

1817. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SULLIVAN OF OKLAHOMA, OR HIS
DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 4437, AS REPORTED
OFFERED BY MR. SULLIVAN OF OKLAHOMA**

Add at the end the following new title:

1 **TITLE IX—SECURE OUR**
2 **NATION’S INTERIOR**

3 **SEC. 901. EXPEDITED REMOVAL.**

4 Section 235(b)(1)(A) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking
6 clauses (i) through (iii) and inserting the following:

7 “(i) IN GENERAL.—If an immigration
8 officer determines that an alien (other
9 than an alien described in subparagraph
10 (F)) who is arriving in the United States,
11 or who has not been admitted or paroled
12 into the United States and who has not af-
13 firmatively shown, to the satisfaction of an
14 immigration officer, that the alien has been
15 physically present in the United States
16 continuously for the 1-year period imme-
17 diately prior to the date of the determina-
18 tion of inadmissibility under this para-
19 graph, is inadmissible under section
20 212(a)(6)(C) or 212(a)(7), the officer shall



1 order the alien removed from the United
2 States without further hearing or review,
3 unless—

4 “(I) the alien has been charged
5 with a crime, is in criminal pro-
6 ceedings, or is serving a criminal sen-
7 tence; or

8 “(II) the alien indicates an inten-
9 tion to apply for asylum under section
10 208 or a fear of persecution and the
11 officer determines that the alien has
12 been physically present in the United
13 States for less than 1 year.

14 “(ii) CLAIMS FOR ASYLUM.—If an im-
15 migration officer determines that an alien
16 (other than an alien described in subpara-
17 graph (F)) who is arriving in the United
18 States, or who is described in clause (i),
19 and the alien indicates either an intention
20 to apply for asylum under section 208 or
21 a fear of persecution, the officer shall refer
22 the alien for an interview by an asylum of-
23 ficer under subparagraph (B) if the officer
24 determines that the alien has been phys-



1 ically present in the United States for less
2 than 1 year.”.

3 **SEC. 902. CLARIFICATION OF INHERENT AUTHORITY OF**
4 **STATE AND LOCAL LAW ENFORCEMENT.**

5 Notwithstanding any other provision of law and re-
6 affirming the existing inherent authority of States, law en-
7 forcement personnel of a State or a political subdivision
8 of a State have the inherent authority of a sovereign entity
9 to apprehend, arrest, detain, or transfer to Federal cus-
10 tody aliens in the United States (including the transpor-
11 tation of such aliens across State lines to detention cen-
12 ters), in the enforcement of the immigration laws of the
13 United States. This State authority has never been dis-
14 placed or preempted by Congress.

15 **SEC. 903. DEPARTMENT OF HOMELAND SECURITY RE-**
16 **SPONSE TO REQUESTS FOR ASSISTANCE**
17 **FROM STATE AND LOCAL LAW ENFORCE-**
18 **MENT.**

19 (a) IN GENERAL.—Title II of the Immigration and
20 Nationality Act (8 U.S.C. 1151 et seq.) is amended by
21 adding after section 240C the following:

22 “CUSTODY OF ILLEGAL ALIENS

23 “SEC. 240D. (a) IN GENERAL.—If the Governor of
24 a State (or, if appropriate, a political subdivision of the
25 State), exercising authority with respect to the apprehen-
26 sion of an illegal alien, submits a request to the Secretary



1 of Homeland Security that the alien be taken into Federal
2 custody, the Secretary

3 “(1) shall—

4 “(A) not later than 48 hours after the con-
5 clusion of the State charging process or dis-
6 missal process, or if no State charging or dis-
7 missal process is required, after the illegal alien
8 is apprehended, take the illegal alien into the
9 custody of the Federal Government and incar-
10 cerate the alien; or

11 “(B) request that the relevant State or
12 local law enforcement agency temporarily incar-
13 cerate or transport the illegal alien for transfer
14 to Federal custody; and

15 “(2) shall designate a Federal, State, or local
16 prison or jail or a private contracted prison or deten-
17 tion facility within each State as the central facility
18 for that State to transfer custody of the criminal or
19 illegal aliens to the Department of Homeland Secu-
20 rity. The Secretary of Homeland Security may enter
21 into contracts with appropriate State and local law
22 enforcement, private entities, and detention officials
23 to implement this subsection.

24 “(b) REIMBURSEMENT TO STATES AND LOCAL-
25 ITIES.—The Secretary of Homeland Security shall reim-



1 burse States and localities for all reasonable expenses, as
2 determined by the Secretary, incurred by a State or local-
3 ity in the incarceration and transportation of an illegal
4 alien as described in subparagraphs (A) and (B) of sub-
5 section (a)(1). Compensation provided for costs incurred
6 under subparagraphs (A) and (B) of subsection (a)(1)
7 shall be the average cost of incarceration of a prisoner
8 in the relevant State, as determined by the chief executive
9 officer of a State (or, as appropriate, a political subdivi-
10 sion of the State) plus the cost of transporting the crimi-
11 nal or illegal alien from the point of apprehension, to the
12 place of detention, and to the custody transfer point if
13 the place of detention and place of custody are different.

14 “(c) INCARCERATION OF ILLEGAL ALIENS.—The
15 Secretary of Homeland Security shall ensure that illegal
16 aliens incarcerated in Federal facilities pursuant to this
17 subsection are held in facilities which provide an appro-
18 priate level of security.

19 “(d) TRANSFER OF ILLEGAL ALIENS.—

20 “(1) IN GENERAL.—In carrying out this sec-
21 tion, the Secretary of Homeland Security may estab-
22 lish a regular circuit and schedule for the prompt
23 transfer of apprehended illegal aliens from the cus-
24 tody of States and political subdivisions of States to
25 Federal custody.



1 “(2) AGREEMENTS.—The Secretary of Home-
2 land Security may enter into contracts with appro-
3 priate State and local law enforcement, private enti-
4 ties, and detention officials to implement this sub-
5 section.

6 “(e) DEFINITION.—For purposes of this section, the
7 term ‘illegal alien’ means an alien who entered the United
8 States without inspection or at any time or place other
9 than that designated by the Secretary of Homeland Secu-
10 rity.”.

11 **SEC. 904. UNIVERSAL PROCESSING THROUGH THE AUTO-**
12 **MATED ENTRY-EXIT CONTROL SYSTEM.**

13 (a) RECORD OF ENTRY AND EXIT.—Not later than
14 January 1, 2008, the Secretary of Homeland Security
15 shall develop a program to collect and maintain a record
16 of each admission for every alien arriving in the United
17 States.

18 (b) PURPOSE.—The program established in sub-
19 section (a) shall verify the identify of every arriving and
20 departing alien by comparing in real time the biometric
21 identifier on such alien’s travel or entry document or pass-
22 port with the arriving or departing alien.

23 (c) COORDINATION.—The program established under
24 subsection (a) shall be coordinated with the system estab-



1 lished under section 235(a) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1225(a)).

3 (d) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary of Homeland
5 Security shall submit a report to the Congress detailing
6 the additional resources, including machine readers and
7 personnel, that are needed at each port of entry, based
8 on recent and anticipated volumes of admissions at such
9 ports of entry, to fully implement subsection (a).

