

conjunction with ICE to handle it in the proper manner.

Because of an interest I had in it for some time, the State of Alabama, I am proud to say, became the second State in the Nation to enter into one of these agreements. Our Governor, Bob Riley, thought it was the right thing to do. He is an excellent Governor. He took steps to do it some years ago.

To date, we have trained 60 State troopers in 3 classes of 20 each, and the Federal Government trained these troopers at the Center for Domestic Preparedness in Anniston, AL. But let me tell my colleagues what happened to the State as a result of their partnership and willingness to assist the Federal Government. They have to pick up the costs of this training. Each class costs Alabama an average of \$40,000, for a total of \$120,000 in State money, all designed to help ensure that our State troopers are knowledgeable on all of the correct, fair, just, and legal ways to deal with illegal entrants into our country, and to be able to assist the Federal agents in doing their duties.

I think one reason we have seen a fairly slow expansion of the 287(g) program is the fact that it costs the States a bunch of money. Now we have \$51 million set aside here in this program for training. But they are not paying any of it, apparently, as of this date to refund the States for their costs of training. It takes some number of weeks in this training—more than I think is justified. It is 6 weeks, my counsel tells me. It is 6 weeks that they have to go through a training program.

I have to tell my colleagues, if you go through any town in the country, whether it is Alabama or anywhere else, and you are a Senator, and you are speeding through that town and you are drunk, some 19-year-old, 20-year-old police officer can put you in jail, put your rear end in the Bastille. He doesn't have to have special training on how to arrest a Senator. But we are going to give special training to our local police officers on how to arrest somebody who is not even a citizen of the United States of America. That is what Homeland Security wants and that is what they believe. Six weeks, in my view, is too much, for heaven's sake. But they want 6 weeks of training and they make them cross designated and very intense partners in this program. But if you take a police officer off the streets for 6 weeks, that is a drain on the State and local police departments, and we ought to be able to compensate them some for it, in my view.

Let me tell you what happened in my State. It has been rather remarkable. In the first 18 months of operation, the Alabama MOU has resulted in the seizure of over \$689,000 in cash in connection with criminal immigration offenses. Pretty good action there. As of last year, the training of those troopers had already resulted in 54 indict-

ments, including those for illegal entry, false claims to citizenship, fraudulent documents, and visa fraud. It resulted in 33 convictions, including Social Security fraud, prior deported aggravated felons, and visa fraud. These are in Federal Court, not State court. You cannot try people in State court for immigration offenses. They are picked up by the Federal prosecutors and they have to meet some seriousness standard before they would actually be prosecuted in Federal Court.

In addition to those I mentioned, there are six Federal charges pending disposition, including aliens with firearms. There are 13 Federal charges pending indictment. So this is a matter that has the potential to help us identify those who are here illegally and those who may pose a threat to our country. It could well be that the next person planning an attack somewhere in the United States may be one of those picked up because, as we know, of the 18 hijackers, several of them were picked up—some more than once—by State and local officers. But they had no way to access or did not access the actual history of these individuals to find out whether they were here legally and might otherwise be subject to arrest. If that had occurred and our system had worked effectively, it is conceivable that the case could have been broken before 9/11 occurred.

The 9/11 Commission did point out that we need to do a far better job in this area. The 9/11 Commission recommended we implement State and Federal training and law enforcement cooperation and enhance that ability. That was one of their firm recommendations. We have not done that to any significant degree at this point.

The first State to be accepted with an MOU was Florida. They also have a history of an effective program under 287(g). The ICE program provides local law enforcement with comprehensive training and, once certified, the officers remain basically under ICE's supervision under all matters relating to immigration. To address concerns voiced by immigrant interest groups, Federal, State, and local enforcement have engaged in significant outreach efforts with local immigrant communities and have not engaged in sweeps for undocumented aliens.

One of the greatest testaments to the success of a program is that in no instance has a complaint been filed against law enforcement officers as a result of the actions under this memorandum of understanding. It has gone extremely well without the kind of complaints that people have suggested might happen, and it has been an asset to the Federal Government and should be continued. It is already part of our law. We have provisions that allow for it. We have money set aside—\$51 million in one area and \$5 million in another area—but we don't have provisions to help the States defray the cost of their training.

Now, I will remind my colleagues of some of the objective reports since 9/11

that are important to us. One is the Hart-Rudman report. The report is entitled "America Still Unprepared—America Still in Danger." They found that one problem America still confronts is that "700,000 local and State police officers continue to operate in a virtual intelligence vacuum, without access to terrorist watchlists." The first recommendation of the report was to "tap the eyes and ears of local and State law enforcement officers in preventing attacks."

On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the United States. They suggested that the burden could and should be shared with the 700,000 local, county, and State law enforcement officers if they can be brought out of the information void.

The final report of the National Commission on Terrorist Attacks upon the United States, the 9/11 Commission, released in the summer of 2004, also recognized the important role of State and local law enforcement officers in immigration law enforcement. Again, let me remind you, we have only a couple of thousand actively engaged Federal investigators inside our country to actually enforce immigration law. So how do we expect to intercept some of the individuals who may be plotting this very moment to attack? They may be here with false documents, or they may have gotten into the country legally and overstayed. How are we going to find them if we don't welcome the participation of State and local law enforcement officers? In the 9/11 Commission report, the section titled "Immigration Law and Enforcement," the Commission found this:

[T]oday, more than 9 million people are in the United States outside the legal immigration system.

Some say it is 12 million, but they say more than 9. Nobody can dispute that. They continue:

There is a growing role for State and local law enforcement agencies. They need more training and work with Federal agencies so they can cooperate more effectively with those Federal authorities. . . .

To achieve that necessary collaboration, we must first clarify the authority delegated to each level of law enforcement and make it clear that State and local officers have authority to and are welcome to participate actively in the enforcement of immigration law.

My amendment will do that. It is something that is overdue, and we should do it. I remain a bit baffled by the objections that continue to be raised on this. I had occasion last year to participate with my chief counsel, who is here with me—Cindy Hayden—to prepare a law review article for the Stanford Law Review on the question of the authority of State and local law enforcement officers. It is somewhat complex, but it is not disputed that State and local law enforcement have the authority to detain people who