attain these goals and greatly benefit taxpayers in our states.

In all of our states, we face a crisis not of our making. Over the past 6 years the combination of lax and ineffective enforcement of our borders and the failure to enforce immigration laws has led to an explosion in the illegal immigration population. As a result, our states are flooded with illegal immigrants, our taxpayers are angry, and citizens and noncitizens alike are losing respect for the rule of law.

We are doing our part. At President Bush's request, we have sent our National Guard to the border to do the job the federal government is supposed to do. We have used state and local law enforcement to help enforce the laws the federal government is supposed to enforce. We ask you to do your part.

Instead of holding dozens of field hearings that do little but stir the pot of discontent, we urge you to get back to work and pass legislation that puts the interest of taxpayers first and solves this crisis once and for all. We ask that you pass comprehensive reform and address this critical issue before Congress adjourns for the year.

Respectfully,

RICK PERRY,
*Governor of Texas.*
JANET NAPOLITANO,
*Governor of Arizona.*
ARNOLD SCHWARZENEGGER,
*Governor of California.*
BILL RICHARDSON,
*Governor of New Mexico.*

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased at this time to yield an additional 1 minute to my colleague from Texas, the distinguished gentleman, Mr. SILVESTRE REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Again, Mr. Speaker, let me reframe the difference between what we want to do on this side of the aisle and what is being proposed on that side of the aisle.

First and foremost, we want to work together to address the issue of border security. We want to give the professionals the support that they have been asking for throughout these last 2 months of hearings. We want to make sure that we provide them the opportunity to tell us what kind of infrastructure, including fencing, they need. The buildings, the anti-vehicle barriers, the observation towers, the access roads, all of the kinds of things that they have told us are a priority in order for them to be able to control the border.

The fundamental difference is we trust them to make those decisions. We do not tell them we need a fence starting from 5 miles east of the port of

entry in Del Rio to 6 miles east of the port of entry of Eagle Pass. Let them make those kinds of decisions. They are the professionals. They are charged with that responsibility. Our job is to provide them the support and the resources. That is the fundamental difference.

As I have said, we need to work together on this thing. Regrettably, this rule freezes us out and we are unable to participate in this.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

As I close, Mr. Speaker, I say what I said earlier, and that is the measure that we are discussing today sounds good, is needed, in part, along with comprehensive immigration reform, but does nothing.

Mr. Speaker, last night in the Rules Committee I misquoted the song, but the intent was the same: There ain't no mountain high enough and there ain't no river wide enough to stop people from seeking a better opportunity for themselves.

Some years ago outside Boynton Beach in Florida, I was among the first people to arrive at the scene of Haitian immigrants who were seeking to enter our country illegally. They all had died, and I stepped over the body of a nude pregnant woman. That hurt me an awful lot, that in seeking freedom and opportunity she and her unborn child were in that posture. I have seen many a situation where Cubans have lost their lives seeking to come to this country.

We need to get a grip and understand that we cannot become neoisolationists in a society as diverse as our own and that the most brilliant people that I know serve here in the House of Representatives on both sides of the aisle and those persons are very capable of advancing comprehensive immigration reform that will address all of our needs, including border security.

Mr. Speaker, I urge all Members of this House to vote ''no'' on the previous question so I can amend the rule and make in order the substitute offered by Homeland Security Ranking Member THOMPSON and Representative REYES. This amendment was offered in the Rules Committee last night but was rejected.

Mr. Speaker, I ask unanimous consent that the text of the amendment and extraneous materials be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, the Reyes-Thompson substitute provides for a comprehensive approach to our border security, not simply the inadequate piecemeal approach called for in the underlying bill. The substitute requires the Department of Homeland Security to develop a comprehensive border security strategy with increased Border Patrol agent deployment as well as increased surveillance using advanced technology. It provides long-term financial support for significant increases in personnel to help the Border Patrol meet its mission, including Border Patrol agents, Immigration and Customs agents, United States marshals, Coast Guard personnel, port of entry inspectors, canine enforcement teams, and other vital personnel necessary to guard and protect our borders more effectively. It will provide needed equipment such as helicopters, power boats, radio communications, night vision equipment, body armor, and other crucial tools in the war against terror.

The substitute also reestablishes the 9/11 Commission to allow them to fulfill their mission and to provide oversight and accountability.

I urge all Members of this body to vote ''no'' on the previous question so we can bring up this comprehensive and responsible alternative that will actually do something to help make this Nation less vulnerable to those from outside who would do us harm.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

My colleagues and good friends not only from Texas, Mr. REYES, but also the gentleman from Florida and the gentlewoman from Texas have spoken very eloquently about the needs of this great Nation. I have every reason to believe all three of those individuals joined many other Members of this body in hearing from people about the needs of the Border Patrol, the communities along the borders and the things which they would want and need.

□ 1130

This bill is very specific. It talks about the types of things that would be necessary and needed on an interim basis.

Both you and I, Mr. Speaker, understand that we have passed bills many times before this that are more comprehensive, that are larger, that contain money, that do a lot of things that will enable us to get closer. The bottom line is, we need this interim step to get done now. It comes as a result of the hearings, it comes as a result of feedback from the Border Patrol, it comes as a result of communities who have asked us to please help them. So we are going to do that.

I am going to ask Members to vote ''aye.'' I am going to ask them to support this bill. And it is my prediction, Mr. Speaker, that this will be a bipartisan-passed bill today on the floor of the House of Representatives because it represents the balance and integrity of not only our Speaker, DENNIS HASTERT, but also JOHN BOEHNER and our great chairman of Homeland Security, PETE KING.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 1002, RULE FOR H.R. 6061 SECURE FENCE ACT OF 2006

In the resolution strike ''and (2)'' and insert the following:

''(2) the amendment in the nature of a substitute printed in Section 2 of this resolution if offered by Representative Reyes of Texas or Representative Thompson of Mississippi or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

At the end of the resolution add the following new section:

''SEC. 2. The amendment by Representatives Reyes (TX) and Thompson (MS) referred to in Section 1 is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 606

OFFERED BY MR. THOMPSON OF MISSISSIPPI

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Border Security and Terrorism Prevention Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for 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. Border Patrol unit for Virgin Islands
Sec. 116. Report on progress in tracking travel of Central American gangs along international border
Sec. 117. Collection of data
Sec. 118. Deployment of radiation detection portal equipment at United States ports of entry
Sec. 119. Sense of Congress regarding the Secure Border Initiative
Sec. 120. 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. 531. Increase in full time United States Customs and Border Protection import specialists
Sec. 532. Certifications relating to functions and import specialists of United States Custom and Border Protection
Sec. 533. Expedited traveler programs

TITLE VI—ENSURING PROPER SCREENING

Sec. 601. US–VISIT Oversight Task Force
Sec. 602. Verification of security measures under the Customs-Trade Partnership Against Terrorism (C–TPAT) program and the Free and Secure Trade (FAST) program
Sec. 603. Immediate international passenger prescreening pilot program

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

Subtitle A—Alien Smuggling

Sec. 701. Combating human smuggling
Sec. 702. Reestablishment of the United States Border Patrol anti-smuggling unit
Sec. 703. New nonimmigrant visa classification to enable informants to enter the United States and remain temporarily
Sec. 704. Adjustment of status when needed to protect informants
Sec. 705. Rewards program
Sec. 706. Outreach program
Sec. 707. Establishment of a special task force for coordinating and distributing information on fraudulent immigration documents

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

Sec. 711. Short title
Sec. 712. Northern Border Prosecution Initiative
Sec. 713. Authorization of appropriations

Subtitle C—Criminal Aliens

Sec. 721. Removal of criminal aliens
Sec. 722. Assistance for States incarcerating undocumented aliens charged with certain crimes
Sec. 723. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens
Sec. 724. ICE strategy and staffing assessment
Sec. 725. Congressional mandate regarding processing of criminal aliens while incarcerated
Sec. 726. Increase in prosecutors and immigration judges and United States Marshals

Subtitle D—Operation Predator

Sec. 731. Direct funding for Operation Predator

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

Subtitle A—Additional Authorizations of Appropriations

Sec. 801. Biometric center of excellence
Sec. 802. Portal detection systems
Sec. 803. Border security technologies for use between ports of entry
Sec. 804. Immigration security initiative

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

Sec. 821. Establishment of Commission
Sec. 822. Purposes
Sec. 823. Composition of Commission
Sec. 824. Powers of commission
Sec. 825. Compensation and travel expenses
Sec. 826. Security clearances for commission members and staff
Sec. 827. Reports of Commission
Sec. 828. Funding

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

Sec. 901. Short title
Sec. 902. Naturalization through combat zone service in Armed Forces
Sec. 903. Immigration benefits for survivors of persons granted posthumous citizenship through death while on active-duty service
Sec. 904. Effective date

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Location and deportation of criminal aliens
Sec. 1002. Agreements with State and local law enforcement agencies to identify and transfer to Federal custody criminal aliens
Sec. 1003. Denying admission to foreign government officials of countries denying alien return
Sec. 1004. Border patrol training facility
Sec. 1005. Sense of Congress

**SEC. 2. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) STATE.—The term ''State'' has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

## TITLE I—SECURING UNITED STATES BORDERS

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

(a) IN GENERAL.—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

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

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

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term ''operational control'' means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

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

(1) PLAN.—Not later than September 30, 2007, the Secretary of Homeland Security shall develop a comprehensive plan to fully deploy technological surveillance systems along the U.S.-Mexico border. Surveillance systems included in the deployment plan must—

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

(B) to the extent practicable, be fully interoperable with existing surveillance systems, such as the Integrated Surveillance Intelligence Systems already in use by the Department of Homeland Security.

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

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

(B) An assessment of the success of existing technologies to determine if one technology is better than another, or whether there is a way to combine the capabilities of various detection devices into a single device.

(C) A description of the technological features of surveillance systems allowing for compatibility, if practicable, with existing surveillance technologies.

(D) A description of how the U.S. Border Patrol is working, or will work, with the Directorate of Science and Technology to analyze high altitude monitoring technologies (such as unmanned aerial vehicles and tethered aerostat radar systems) for use with land-based monitoring technologies.

(E) A description of how radiation portal monitors will be deployed to ports of entry along the U.S.-Mexico border, and other border locations.

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

(G) A description of how surveillance technology will provide for continuous monitoring of the border.

(H) The identification of any obstacles that may impede full implementation of the deployment plan.

(I) A detailed estimate of all costs associated with the implementation of the deployment plan.

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

(4) REPORT.—Not later than September 30, 2007, the Secretary of Homeland Security shall submit the plan described in subsection (a) to the appropriate congressional committee (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2007 and 2008, and such sums as may be necessary for each succeeding fiscal year.

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

(a) SURVEILLANCE PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

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

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

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

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

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

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

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

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

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

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

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

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

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

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) CONSULTATION.—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

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

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

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

(f) REPORTING OF IMPLEMENTING LEGISLATION.—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

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

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

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

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

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

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

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

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

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

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

**SEC. 106. SECURE COMMUNICATION.**

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

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

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

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

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

(a) INCREASE IN BORDER PATROL AGENTS.—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

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

(1) the number of mission or operational support staff needed;

(2) associated relocation costs;

(3) required information technology enhancements; and

(4) costs to train such new hires.

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

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

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

There are authorized to be appropriated to the Secretary of Homeland Security—

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

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

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

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

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

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

**SEC. 111. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.**

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

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

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

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

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

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

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

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

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

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

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

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

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

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

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the ''NCR'') will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

**SEC. 114. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.**

(a) IN GENERAL.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

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

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

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

(c) REPORTS.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

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

**SEC. 115. BORDER PATROL UNIT FOR VIRGIN ISLANDS.**

Not later than September 30, 2007, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

**SEC. 116. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.**

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

**SEC. 117. COLLECTION OF DATA.**

Beginning on October 1, 2007, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and

subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

**SEC. 118. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.**

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

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

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

**SEC. 119. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.**

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

**SEC. 120. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.**

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

## TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

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

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

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

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

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

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

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

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

**SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.**

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

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

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

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

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the ''Committee'').

(b) DUTIES.—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

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

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

(2) Community representatives from such States.

(3) Tribal authorities in such States.

**SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.**

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) ACTIVITIES OF THE CENTER.—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

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

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

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

## TITLE III—DETENTION AND REMOVAL

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

To avoid a return to the ''catch and release'' policy and to address long-standing shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108–458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

**SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.**

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

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

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

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

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

**SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.**

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

**SEC. 306. TRAINING PROGRAM.**

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

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

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

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

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

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

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

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

## TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

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

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

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

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

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

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

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

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

**"SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.**

''(a) ESTABLISHMENT.—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the 'Bureau').

''(b) COMMISSIONER.—

''(1) IN GENERAL.—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the 'Commissioner'). The Commissioner shall report directly to the Secretary.

''(2) APPOINTMENT.—The Commissioner shall be appointed—

''(A) by the President, by and with the advice and consent of the Senate; and

''(B) from individuals who have—

''(i) a minimum of ten years professional experience in law enforcement; and

''(ii) a minimum of ten years of management experience.

''(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

''(1) coordinating all Federal border security activities;

''(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

''(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

''(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

''(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

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

''(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

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

''(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

''(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.'';

(3) in section 402, in the matter preceding paragraph (1), by striking ''acting through the Under Secretary for Border and Transportation Security,'' and inserting ''acting through the Commissioner of Border Security and Customs,''; and

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

**"SEC. 404. TRANSFER.**

''The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the 'Reorganization Plan Modification for the Department of Homeland Security' submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.''.

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

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

''Sec. 401. Bureau of Border Security and Customs''; and

(2) by inserting after the item relating to section 403 the following new item:

''Sec. 404. Transfer''.

(c) SHADOW WOLVES TRANSFER.—

(1) TRANSFER OF EXISTING UNIT.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the ''Shadow Wolves'' unit).

(2) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) DUTIES.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) SUPERVISORS.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

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

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking ''under the Under Secretary for Border Transportation and Security''.

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking ''The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.'' and inserting ''There shall be in the Department an Office for Domestic Preparedness.''; and

(B) in subsection (b), in the second sentence, by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary of Homeland Security''.

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

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking '', acting through the Under Secretary for Border and Transportation Security,'';

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

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

''(8) Administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.'';

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

**''SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.**

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

''(b) FUNCTIONS.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

''(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

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

**''SEC. 406. IMMIGRATION LEGAL ADVISOR.**

''There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.''; and

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

(4) CONFORMING AMENDMENTS.—

(A) BUREAU OF BORDER SECURITY AND CUSTOMS.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting ''and Customs'' after ''Border Security'' each place it appears:

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

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

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

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

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

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

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

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

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

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

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

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

(B) COMMISSIONER OF THE BUREAU OF BORDER SECURITY AND CUSTOMS.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(ii) in section 443, as redesignated by subsection (c)(3), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking ''Assistant Secretary'' and inserting ''Commissioner'';

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking ''Assistant Secretary'' and inserting ''Commissioner''; and

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking ''Assistant Secretary'' and inserting ''Commissioner''.

(5) REFERENCE.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

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

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

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

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

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

## 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.**

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

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

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

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

**SEC. 503. MOTOR VEHICLES.**

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least

one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a ''panic button'' and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

**SEC. 504. PORTABLE COMPUTERS.**

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

**SEC. 505. RADIO COMMUNICATIONS.**

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

**SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.**

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

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

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

**SEC. 508. BODY ARMOR.**

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

**SEC. 509. WEAPONS.**

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

## 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.**

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

''(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

''(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

''(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.''.

**SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.**

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

**SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.**

(a) AMENDMENTS.—

(1) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking ''and'' at the end of subparagraph (C), and by adding at the end the following:

''(E) an employee (not otherwise covered by this paragraph)—

''(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

''(ii) who is authorized to carry a firearm; and

''(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;''.

(B) CONFORMING AMENDMENT.—Section 8401(17)(C) of title 5, United States Code, is amended by striking ''(A) and (B)'' and inserting ''(A), (B), (E), and (F)''.

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after ''position.'' (in the matter before subparagraph (A)) the following: ''For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).''.

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(A) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) SERVICE.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) INCUMBENT DEFINED.—For purposes of this subsection, the term ''incumbent'' means an individual who—

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

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

(3) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) RETIREMENT.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term ''prior service'' means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

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

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be

made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

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

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

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

(i) any individual who—

(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

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

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

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

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

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

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

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

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

**SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.**

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these positions and related expenses including training and support.

**SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.**

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

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

**SEC. 533. EXPEDITED TRAVELER PROGRAMS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

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

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

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

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

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2007, 2008, and 2009, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

## TITLE VI—ENSURING PROPER SCREENING

**SEC. 601. US-VISIT OVERSIGHT TASK FORCE.**

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2007, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

**SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS–TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.**

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs–Trade Partnership Against Terrorism (C-TPAT) program and the Free And Secure Trade (FAST) program.

(b) POLICIES FOR NONCOMPLIANCE WITH C-TPAT PROGRAM REQUIREMENTS.—The Commissioner shall establish policies for noncompliance with the requirements of the C-TPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

**SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.**

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate

prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term ''passenger'' includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, or computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

## TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

### Subtitle A—Alien Smuggling

**SEC. 701. COMBATING HUMAN SMUGGLING.**

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

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

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

(2) adequate and effective personnel training;

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

(4) effective utilization of—

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

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

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

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

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

**SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.**

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

**SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.**

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

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the comma at the end and inserting ''; or'';

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

''(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

''(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

''(II) is willing to supply or has supplied such information to a Federal or State court; or

''(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.'';

(4) by inserting '', or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General'' after ''jointly''; and

(5) by striking ''(i) or (ii)'' and inserting ''(i), (ii), or (iii)''.

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

(1) by adding at the end of paragraph (1) the following: ''The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400.''; and

(2) by adding at the end the following:

''(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

**SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.**

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

(1) in paragraph (3), by striking ''(1) or (2),'' and inserting ''(1), (2), (3), or (4),'';

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

''(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

''(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

''(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General.''; and

(4) by adding at the end the following:

''(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

**SEC. 705. REWARDS PROGRAM.**

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

''(e) REWARDS PROGRAM.—

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

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

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

''(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

''(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

''(B) the arrest or conviction of any individual committing such an act;

''(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

''(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

''(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

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

''(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

''(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

''(8) LIMITATIONS AND CERTIFICATION.—

''(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed $100,000, except as personally authorized by the Secretary of Homeland Security.

''(B) APPROVAL.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

''(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.''.

**SEC. 706. OUTREACH PROGRAM.**

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

''(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

''(1) the penalties for—

''(A) bringing in and harboring aliens in violation of this section; and

''(B) participating in a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully; and

''(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.''.

**SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.**

(a) In General.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

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

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

## Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

**SEC. 711. SHORT TITLE.**

This Act may be cited as the ''Northern Border Prosecution Initiative Reimbursement Act''.

**SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.**

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

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

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

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

(d) DEFINITIONS.—In this section:

(1) The term ''eligible northern border entity'' means—

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

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

(2) The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term ''federally declined-referred'' means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term ''case disposition'', for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

**SEC. 713. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2007 and such sums as may be necessary for fiscal years after fiscal year 2007.

## Subtitle C—Criminal Aliens

**SEC. 721. REMOVAL OF CRIMINAL ALIENS.**

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act, ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such

that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION.—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

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

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

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

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

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and National Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the institutional removal program—

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

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

(C) $130,000,000 for fiscal year 2000; and

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

**SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.**

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

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

''(5) There are authorized to be appropriated to carry out this subsection $500,000,000 for fiscal year 2007 and $1,000,000,000 for each of the succeeding ten fiscal years.

''(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

**SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.**

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

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

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

''(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

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

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).''.

**SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.**

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement could better deploy human resources to achieve its border security mission through legislative or administrative action.

**SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.**

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

**SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.**

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

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

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

**Subtitle D—Operation Predator**

**SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.**

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2007 through fiscal year 2011.

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

**Subtitle A—Additional Authorizations of Appropriations**

**SEC. 801. BIOMETRIC CENTER OF EXCELLENCE.**

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

**SEC. 802. PORTAL DETECTION SYSTEMS.**

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

**SEC. 803. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.**

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated $25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

**SEC. 804. IMMIGRATION SECURITY INITIATIVE.**

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

**Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States**

**SEC. 821. ESTABLISHMENT OF COMMISSION.**

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United States (in this subtitle referred to as the ''Commission'').

**SEC. 822. PURPOSES.**

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

**SEC. 823. COMPOSITION OF COMMISSION.**

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before January 30, 2007.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) SENSE OF CONGRESS REGARDING APPOINTMENTS.—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107-306.

**SEC. 824. POWERS OF COMMISSION.**

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

**SEC. 825. COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

**SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

**SEC. 827. REPORTS OF COMMISSION.**

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

**SEC. 828. FUNDING.**

To fulfill the purposes of this subtitle, $10,000,000 is authorized for each fiscal year.

## TITLE IX—FAIRNESS FOR AMERICA'S HEROS

**SEC. 901. SHORT TITLE.**

This title may be cited as the ''Fairness for America's Heros Act''.

**SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.**

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death..

''(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

''(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

''(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of naturalization reflecting such date and any other information the Secretary determines to be appropriate.''.

**SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.**

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440–1(e)) is amended to read as follows:

''(e) BENEFITS FOR SURVIVORS.—

''(1) IN GENERAL.—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

''(2) SPOUSE.—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

''(3) CHILDREN.—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

''(4) PARENTS.—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

''(5) SELF-PETITIONS.—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

''(6) NO BENEFITS FOR OTHER RELATIVES.—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.''.

**SEC. 904. EFFECTIVE DATE.**

The amendments made by this title shall take effect as if enacted on September 11, 2001.

## TITLE X—MISCELLANEOUS PROVISIONS

**SEC. 1001. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.**

(a) IN GENERAL.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), relating to criminal aliens), including such aliens who under a ''catch and release'' policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) INCREASE IN PROSECUTORS AND OTHER PERSONNEL.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

**SEC. 1002. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.**

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

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

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

**SEC. 1003. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.**

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

''(d) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.''.

**SEC. 1004. BORDER PATROL TRAINING FACILITY.**

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

**SEC. 1005. SENSE OF CONGRESS.**

It is the sense of the Congress that the United States will not be fully secure until we enhance border security and enforcement, overhaul the immigration system, and take a realistic and bipartisan approach to dealing with the 12,000,000 undocumented workers already present in the country.

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THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-IIIinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee

on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

## GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2965, to be considered shortly.

The SPEAKER pro tempore (Mr. SESSIONS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 997 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2965.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their noninmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of nonprofit organizations and other public service programs, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2965, the Federal Prison Industries Competition and Contracting Act of 2006. This bill is substantially similar to H.R. 1829, which this body passed overwhelmingly during the 108th Congress by a vote of 350–65.

As reported by the Judiciary Committee, the bill includes additional bipartisan improvements that resulted from negotiations with the Justice Department, prison fellowship, and other interested parties.

Since my early days in the Congress, I have been committed to reforming Federal Prison Industries, or FPI, because I believe the manner in which this program currently operates imposes unacceptable burdens on government agencies, taxpayers, inmates, and private sector businesses.

Under the current system, Federal agencies are required by law to purchase FPI products that meet the agencies' requirements and do not exceed current market prices. The mandatory source requirement eliminates competition with the private sector, harming businesses and stifling the creation of new jobs for law-abiding Americans. FPI enjoys a mandatory market for its goods, a facility to produce them in and cheap labor to manufacture them.

Despite these advantages, government agencies frequently pay more for FPI products than if they were purchased from the private sector. The Government Accountability Office concluded in a 1988 report that ''The only limitation on FPI's price is that it may not exceed the upper end of the current market price range.'' The GAO report also raised questions about the timeliness of delivery of these products and the quality of FPI products.

While the FPI has had serious problems, this legislation does not seek to eliminate it, but would reform FPI to require that it compete for Federal Government contracts in the same manner as other businesses. FPI is well equipped to succeed in the competitive marketplace because it is not faced with the same operating costs as average businesses, such as providing health insurance, retirement benefits, or paying union wages. And the facilities, of course, that FPI does use in the manufacturing process are Federal prisons and not on property tax rolls.

In recent years, FPI has demonstrated its competitiveness by obtaining several large, multiyear contracts with the Department of Defense and other Federal agencies, even though government procurement policies have been changed to permit these agencies to determine whether FPI products meet competitive pricing and quality benchmarks.

This legislation also helps inmates by establishing a position of Inmate Work Training Administrator to create additional inmate work opportunities, and allows FPI to create a program that will allow inmates to perform jobs that are being performed outside the United States. The bill also addresses concerns about providing meaningful training for inmates by requiring FPI to devote some of its earnings to additional inmate vocational training, education opportunities, and release preparation.

The bill increases access to educational opportunities, including remedial and modern, hands-on vocational programs which have been shown to be effective in reducing recidivism. The bill provides alternative inmate work opportunities by authorizing the production of products or services for donation to community service organizations, and allows Federal inmates to perform public service work for units of local government.

Finally, the bill addresses concerns about the low wages paid to inmates by requiring the Secretary of Labor to establish an inmate training wage in consultation with the Attorney General for those performing FPI jobs.

Mr. Chairman, as Members of Congress, we have a duty to ensure that government corporations do not take away opportunities from small businesses. We have a duty to ensure that the taxpayers' money is wisely spent. Neither of these things can be guaranteed under the current FPI regime. By passing this legislation we will ensure that all Federal Government agencies will have the ability to utilize taxpayer dollars in the most efficient manner possible, and that private industry will have the right to compete with FPI for contracts.

H.R. 2965 will also ensure the continued viability of FPI, and provides many avenues for FPI to pursue alternative rehabilitative work and training opportunities for inmates.

Mr. Chairman, I am proud of this comprehensive legislation to reform the Federal Prison Industries. I urge Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Ladies and gentlemen of the Congress, this is a very important and sensitive issue that is being brought by Chairman SENSENBRENNER and myself