

110TH CONGRESS  
1ST SESSION

# H. R. 842

To provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2007

Mr. NORWOOD introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; STATE DE-**  
4 **FINED; SEVERABILITY.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Clear Law Enforcement for Criminal Alien Removal Act  
7 of 2007” or “CLEAR Act of 2007”.

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

- Sec. 1. Short title; table of contents; State defined; severability.
- Sec. 2. Federal affirmation of assistance in the immigration law enforcement by States and political subdivisions of States.
- Sec. 3. State authorization for assistance in the enforcement of immigration laws encouraged.
- Sec. 4. Civil and criminal penalties for aliens unlawfully present in the United States.
- Sec. 5. Listing of immigration violators in the National Crime Information Center database.
- Sec. 6. State and local law enforcement provision of information about apprehended aliens.
- Sec. 7. Financial assistance to State and local police agencies that assist in the enforcement of immigration laws.
- Sec. 8. Increased Federal detention space.
- Sec. 9. Federal custody of aliens unlawfully present in the United States apprehended by State or local law enforcement.
- Sec. 10. Training of State and local law enforcement personnel relating to the enforcement of immigration laws.
- Sec. 11. Immunity.
- Sec. 12. Institutional removal program (IRP).
- Sec. 13. State criminal alien assistance program (SCAAP).

3           (c) STATE DEFINED.—For purposes of this Act, the  
4 term “State” has the meaning given such term in section  
5 101(a)(36) of the Immigration and Nationality Act (8  
6 U.S.C. 1101(a)(36)).

7           (d) SEVERABILITY.—If any provision of this Act, or  
8 the application of such provision to any person or cir-  
9 cumstance, is held invalid, the remainder of this Act, and  
10 the application of such provision to other persons not simi-  
11 larly situated or to other circumstances, shall not be af-  
12 fected by such invalidation.

1 **SEC. 2. FEDERAL AFFIRMATION OF ASSISTANCE IN THE IM-**  
2 **MIGRATION LAW ENFORCEMENT BY STATES**  
3 **AND POLITICAL SUBDIVISIONS OF STATES.**

4 Notwithstanding any other provision of law and re-  
5 affirming the existing inherent authority of States, law en-  
6 forcement personnel of a State, or of a political subdivision  
7 of a State, have the inherent authority of a sovereign enti-  
8 ty to investigate, identify, apprehend, arrest, detain, or  
9 transfer to Federal custody aliens in the United States  
10 (including the transportation of such aliens across State  
11 lines to detention centers), for the purposes of assisting  
12 in the enforcement of the immigration laws of the United  
13 States in the course of carrying out routine duties. This  
14 State authority has never been displaced or preempted by  
15 Congress.

16 **SEC. 3. STATE AUTHORIZATION FOR ASSISTANCE IN THE**  
17 **ENFORCEMENT OF IMMIGRATION LAWS EN-**  
18 **COURAGED.**

19 (a) IN GENERAL.—Effective two years after the date  
20 of the enactment of this Act, a State, or a political subdivi-  
21 sion of a State, that has in effect a statute, policy, or prac-  
22 tice that prohibits law enforcement officers of the State,  
23 or of a political subdivision of the State, from assisting  
24 or cooperating with Federal immigration law enforcement  
25 in the course of carrying out the officers' routine law en-  
26 forcement duties shall not receive any of the funds that

1 would otherwise be allocated to the State under section  
2 241(i) of the Immigration and Nationality Act (8 U.S.C.  
3 1231(i)).

4 (b) CONSTRUCTION.—Nothing in this section shall  
5 require law enforcement officials from States, or from po-  
6 litical subdivisions of States, to report or arrest victims  
7 or witnesses of a criminal offense.

8 (c) REALLOCATION OF FUNDS.—Any funds that are  
9 not allocated to a State, or to a political subdivision of  
10 a State, due to the failure of the State, or of the political  
11 subdivision of the State, to comply with subsection (a)  
12 shall be reallocated to States, or to political subdivisions  
13 of States, that comply with such subsection.

14 **SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR ALIENS UN-**  
15 **LAWFULLY PRESENT IN THE UNITED STATES.**

16 (a) ALIENS UNLAWFULLY PRESENT IN THE UNITED  
17 STATES.—

18 (1) IN GENERAL.—Title II of the Immigration  
19 and Nationality Act (8 U.S.C. 1151 et seq.) is  
20 amended by inserting after section 275 the fol-  
21 lowing:

22 “CRIMINAL PENALTIES FOR UNLAWFUL PRESENCE IN  
23 THE UNITED STATES

24 “SEC. 275A. (a) IN GENERAL.—In addition to any  
25 other penalty, an alien who is present in the United States

1 in violation of this Act shall be fined under title 18, United  
2 States Code, imprisoned not less than one year, or both.

3 “(b) DEFENSE.—It shall be an affirmative defense  
4 to a violation of subsection (a) that the alien overstayed  
5 the time allotted under a visa due to an exceptional and  
6 extremely unusual hardship or physical illness that pre-  
7 vented the alien from leaving the United States by the  
8 required date.”.

9 (2) CLERICAL AMENDMENT.—The table of con-  
10 tents of such Act is amended by inserting after the  
11 item relating to section 275 the following new item:

“Sec. 275A. Criminal penalties for unlawful presence in the United States.”.

12 (b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL  
13 ENTRY.—Section 275(a) of such Act (8 U.S.C. 1325(a))  
14 is amended by striking “6 months,” and inserting “one  
15 year,”.

16 (c) INCREASE IN CIVIL PENALTIES FOR VARIOUS  
17 VIOLATIONS OF THE IMMIGRATION LAWS OF THE UNITED  
18 STATES.—Section 275(b) of such Act (8 U.S.C. 1325(b))  
19 is amended to read as follows:

20 “(b)(1) Subject to paragraph (2), any alien described  
21 in paragraph (3) shall be subject to a civil penalty of—

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

23 “(B) \$1,000 in the case of an alien who has  
24 once previously been subject to a civil penalty under  
25 this subsection, in addition to forfeiture of all civil

1 assets and permanent disbarment from entry into  
2 the United States;

3 “(C) \$5,000 in the case of an alien who has  
4 twice previously been subject to a civil penalty under  
5 this subsection, in addition to forfeiture of all civil  
6 assets and permanent disbarment from entry into  
7 the United States.

8 “(2) In the case of an alien described in paragraph  
9 (3)(D), the alien shall be subject to civil penalties under  
10 this subsection that are five times the amounts set forth  
11 under paragraph (1).

12 “(3) An alien described in this paragraph is an alien  
13 who—

14 “(A) is apprehended while entering (or attempt-  
15 ing to enter) the United States at a time or place  
16 other than as designated by immigration officers;

17 “(B) enters the United States without inspec-  
18 tion;

19 “(C) fails to depart the United States within 30  
20 days after the expiration date of a nonimmigrant  
21 visa or a voluntary departure agreement and is not  
22 in other lawful status; or

23 “(D) fails to depart the United States within  
24 30 days after the date of a final order of removal  
25 and is not in other lawful status.

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

4 (d) PERMISSION TO DEPART VOLUNTARILY.—Sec-  
5 tion 240B of such Act (8 U.S.C. 1229c) is amended—

6 (1) by striking “Attorney General” and insert-  
7 ing “Secretary of Homeland Security” each place it  
8 appears; and

9 (2) in subsection (a)(2)(A), by striking “120  
10 days” and inserting “30 days”.

11 **SEC. 5. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**  
12 **TIONAL CRIME INFORMATION CENTER DATA-**  
13 **BASE.**

14 (a) PROVISION OF INFORMATION TO THE NCIC.—  
15 Not later than 180 days after the date of the enactment  
16 of this Act and periodically thereafter as updates may re-  
17 quire, the Under Secretary for Border and Transportation  
18 Security of the Department of Homeland Security shall  
19 provide the National Crime Information Center of the De-  
20 partment of Justice with such information as the Under  
21 Secretary may possess regarding any aliens against whom  
22 a final order of removal has been issued, any aliens who  
23 have signed a voluntary departure agreement, any aliens  
24 who have overstayed their authorized period of stay, and  
25 any aliens whose visas have been revoked. The National

1 Crime Information Center shall enter such information  
2 into the Immigration Violators File of the National Crime  
3 Information Center database, regardless of whether—

4 (1) the alien concerned received notice of a final  
5 order of removal;

6 (2) the alien concerned has already been re-  
7 moved; or

8 (3) sufficient identifying information is avail-  
9 able with respect to the alien concerned.

10 (b) INCLUSION OF INFORMATION IN THE NCIC  
11 DATABASE.—Section 534(a) of title 28, United States  
12 Code, is amended—

13 (1) in paragraph (3), by striking “and” at the  
14 end;

15 (2) by redesignating paragraph (4) as para-  
16 graph (5); and

17 (3) by inserting after paragraph (3) the fol-  
18 lowing new paragraph:

19 “(4) acquire, collect, classify, and preserve  
20 records of violations by aliens of the immigration  
21 laws of the United States, regardless of whether any  
22 such alien has received notice of the violation or  
23 whether sufficient identifying information is avail-  
24 able with respect to any such alien and even if any



1 such alien has already been removed from the  
2 United States; and”.

3 **SEC. 6. STATE AND LOCAL LAW ENFORCEMENT PROVISION**  
4 **OF INFORMATION ABOUT APPREHENDED**  
5 **ALIENS.**

6 (a) **PROVISION OF INFORMATION.**—In compliance  
7 with section 642(a) of the Illegal Immigration Reform and  
8 Immigrant Responsibility Act of 1996 (8 U.S.C. 1373)  
9 and section 434 of the Personal Responsibility and Work  
10 Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644),  
11 each State, and each political subdivision of a State, is  
12 encouraged to provide the Secretary of Homeland Security  
13 in a timely manner with the information specified in sub-  
14 section (b) with respect to each alien apprehended in the  
15 jurisdiction of the State, or in the political subdivision of  
16 the State, who is believed to be in violation of the immigra-  
17 tion laws of the United States.

18 (b) **INFORMATION REQUIRED.**—The information re-  
19 ferred to in subsection (a) is as follows:

- 20 (1) The alien’s name.
- 21 (2) The alien’s address or place of residence.
- 22 (3) A physical description of the alien.
- 23 (4) The date, time, and location of the encoun-  
24 ter with the alien and reason for stopping, detaining,  
25 apprehending, or arresting the alien.

1           (5) If applicable, the alien's driver's license  
2           number and the State of issuance of such license.

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

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

11          (8) A photo of the alien, if available or readily  
12          obtainable.

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

15          (c) ANNUAL REPORT ON REPORTING.—The Sec-  
16          retary shall maintain and annually submit to Congress a  
17          detailed report listing the States, or the political subdivi-  
18          sions of States, that have provided information under sub-  
19          section (a) in the preceding year.

20          (d) REIMBURSEMENT.—The Secretary of Homeland  
21          Security shall reimburse States, and political subdivisions  
22          of a State, for all reasonable costs, as determined by the  
23          Secretary, incurred by the State, or the political subdivi-  
24          sion of a State, as a result of providing information under  
25          subsection (a).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to the Secretary such sums  
3 as are necessary to carry out this section.

4 (f) CONSTRUCTION.—Nothing in this section shall re-  
5 quire law enforcement officials of a State, or of a political  
6 subdivision of a State, to provide the Secretary of Home-  
7 land Security with information related to a victim of a  
8 crime or witness to a criminal offense.

9 **SEC. 7. FINANCIAL ASSISTANCE TO STATE AND LOCAL PO-**  
10 **LICE AGENCIES THAT ASSIST IN THE EN-**  
11 **FORCEMENT OF IMMIGRATION LAWS.**

12 (a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING  
13 AND PROCESSING CERTAIN ALIENS.—From amounts  
14 made available to make grants under this section, the Sec-  
15 retary of Homeland Security shall make grants to States,  
16 and to political subdivisions of States, for procurement of  
17 equipment, technology, facilities, and other products that  
18 facilitate and are directly related to investigating, appre-  
19 hending, arresting, detaining, or transporting aliens who  
20 have violated the immigration law of the United States,  
21 including additional administrative costs incurred under  
22 this Act.

23 (b) ELIGIBILITY.—To be eligible to receive a grant  
24 under this section, a State, or a political subdivision of  
25 a State, must have the authority to, and have in effect

1 the policy and practice to, assist in the enforcement of  
2 the immigration laws of the United States in the course  
3 of carrying out the routine law enforcement duties of such  
4 State or political subdivision of a State.

5 (c) FUNDING.—There is authorized to be appro-  
6 priated to the Secretary for grants under this section  
7 \$1,000,000,000 for fiscal year 2008 and each subsequent  
8 fiscal year.

9 (d) GAO AUDIT.—Not later than three years after  
10 the date of the enactment of this Act, the Comptroller  
11 General of the United States shall conduct an audit of  
12 funds distributed to States, and to political subdivisions  
13 of a State, under subsection (a).

14 **SEC. 8. INCREASED FEDERAL DETENTION SPACE.**

15 (a) CONSTRUCTION OR ACQUISITION OF DETENTION  
16 FACILITIES.—

17 (1) IN GENERAL.—The Secretary of Homeland  
18 Security shall construct or acquire, in addition to ex-  
19 isting facilities for the detention of aliens, 20 deten-  
20 tion facilities in the United States, with at least 500  
21 beds per facility, for aliens detained pending removal  
22 from the United States or a decision regarding such  
23 removal.

24 (2) DETERMINATIONS.—The location of any de-  
25 tention facility built or acquired in accordance with

1       this subsection shall be determined by the Deputy  
2       Assistant Director of the Detention Management Di-  
3       vision of the Immigration and Customs Enforcement  
4       Office of Detention and Removal within United  
5       States Immigration and Customs Enforcement.

6               (3) USE OF INSTALLATIONS UNDER BASE CLO-  
7       SURE LAWS.—In acquiring detention facilities under  
8       this subsection, the Secretary of Homeland Security  
9       shall consider the transfer of appropriate portions of  
10      military installations approved for closure or realign-  
11      ment under the Defense Base Closure and Realign-  
12      ment Act of 1990 (part A of title XXIX of Public  
13      Law 101–510; 10 U.S.C. 2687 note) for use in ac-  
14      cordance with paragraph (1).

15              (b) AUTHORIZATION OF APPROPRIATIONS.—There  
16      are authorized to be appropriated to the Secretary such  
17      sums as are necessary to carry out this section.

18              (c) TECHNICAL AND CONFORMING AMENDMENT.—  
19      Section 241(g)(1) of the Immigration and Nationality Act  
20      (8 U.S.C. 1231(g)(1)) is amended by striking “may ex-  
21      pend” and inserting “shall expend”.

1 **SEC. 9. FEDERAL CUSTODY OF ALIENS UNLAWFULLY**  
2 **PRESENT IN THE UNITED STATES APPRE-**  
3 **HENDED BY STATE OR LOCAL LAW ENFORCE-**  
4 **MENT.**

5 (a) STATE APPREHENSION.—

6 (1) IN GENERAL.—Title II of the Immigration  
7 and Nationality Act (8 U.S.C. 1151 et seq.) is  
8 amended by inserting after section 240C the fol-  
9 lowing:

10 “CUSTODY OF ALIENS UNLAWFULLY PRESENT IN THE  
11 UNITED STATES

12 “SEC. 240D. (a) TRANSFER OF CUSTODY BY STATE  
13 AND LOCAL OFFICIALS.—If a State, or a political subdivi-  
14 sion of the State, exercising authority with respect to the  
15 apprehension or arrest of an alien who is unlawfully  
16 present in the United States submits to the Secretary of  
17 Homeland Security a request that the alien be taken into  
18 Federal custody, the Secretary—

19 “(1) shall—

20 “(A) not later than 48 hours after the con-  
21 clusion of the State, or the political subdivision  
22 of a State, charging process or dismissal proc-  
23 ess, or if no State or political subdivision charg-  
24 ing or dismissal process is required, not later  
25 than 48 hours after the alien is apprehended,

1 take the alien into the custody of the Federal  
2 Government and incarcerate the alien; or

3 “(B) request that the relevant State or  
4 local law enforcement agency temporarily incar-  
5 cerate or transport the alien for transfer to  
6 Federal custody; and

7 “(2) shall designate at least one Federal, State,  
8 or local prison or jail or a private contracted prison  
9 or detention facility within each State as the central  
10 facility for that State to transfer custody of aliens  
11 to the Department of Homeland Security.

12 “(b) POLICY ON DETENTION IN STATE AND LOCAL  
13 DETENTION FACILITIES.—In carrying out section  
14 241(g)(1), the Attorney General or Secretary of Homeland  
15 Security shall ensure that an alien arrested under this Act  
16 shall be detained, pending the alien’s being taken for the  
17 examination under this section, in a State or local prison,  
18 jail, detention center, or other comparable facility. Not-  
19 withstanding any other provision of law or regulation,  
20 such facility is adequate for detention, if—

21 “(1) such a facility is the most suitably located  
22 Federal, State, or local facility available for such  
23 purpose under the circumstances;

24 “(2) an appropriate arrangement for such use  
25 of the facility can be made; and

1           “(3) such facility satisfies the standards for the  
2           housing, care, and security of persons held in cus-  
3           tody of a United States marshal.

4           “(c) REIMBURSEMENT.—The Secretary of Homeland  
5           Security shall reimburse States, and political subdivisions  
6           of a State, for all reasonable expenses, as determined by  
7           the Secretary, incurred by the State, or political subdivi-  
8           sion, as a result of the incarceration and transportation  
9           of an alien who is unlawfully present in the United States  
10          as described in subparagraphs (A) and (B) of subsection  
11          (a)(1). Compensation provided for costs incurred under  
12          such subparagraphs shall be the average cost of incarcer-  
13          ation of a prisoner in the relevant State, as determined  
14          by the chief executive officer of a State, or of a political  
15          subdivision of a State, plus the cost of transporting the  
16          alien from the point of apprehension to the place of deten-  
17          tion, and to the custody transfer point if the place of de-  
18          tention and place of custody are different.

19          “(d) SECURE FACILITIES.—The Secretary of Home-  
20          land Security shall ensure that aliens incarcerated in Fed-  
21          eral facilities pursuant to this Act are held in facilities  
22          that provide an appropriate level of security.

23          “(e) TRANSFER.—

24                  “(1) IN GENERAL.—In carrying out this sec-  
25          tion, the Secretary of Homeland Security shall es-



1        establish a regular circuit and schedule for the prompt  
2        transfer of apprehended aliens from the custody of  
3        States, and political subdivisions of a State, to Fed-  
4        eral custody.

5            “(2) CONTRACTS.—The Secretary may enter  
6        into contracts, including appropriate private con-  
7        tracts, to implement this subsection.

8            “(f) DEFINITION.—For purposes of this section, the  
9        term ‘alien who is unlawfully present in the United States’  
10       means an alien who—

11            “(1) entered the United States without inspec-  
12       tion or at any time, manner or place other than that  
13       designated by the Secretary of Homeland Security;

14            “(2) was admitted as a nonimmigrant and who,  
15       at the time the alien was taken into custody by the  
16       State, or a political subdivision of the State, had  
17       failed to—

18            “(A) maintain the nonimmigrant status in  
19       which the alien was admitted or to which it was  
20       changed under section 248; or

21            “(B) comply with the conditions of any  
22       such status;

23            “(3) was admitted as an immigrant and has  
24       subsequently failed to comply with the requirements  
25       of that status; or

1           “(4) failed to depart the United States under a  
2           voluntary departure agreement or under a final  
3           order of removal.

4           “(g) AUTHORIZATION OF APPROPRIATIONS FOR THE  
5           DETENTION AND TRANSPORTATION TO FEDERAL CUS-  
6           TODY OF ALIENS UNLAWFULLY PRESENT.—There is au-  
7           thorized to be appropriated to the Secretary of Homeland  
8           Security \$500,000,000 for fiscal year 2008 and each sub-  
9           sequent fiscal year for the detention and removal of aliens  
10          unlawfully present in the United States under this Act.”.

11           (2) CLERICAL AMENDMENT.—The table of con-  
12          tents of such Act is amended by inserting after the  
13          item relating to section 240C the following new item:  
            “Sec. 240D. Custody of aliens unlawfully present in the United States.”.

14          (b) GAO AUDIT.—Not later than three years after  
15          the date of the enactment of this Act, the Comptroller  
16          General of the United States shall conduct an audit of  
17          compensation to States, and to political subdivisions of a  
18          State, for the incarceration of aliens unlawfully present  
19          in the United States under section 240D(a) of the Immi-  
20          gration and Nationality Act (as added by subsection  
21          (a)(1)).

1 **SEC. 10. TRAINING OF STATE AND LOCAL LAW ENFORCE-**  
2 **MENT PERSONNEL RELATING TO THE EN-**  
3 **FORCEMENT OF IMMIGRATION LAWS.**

4 (a) ESTABLISHMENT OF TRAINING MANUAL AND  
5 POCKET GUIDE.—Not later than 180 days after the date  
6 of the enactment of this Act, the Secretary of Homeland  
7 Security shall establish—

8 (1) a training manual for law enforcement per-  
9 sonnel of a State, or of a political subdivision of a  
10 State, to train such personnel in the investigation,  
11 identification, apprehension, arrest, detention, and  
12 transfer to Federal custody of aliens unlawfully  
13 present in the United States (including the transpor-  
14 tation of such aliens across State lines to detention  
15 centers and the identification of fraudulent docu-  
16 ments); and

17 (2) an immigration enforcement pocket guide  
18 for law enforcement personnel of a State, or of a po-  
19 litical subdivision of a State, to provide a quick ref-  
20 erence for such personnel in the course of duty.

21 (b) AVAILABILITY.—The training manual and pocket  
22 guide established in accordance with subsection (a) shall  
23 be made available to all State and local law enforcement  
24 personnel.

25 (c) APPLICABILITY.—Nothing in this section shall be  
26 construed to require State or local law enforcement per-

1 sonnel to carry the training manual or pocket guide with  
2 them while on duty.

3 (d) COSTS.—The Secretary of Homeland Security  
4 shall be responsible for any costs incurred in establishing  
5 the training manual and pocket guide.

6 (e) TRAINING FLEXIBILITY.—

7 (1) IN GENERAL.—The Secretary of Homeland  
8 Security shall make training of State and local law  
9 enforcement officers available through as many  
10 means as possible, including through residential  
11 training at the Center for Domestic Preparedness,  
12 onsite training held at State or local police agencies  
13 or facilities, online training courses by computer,  
14 teleconferencing, and videotape, or the digital video  
15 display (DVD) of a training course or courses. E-  
16 learning through a secure, encrypted distributed  
17 learning system that has all its servers based in the  
18 United States, is sealable, survivable, and can have  
19 a portal in place not later than 30 days after the  
20 date of the enactment of this Act, shall be made  
21 available by the Federal Law Enforcement Training  
22 Center Distributed Learning Program for State and  
23 local law enforcement personnel.

24 (2) FEDERAL PERSONNEL TRAINING.—The  
25 training of State and local law enforcement per-

1       sonnel under this section shall not displace the train-  
2       ing of Federal personnel.

3           (3) CLARIFICATION.—Nothing in this Act or  
4       any other provision of law shall be construed as  
5       making any immigration-related training a require-  
6       ment for, or prerequisite to, any State or local law  
7       enforcement officer to assist in the enforcement of  
8       Federal immigration laws in the normal course of  
9       carrying out the normal law enforcement duties of  
10      such officers.

11      (f) TRAINING LIMITATION.—Section 287(g) of the  
12      Immigration and Nationality Act (8 U.S.C. 1357(g)) is  
13      amended—

14           (1) by striking “Attorney General” and insert-  
15      ing “Secretary of Homeland Security” each place it  
16      appears; and

17           (2) in paragraph (2), by adding at the end the  
18      following new sentence: “Such training shall not ex-  
19      ceed 14 days or 80 hours, whichever is longer.”.

20      **SEC. 11. IMMUNITY.**

21      (a) PERSONAL IMMUNITY.—Notwithstanding any  
22      other provision of law, a law enforcement officer of a State  
23      or local law enforcement agency who is acting within the  
24      scope of the officer’s official duties shall be immune, to  
25      the same extent as a Federal law enforcement officer,

1 from personal liability arising out of the performance of  
2 any duty described in this Act.

3 (b) AGENCY IMMUNITY.—Notwithstanding any other  
4 provision of law, a State or local law enforcement agency  
5 shall be immune from any claim for money damages based  
6 on Federal, State, or local civil rights law for an incident  
7 arising out of the enforcement of any immigration law,  
8 except to the extent a law enforcement officer of such  
9 agency committed a violation of Federal, State, or local  
10 criminal law in the course of enforcing such immigration  
11 law.

12 **SEC. 12. INSTITUTIONAL REMOVAL PROGRAM (IRP).**

13 (a) CONTINUATION AND EXPANSION.—

14 (1) IN GENERAL.—The Secretary of Homeland  
15 Security shall continue to operate and implement the  
16 program known as the Institutional Removal Pro-  
17 gram (IRP) which—

18 (A) identifies removable criminal aliens in  
19 Federal and State correctional facilities;

20 (B) ensures such aliens are not released  
21 into the community; and

22 (C) removes such aliens from the United  
23 States after the completion of their sentences.

24 (2) EXPANSION.—The Institutional Removal  
25 Program shall be extended to all States. Any State

1 that receives Federal funds for the incarceration of  
2 criminal aliens shall—

3 (A) cooperate with officials of the Institu-  
4 tional Removal Program;

5 (B) expeditiously and systematically iden-  
6 tify criminal aliens in its prison and jail popu-  
7 lations; and

8 (C) promptly convey such information to  
9 officials of such Program as a condition of re-  
10 ceiving such funds.

11 (b) AUTHORIZATION FOR DETENTION AFTER COM-  
12 PLETION OF STATE OR LOCAL PRISON SENTENCE.—Law  
13 enforcement officers of a State, or of a political subdivision  
14 of a State, are authorized to—

15 (1) hold a criminal alien for a period of up to  
16 14 days after the alien has completed the alien’s  
17 State prison sentence in order to effectuate the  
18 transfer of the alien to Federal custody when the  
19 alien is removable or not lawfully present in the  
20 United States; or

21 (2) issue a detainer that would allow aliens who  
22 have served a State prison sentence to be detained  
23 by the State prison until personnel from United  
24 States Immigration and Customs Enforcement can  
25 take the alien into custody.

1           (c) TECHNOLOGY USAGE.—Technology such as video  
2 conferencing shall be used to the maximum extent prac-  
3 ticable in order to make the Institutional Removal Pro-  
4 gram available in remote locations. Mobile access to Fed-  
5 eral databases of aliens, such as IDENT, and live scan  
6 technology shall be used to the maximum extent prac-  
7 ticable in order to make these resources available to State  
8 and local law enforcement agencies in remote locations.

9           (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out the Institu-  
11 tional Removal Program—

12                   (1) \$115,000,000 for fiscal year 2008;

13                   (2) \$130,000,000 for fiscal year 2009;

14                   (3) \$145,000,000 for fiscal year 2010; and

15                   (4) \$160,000,000 for fiscal year 2011.

16 **SEC. 13. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**  
17 **(SCAAP).**

18           Section 241(i)(5) of the Immigration and Nationality  
19 Act (8 U.S.C. 1231(i)) is amended—

20                   (1) in subparagraph (B), by striking “and” at  
21 the end;

22                   (2) in subparagraph (C), by striking the period  
23 at the end and inserting “; and”; and

24                   (3) by adding at the end the following new sub-  
25 paragraph:



1                   “(D) \$1,000,000,000 for fiscal year 2012  
2                   and each subsequent fiscal year.”.

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