Another issue I have raised is Operation Jump Start. This deals with National Guard funding through the end of the year 2008 and improvement in the rules of engagement. There is funding in the Gregg amendment for this matter, but it did not include rules of engagement language.

My amendment, and a similar amendment filed by Senator KYL for another bill, provides the funding, which is $400 million, needed to keep the current National Guard presence of 6,000 guardsmen on the southern border through the end of 2008. The administration's plan is to reduce those forces by half—down to 3,000—by September 2007. So by next summer, they want to have those numbers in half. The National Guard is working to deter illegal border crossings. They are big making a difference there. They are also helping us create the impression that our border is no longer open, that it is closed and it is not a good thing for someone to try to come across it illegally. Removing the National Guard members when they have been so successful would be premature.

If we take all these actions and keep the National Guard at the border, we can help reach that tipping point that I referred to earlier.

In addition, my amendment will allow the National Guard members to have a greater role in stopping illegal aliens along the border. National Guard members should be permitted to aid in the apprehension of illegal aliens crossing the border, at least until a Border Patrol agent comes on the scene. Today, they are only permitted to use nondeadly force for self-defense or the defense of others. So they cannot apprehend illegal aliens that they see crossing the border because they cannot use force unless it is to defend themselves or others. The rules of engagement prevent them from effectively apprehending illegal aliens. My amendment will allow those brave and effective National Guard members to apprehend illegal border crossers until the Border Patrol officer can come to their location.

Another big deal is that we want to make sure criminal aliens are deported. In effect, this language in the amendment I will offer and filed is included in the Gregg amendment. It deals with this problem. The American people understand the need to deport aliens, legal and illegal, who have committed crimes in the United States, crimes that make them deportable. We have laws that say that if you are here in a nonpermanent status and you commit a crime, then you are to be deported; nonpermanent status means that you do not have legal permanent status or citizenship in America. And one of the conditions of that admission is that you don't commit crimes. That is not too much to ask. That is our standard. Most countries have a similar standard.

And criminal aliens should be deported, as a matter of policy, at the end of their State or local criminal sentences. They should not be allowed to slip through the cracks and be released back into society. That is not what our laws call for, but it is happening every day.

Additionally, State court judges should not be allowed to vacate convictions or to remit sentences for the purpose of allowing the alien to escape the immigration consequences of their crimes. Those events that criminal aliens are not being deported and that some criminal aliens are avoiding the immigration consequences of their crimes are of great concern to the American people and Border Patrol agents who are out there working their hearts out.

So my amendment will double the funding—$300 million—that DHS has for the institutional removal program, a program that allows DHS to identify criminal aliens while they are in jail serving State and local sentences. Once they have been identified, they go through the paperwork, and the administrative removal process can be completed while they are in jail. This allows the criminal alien to be put directly into the Department of Homeland Security's custody at the end of their prison term, so that they can be quickly deported.

My amendment expands the criminal alien program by directing that the Secretary of DHS implement a pilot project to evaluate technology to automatically identify incarcerated illegal aliens before they are released. Manpower alone won't get this job done. But if we start correctly with technology, we can make great progress. It can be a big improvement in our current system.

In addition, my amendment ensures that when a criminal alien commits a crime, then the original conviction and sentencing will stand when DHS has determined whether the alien is deportable based on their crimes. This ensures that the trial judge's decision to change the sentence or the judgment of conviction won't be able to undermine the immigration impact of the original judgment.

Madam President, we have a real problem. We have a situation in which 27 percent of the persons in the Federal and State penitentiaries are foreign born—this is an amazing number to me—and they are there for crimes other than immigration—for drugs, fraud, sexual abuse, violent crimes. Large numbers of them—the majority of them—are persons who are not citizens. They have been involved in crimes of a serious nature, and they should be deported when they complete serving their sentence for those crimes. That is what is not occurring.

In fact, we have at this moment, we believe, some 600,000 absconders. These are people who have been apprehended and ordered deported, who are told to report for deportation, or similar orders, and have just simply absconded into the country and never shown up. That is a huge number of illegal aliens that we could eliminate, or reduce, if we could handle this process of taking care of their deportation as soon as they have finished their criminal time in jail.

Currently, the Department of Homeland Security and the Department of Justice have implemented a zero tolerance policy at the Del Rio sector of the border. This policy makes sure that every illegal alien is prosecuted for their illegal entry into the United States. It is a misdemeanor for the first offense. It is a criminal offense, but it is a misdemeanor for the first offense of coming into our country illegally. This policy has decreased illegal entry into the Del Rio sector by 58 percent.

Now, when you consider that last year we arrested 1 million people attempting to enter our country illegally, you get an understanding of what a 58-percent reduction in illegal entries means when that kind of policy is enacted. Though there are nine border sectors, Del Rio is the only one that has such a policy. My amendment would expand the success of the Del Rio project to the two border sectors with the highest crossing rates—Tucson, AZ, and San Diego, CA.

My amendment also requires that until a zero tolerance policy is fully in place, the Department of Homeland Security must refer all illegal entries along the Tucson-San Diego sector to the respective U.S. Attorneys' Offices for prosecution. The U.S. Attorneys' Offices must then provide a formal acceptance or declaration of that prosecution request, which would then allow a record so that Congress can know what all is happening—whether additional resources are needed to fully implement this highly effective policy along the entire border. I think that is a good step in the right direction.

Also, Madam President, we have the question of affidavits of support and their lack of use and my amendment deals with that. Since 1997, most family-based and some employment-based immigrants have to have, and do have, a sponsor that guarantees the immigrant will not become a public charge. In other words, they are admitted into the country, but only on the condition that if they have financial needs, this sponsor will take care of that, not the taxpayers of the United States. That is a legitimate condition, I submit, to place on entrance into the United States.

So the sponsor would enter into a contract with the Federal Government, promising to pay back any means-tested public benefits the immigrant would receive. There are some exceptions—medical assistance, school lunch, Federal disaster relief.

To my knowledge, the Federal Government has never gone after sponsors to ensure they follow through on the commitment they have made. My amendment will require a study to be done by the Government Accountability Office to determine the number