

119TH CONGRESS
2D SESSION

H. R. 9199

To secure the borders of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2026

Mr. ROY (for himself, Mr. PERRY, Mr. CLOUD, Mr. DONALDS, Ms. BOEBERT, Mr. OGLES, and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To secure the borders of the United States, 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.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Permanent Trump Secure Border Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—BORDER SECURITY

- Sec. 101. Definitions.
- Sec. 102. Border wall construction.
- Sec. 103. Strengthening the requirements for barriers along the southern border.
- Sec. 104. Border and port security technology investment plan.
- Sec. 105. Border security technology program management.
- Sec. 106. U.S. customs and border protection technology upgrades.
- Sec. 107. U.S. customs and border protection personnel.
- Sec. 108. Anti-border corruption act reauthorization.
- Sec. 109. Establishment of workload staffing models for U.S. border patrol and air and marine operations of cbp.
- Sec. 110. Operation stonegarden.
- Sec. 111. Air and marine operations flight hours.
- Sec. 112. Eradication of carrizo cane and salt cedar.
- Sec. 113. Border patrol strategic plan.
- Sec. 114. U.S. customs and border protection spiritual readiness.
- Sec. 115. Restrictions on funding.
- Sec. 116. Collection of dna and biometric information at the border.
- Sec. 117. Eradication of narcotic drugs and formulating effective new tools to address yearly losses of life; ensuring timely updates to U.S. customs and border protection field manuals.
- Sec. 118. Publication by U.S. customs and border protection of operational statistics.
- Sec. 119. Alien criminal background checks.
- Sec. 120. Prohibited identification documents at airport security checkpoints; notification to immigration agencies.
- Sec. 121. Prohibition against any Covid-19 vaccine mandate or adverse action against dhs employees.
- Sec. 122. Cbp one app limitation.
- Sec. 123. Report on mexican drug cartels.
- Sec. 124. Gao study on costs incurred by states to secure the southwest border.
- Sec. 125. Report by inspector general of the department of homeland security.
- Sec. 126. Offsetting authorizations of appropriations.
- Sec. 127. Report to congress on foreign terrorist organizations.
- Sec. 128. Assessment by inspector general of the department of homeland security on the mitigation of unmanned aircraft systems at the southwest border.

DIVISION B—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS

TITLE I—ASYLUM REFORM AND BORDER PROTECTION

- Sec. 101. Safe third country.
- Sec. 102. Credible fear interviews.
- Sec. 103. Clarification of asylum eligibility.
- Sec. 104. Exceptions.
- Sec. 105. Employment authorization.
- Sec. 106. Asylum fees.
- Sec. 107. Rules for determining asylum eligibility.
- Sec. 108. Firm resettlement.
- Sec. 109. Notice concerning frivolous asylum applications.
- Sec. 110. Technical amendments.
- Sec. 111. Requirement for procedures relating to certain asylum applications.

TITLE II—BORDER SAFETY AND MIGRANT PROTECTION

- Sec. 201. Inspection of applicants for admission.
 Sec. 202. Operational detention facilities.

TITLE III—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

- Sec. 301. United States policy regarding western hemisphere cooperation on immigration and asylum.
 Sec. 302. Negotiations by secretary of state.
 Sec. 303. Mandatory briefings on United States efforts to address the border crisis.

TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER

- Sec. 401. Clarification of standards for family detention.

TITLE V—PROTECTION OF CHILDREN

- Sec. 501. Findings.
 Sec. 502. Repatriation of unaccompanied alien children.
 Sec. 503. Special immigrant juvenile status for immigrants unable to reunite with either parent.
 Sec. 504. Rule of construction.

TITLE VI—VISA OVERSTAYS PENALTIES

- Sec. 601. Expanded penalties for illegal entry or presence.

TITLE VII—IMMIGRATION PAROLE REFORM

- Sec. 701. Immigration parole reform.
 Sec. 702. Implementation.
 Sec. 703. Cause of action.
 Sec. 704. Severability.

TITLE VIII—REPEALING REGULATIONS

- Sec. 801. Repealing regulations.

1 **DIVISION A—BORDER SECURITY**

2 **SEC. 101. DEFINITIONS.**

3 In this division:

4 (1) CBP.—The term “CBP” means U.S. Cus-
 5 toms and Border Protection.

6 (2) COMMISSIONER.—The term “Commis-
 7 sioner” means the Commissioner of U.S. Customs
 8 and Border Protection.

1 (3) DEPARTMENT.—The term “Department”
2 means the Department of Homeland Security.

3 (4) OPERATIONAL CONTROL.—The term “oper-
4 ational control” has the meaning given such term in
5 section 2(b) of the Secure Fence Act of 2006 (Public
6 Law 109–367; 8 U.S.C. 1701 note).

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of Homeland Security.

9 (6) SITUATIONAL AWARENESS.—The term “sit-
10 uational awareness” has the meaning given such
11 term in section 1092(a)(7) of the National Defense
12 Authorization Act for Fiscal Year 2017 (Public Law
13 114–328; 6 U.S.C. 223(a)(7)).

14 (7) UNMANNED AIRCRAFT SYSTEM.—The term
15 “unmanned aircraft system” has the meaning given
16 such term in section 44801 of title 49, United
17 States Code.

18 **SEC. 102. BORDER WALL CONSTRUCTION.**

19 (a) IN GENERAL.—

20 (1) IMMEDIATE RESUMPTION OF BORDER WALL
21 CONSTRUCTION.—Not later than seven days after
22 the date of the enactment of this Act, the Secretary
23 shall resume all activities related to the construction
24 of the border wall along the border between the

1 United States and Mexico that were underway or
2 being planned for prior to January 20, 2021.

3 (2) USE OF FUNDS.—To carry out this section,
4 the Secretary shall expend all unexpired funds ap-
5 propriated or explicitly obligated for the construction
6 of the border wall that were appropriated or obli-
7 gated, as the case may be, for use beginning on Oc-
8 tober 1, 2019.

9 (3) USE OF MATERIALS.—Any unused materials
10 purchased before the date of the enactment of this
11 Act for construction of the border wall may be used
12 for activities related to the construction of the bor-
13 der wall in accordance with paragraph (1).

14 (b) PLAN TO COMPLETE TACTICAL INFRASTRUC-
15 TURE AND TECHNOLOGY.—Not later than 90 days after
16 the date of the enactment of this Act and annually there-
17 after until construction of the border wall has been com-
18 pleted, the Secretary shall submit to the appropriate con-
19 gressional committees an implementation plan, including
20 annual benchmarks for the construction of 200 miles of
21 such wall and associated cost estimates for satisfying all
22 requirements of the construction of the border wall, in-
23 cluding installation and deployment of tactical infrastruc-
24 ture, technology, and other elements as identified by the
25 Department prior to January 20, 2021, through the ex-

penditure of funds appropriated or explicitly obligated, as the case may be, for use, as well as any future funds appropriated or otherwise made available by Congress.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(2) TACTICAL INFRASTRUCTURE.—The term “tactical infrastructure” includes boat ramps, access gates, checkpoints, lighting, and roads associated with a border wall.

(3) TECHNOLOGY.—The term “technology” includes border surveillance and detection technology, including linear ground detection systems, associated with a border wall.

SEC. 103. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) IN GENERAL.—The Secretary of Homeland Se-
4 curity shall take such actions as may be necessary (includ-
5 ing the removal of obstacles to detection of illegal en-
6 trants) to design, test, construct, install, deploy, integrate,
7 and operate physical barriers, tactical infrastructure, and
8 technology in the vicinity of the southwest border to
9 achieve situational awareness and operational control of
10 the southwest border and deter, impede, and detect unlaw-
11 ful activity.”;

12 (2) in subsection (b)—

13 (A) in the subsection heading, by striking
14 “FENCING AND ROAD IMPROVEMENTS”
15 and inserting “PHYSICAL BARRIERS”;

16 (B) in paragraph (1)—

17 (i) in the heading, by striking
18 “FENCING” and inserting “BAR-
19 RIERS”;

20 (ii) by amending subparagraph (A) to
21 read as follows:

22 “(A) REINFORCED BARRIERS.—In carrying
23 out this section, the Secretary of Homeland Se-
24 curity shall construct a border wall, including
25 physical barriers, tactical infrastructure, and

1 technology, along not fewer than 900 miles of
2 the southwest border until situational aware-
3 ness and operational control of the southwest
4 border is achieved.”;

5 (iii) by amending subparagraph (B) to
6 read as follows:

7 “(B) PHYSICAL BARRIERS AND TACTICAL
8 INFRASTRUCTURE.—In carrying out this sec-
9 tion, the Secretary of Homeland Security shall
10 deploy along the southwest border the most
11 practical and effective physical barriers, tactical
12 infrastructure, and technology available for
13 achieving situational awareness and operational
14 control of the southwest border.”;

15 (iv) in subparagraph (C)—

16 (I) by amending clause (i) to
17 read as follows:

18 “(i) IN GENERAL.—In carrying out
19 this section, the Secretary of Homeland
20 Security shall consult with the Secretary of
21 the Interior, the Secretary of Agriculture,
22 appropriate representatives of State, Trib-
23 al, and local governments, and appropriate
24 private property owners in the United
25 States to minimize the impact on natural

resources, commerce, and sites of historical or cultural significance for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed. Such consultation may not delay such construction for longer than seven days.”; and

(II) in clause (ii)—

(aa) in subclause (I), by striking “or” after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

“(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or”;

(cc) by adding at the end the following new subclause:

1 “(III) create any right or liability
2 for any party.”; and

3 (v) by striking subparagraph (D);
4 (C) in paragraph (2)—

5 (i) by striking “Attorney General”
6 and inserting “Secretary of Homeland Se-
7 curity”;

8 (ii) by striking “this subsection” and
9 inserting “this section”; and

10 (iii) by striking “construction of
11 fences” and inserting “the construction of
12 physical barriers, tactical infrastructure,
13 and technology”;

14 (D) by amending paragraph (3) to read as
15 follows:

16 “(3) AGENT SAFETY.—In carrying out this sec-
17 tion, the Secretary of Homeland Security, when de-
18 signing, testing, constructing, installing, deploying,
19 integrating, and operating physical barriers, tactical
20 infrastructure, or technology, shall incorporate such
21 safety features into such design, test, construction,
22 installation, deployment, integration, or operation of
23 such physical barriers, tactical infrastructure, or
24 technology, as the case may be, that the Secretary
25 determines are necessary to maximize the safety and

1 effectiveness of officers and agents of the Depart-
2 ment of Homeland Security or of any other Federal
3 agency deployed in the vicinity of such physical bar-
4 riers, tactical infrastructure, or technology.”; and

5 (E) in paragraph (4), by striking “this
6 subsection” and inserting “this section”;

7 (3) in subsection (c)—

8 (A) by amending paragraph (1) to read as
9 follows:

10 “(1) IN GENERAL.—Notwithstanding any other
11 provision of law, the Secretary of Homeland Security
12 shall waive all legal requirements necessary to en-
13 sure the expeditious design, testing, construction, in-
14 stallation, deployment, integration, operation, and
15 maintenance of the physical barriers, tactical infra-
16 structure, and technology under this section. The
17 Secretary shall ensure the maintenance and effec-
18 tiveness of such physical barriers, tactical infrastruc-
19 ture, or technology. Any such action by the Sec-
20 retary shall be effective upon publication in the Fed-
21 eral Register.”;

22 (B) by redesignating paragraph (2) as
23 paragraph (3); and

24 (C) by inserting after paragraph (1) the
25 following new paragraph:

1 “(2) NOTIFICATION.—Not later than seven
2 days after the date on which the Secretary of Home-
3 land Security exercises a waiver pursuant to para-
4 graph (1), the Secretary shall notify the Committee
5 on Homeland Security of the House of Representa-
6 tives and the Committee on Homeland Security and
7 Governmental Affairs of the Senate of such waiver.”;
8 and

9 (4) by adding at the end the following new sub-
10 sections:

11 “(e) TECHNOLOGY.—In carrying out this section, the
12 Secretary of Homeland Security shall deploy along the
13 southwest border the most practical and effective tech-
14 nology available for achieving situational awareness and
15 operational control.

16 “(f) DEFINITIONS.—In this section:

17 “(1) ADVANCED UNATTENDED SURVEILLANCE
18 SENSORS.—The term ‘advanced unattended surveil-
19 lance sensors’ means sensors that utilize an onboard
20 computer to analyze detections in an effort to dis-
21 cern between vehicles, humans, and animals, and ul-
22 timately filter false positives prior to transmission.

23 “(2) OPERATIONAL CONTROL.—The term ‘oper-
24 ational control’ has the meaning given such term in

1 section 2(b) of the Secure Fence Act of 2006 (Public
2 Law 109–367; 8 U.S.C. 1701 note).

3 “(3) PHYSICAL BARRIERS.—The term ‘physical
4 barriers’ includes reinforced fencing, the border wall,
5 and levee walls.

6 “(4) SITUATIONAL AWARENESS.—The term ‘sit-
7 uational awareness’ has the meaning given such
8 term in section 1092(a)(7) of the National Defense
9 Authorization Act for Fiscal Year 2017 (Public Law
10 114–328; 6 U.S.C. 223(a)(7)).

11 “(5) TACTICAL INFRASTRUCTURE.—The term
12 ‘tactical infrastructure’ includes boat ramps, access
13 gates, checkpoints, lighting, and roads.

14 “(6) TECHNOLOGY.—The term ‘technology’ in-
15 cludes border surveillance and detection technology,
16 including the following:

17 “(A) Tower-based surveillance technology.

18 “(B) Deployable, lighter-than-air ground
19 surveillance equipment.

20 “(C) Vehicle and Dismount Exploitation
21 Radars (VADER).

22 “(D) 3-dimensional, seismic acoustic detec-
23 tion and ranging border tunneling detection
24 technology.

1 “(E) Advanced unattended surveillance
2 sensors.

3 “(F) Mobile vehicle-mounted and man-
4 portable surveillance capabilities.

5 “(G) Unmanned aircraft systems.

6 “(H) Tunnel detection systems and other
7 seismic technology.

8 “(I) Fiber-optic cable.

9 “(J) Other border detection, communica-
10 tion, and surveillance technology.

11 “(7) UNMANNED AIRCRAFT SYSTEM.—The term
12 ‘unmanned aircraft system’ has the meaning given
13 such term in section 44801 of title 49, United
14 States Code.”.

15 **SEC. 104. BORDER AND PORT SECURITY TECHNOLOGY IN-**
16 **VESTMENT PLAN.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Commissioner, in
19 consultation with covered officials and border and port se-
20 curity technology stakeholders, shall submit to the appro-
21 priate congressional committees a strategic 5-year tech-
22 nology investment plan (in this section referred to as the
23 “plan”). The plan may include a classified annex, if appro-
24 priate.

1 (b) CONTENTS OF PLAN.—The plan shall include the
2 following:

3 (1) An analysis of security risks at and between
4 ports of entry along the northern and southern bor-
5 ders of the United States.

6 (2) An identification of capability gaps with re-
7 spect to security at and between such ports of entry
8 to be mitigated in order to—

9 (A) prevent terrorists and instruments of
10 terror from entering the United States;

11 (B) combat and reduce cross-border crimi-
12 nal activity, including—

13 (i) the transport of illegal goods, such
14 as illicit drugs; and

15 (ii) human smuggling and human
16 trafficking; and

17 (C) facilitate the flow of legal trade across
18 the southwest border.

19 (3) An analysis of current and forecast trends
20 relating to the number of aliens who—

21 (A) unlawfully entered the United States
22 by crossing the northern or southern border of
23 the United States; or

24 (B) are unlawfully present in the United
25 States.

1 (4) A description of security-related technology
2 acquisitions, to be listed in order of priority, to ad-
3 dress the security risks and capability gaps analyzed
4 and identified pursuant to paragraphs (1) and (2),
5 respectively.

6 (5) A description of each planned security-re-
7 lated technology program, including objectives, goals,
8 and timelines for each such program.

9 (6) An identification of each deployed security-
10 related technology that is at or near the end of the
11 life cycle of such technology.

12 (7) A description of the test, evaluation, mod-
13 eling, and simulation capabilities, including target
14 methodologies, rationales, and timelines, necessary
15 to support the acquisition of security-related tech-
16 nologies pursuant to paragraph (4).

17 (8) An identification and assessment of ways to
18 increase opportunities for communication and col-
19 laboration with the private sector, small and dis-
20 advantaged businesses, intragovernment entities,
21 university centers of excellence, and Federal labora-
22 tories to ensure CBP is able to engage with the mar-
23 ket for security-related technologies that are avail-
24 able to satisfy its mission needs before engaging in
25 an acquisition of a security-related technology.

1 (9) An assessment of the management of
2 planned security-related technology programs by the
3 acquisition workforce of CBP.

4 (10) An identification of ways to leverage al-
5 ready-existing acquisition expertise within the Fed-
6 eral Government.

7 (11) A description of the security resources, in-
8 cluding information security resources, required to
9 protect security-related technology from physical or
10 cyber theft, diversion, sabotage, or attack.

11 (12) A description of initiatives to—

12 (A) streamline the acquisition process of
13 CBP; and

14 (B) provide to the private sector greater
15 predictability and transparency with respect to
16 such process, including information relating to
17 the timeline for testing and evaluation of secu-
18 rity-related technology.

19 (13) An assessment of the privacy and security
20 impact on border communities of security-related
21 technology.

22 (14) In the case of a new acquisition leading to
23 the removal of equipment from a port of entry along
24 the northern or southern border of the United
25 States, a strategy to consult with the private sector

1 and community stakeholders affected by such re-
2 moval.

3 (15) A strategy to consult with the private sec-
4 tor and community stakeholders with respect to se-
5 curity impacts at a port of entry described in para-
6 graph (14).

7 (16) An identification of recent technological
8 advancements in the following:

9 (A) Manned aircraft sensor, communica-
10 tion, and common operating picture technology.

11 (B) Unmanned aerial systems and related
12 technology, including counterunmanned aerial
13 system technology.

14 (C) Surveillance technology, including the
15 following:

16 (i) Mobile surveillance vehicles.

17 (ii) Associated electronics, including
18 cameras, sensor technology, and radar.

19 (iii) Tower-based surveillance tech-
20 nology.

21 (iv) Advanced unattended surveillance
22 sensors.

23 (v) Deployable, lighter-than-air,
24 ground surveillance equipment.

1 (D) Nonintrusive inspection technology, in-
2 cluding non-x-ray devices utilizing muon tomog-
3 raphy and other advanced detection technology.

4 (E) Tunnel detection technology.

5 (F) Communications equipment, including
6 the following:

7 (i) Radios.

8 (ii) Long-term evolution broadband.

9 (iii) Miniature satellites.

10 (c) LEVERAGING THE PRIVATE SECTOR.—To the ex-
11 tent practicable, the plan shall—

12 (1) leverage emerging technological capabilities,
13 and research and development trends, within the
14 public and private sectors;

15 (2) incorporate input from the private sector,
16 including from border and port security stake-
17 holders, through requests for information, industry
18 day events, and other innovative means consistent
19 with the Federal Acquisition Regulation; and

20 (3) identify security-related technologies that
21 are in development or deployed, with or without ad-
22 aptation, that may satisfy the mission needs of CBP.

23 (d) FORM.—To the extent practicable, the plan shall
24 be published in unclassified form on the website of the
25 Department.

1 (e) DISCLOSURE.—The plan shall include an identi-
2 fication of individuals not employed by the Federal Gov-
3 ernment, and their professional affiliations, who contrib-
4 uted to the development of the plan.

5 (f) UPDATE AND REPORT.—Not later than the date
6 that is two years after the date on which the plan is sub-
7 mitted to the appropriate congressional committees pursu-
8 ant to subsection (a) and biennially thereafter for ten
9 years, the Commissioner shall submit to the appropriate
10 congressional committees—

11 (1) an update of the plan, if appropriate; and
12 (2) a report that includes—

13 (A) the extent to which each security-re-
14 lated technology acquired by CBP since the ini-
15 tial submission of the plan or most recent up-
16 date of the plan, as the case may be, is con-
17 sistent with the planned technology programs
18 and projects described pursuant to subsection
19 (b)(5); and

20 (B) the type of contract and the reason for
21 acquiring each such security-related technology.

22 (g) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on Homeland Security
2 and the Committee on Appropriations of the
3 House of Representatives; and

4 (B) the Committee on Homeland Security
5 and Governmental Affairs and the Committee
6 on Appropriations of the Senate.

7 (2) COVERED OFFICIALS.—The term “covered
8 officials” means—

9 (A) the Under Secretary for Management
10 of the Department;

11 (B) the Under Secretary for Science and
12 Technology of the Department; and

13 (C) the Chief Information Officer of the
14 Department.

15 (3) UNLAWFULLY PRESENT.—The term “un-
16 lawfully present” has the meaning provided such
17 term in section 212(a)(9)(B)(ii) of the Immigration
18 and Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

19 **SEC. 105. BORDER SECURITY TECHNOLOGY PROGRAM**
20 **MANAGEMENT.**

21 (a) IN GENERAL.—Subtitle C of title IV of the
22 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
23 is amended by adding at the end the following new section:

1 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**
2 **MANAGEMENT.**

3 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In
4 this section, the term ‘major acquisition program’ means
5 an acquisition program of the Department that is esti-
6 mated by the Secretary to require an eventual total ex-
7 penditure of at least \$100,000,000 (based on fiscal year
8 2023 constant dollars) over its life-cycle cost.

9 “(b) PLANNING DOCUMENTATION.—For each border
10 security technology acquisition program of the Depart-
11 ment that is determined to be a major acquisition pro-
12 gram, the Secretary shall—

13 “(1) ensure that each such program has a writ-
14 ten acquisition program baseline approved by the
15 relevant acquisition decision authority;

16 “(2) document that each such program is satis-
17 fying cost, schedule, and performance thresholds as
18 specified in such baseline, in compliance with rel-
19 evant departmental acquisition policies and the Fed-
20 eral Acquisition Regulation; and

21 “(3) have a plan for satisfying program imple-
22 mentation objectives by managing contractor per-
23 formance.

24 “(c) ADHERENCE TO STANDARDS.—The Secretary,
25 acting through the Under Secretary for Management and
26 the Commissioner of U.S. Customs and Border Protection,

1 shall ensure border security technology acquisition pro-
2 gram managers who are responsible for carrying out this
3 section adhere to relevant internal control standards iden-
4 tified by the Comptroller General of the United States.
5 The Commissioner shall provide information, as needed,
6 to assist the Under Secretary in monitoring management
7 of border security technology acquisition programs under
8 this section.

9 “(d) PLAN.—The Secretary, acting through the
10 Under Secretary for Management, in coordination with
11 the Under Secretary for Science and Technology and the
12 Commissioner of U.S. Customs and Border Protection,
13 shall submit to the Committee on Homeland Security of
14 the House of Representatives and the Committee on
15 Homeland Security and Governmental Affairs of the Sen-
16 ate a plan for testing, evaluating, and using independent
17 verification and validation of resources relating to the pro-
18 posed acquisition of border security technology. Under
19 such plan, the proposed acquisition of new border security
20 technologies shall be evaluated through a series of assess-
21 ments, processes, and audits to ensure—

22 “(1) compliance with relevant departmental ac-
23 quisition policies and the Federal Acquisition Regu-
24 lation; and

25 “(2) the effective use of taxpayer dollars.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 in section 1(b) of the Homeland Security Act of 2002 is
 3 amended by inserting after the item relating to section
 4 436 the following new item:

“Sec. 437. Border security technology program management.”.

5 (c) PROHIBITION ON ADDITIONAL AUTHORIZATION
 6 OF APPROPRIATIONS.—No additional funds are author-
 7 ized to be appropriated to carry out section 437 of the
 8 Homeland Security Act of 2002, as added by subsection
 9 (a).

10 **SEC. 106. U.S. CUSTOMS AND BORDER PROTECTION TECH-**
 11 **NOLOGY UPGRADES.**

12 (a) SECURE COMMUNICATIONS.—The Commissioner
 13 shall ensure that each CBP officer or agent, as appro-
 14 priate, is equipped with a secure radio or other two-way
 15 communication device that allows each such officer or
 16 agent to communicate—

17 (1) between ports of entry and inspection sta-
 18 tions; and

19 (2) with other Federal, State, Tribal, and local
 20 law enforcement entities.

21 (b) BORDER SECURITY DEPLOYMENT PROGRAM.—

22 (1) EXPANSION.—Not later than September 30,
 23 2025, the Commissioner shall—

24 (A) fully implement the Border Security
 25 Deployment Program of CBP; and

1 (B) expand the integrated surveillance and
2 intrusion detection system at land ports of
3 entry along the northern and southern borders
4 of the United States.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to amounts otherwise authorized to be ap-
7 propriated for such purpose, there is authorized to
8 be appropriated \$33,000,000 for fiscal years 2024
9 and 2025 to carry out paragraph (1).

10 (c) UPGRADE OF LICENSE PLATE READERS AT
11 PORTS OF ENTRY.—

12 (1) UPGRADE.—Not later than two years after
13 the date of the enactment of this Act, the Commis-
14 sioner shall upgrade all existing license plate readers
15 in need of upgrade, as determined by the Commis-
16 sioner, on the northern and southern borders of the
17 United States.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to amounts otherwise authorized to be ap-
20 propriated for such purpose, there is authorized to
21 be appropriated \$125,000,000 for fiscal years 2023
22 and 2024 to carry out paragraph (1).

1 **SEC. 107. U.S. CUSTOMS AND BORDER PROTECTION PER-**
2 **SONNEL.**

3 (a) RETENTION BONUS.—To carry out this section,
4 there is authorized to be appropriated up to \$100,000,000
5 to the Commissioner to provide a retention bonus to any
6 front-line U.S. Border Patrol law enforcement agent—

7 (1) whose position is equal to or below level
8 GS–12 of the General Schedule;

9 (2) who has five years or more of service with
10 the U.S. Border Patrol; and

11 (3) who commits to two years of additional
12 service with the U.S. Border Patrol upon acceptance
13 of such bonus.

14 (b) BORDER PATROL AGENTS.—Not later than Sep-
15 tember 30, 2025, the Commissioner shall hire, train, and
16 assign a sufficient number of Border Patrol agents to
17 maintain an active duty presence of not fewer than 22,000
18 full-time equivalent Border Patrol agents, who may not
19 perform the duties of processing coordinators.

20 (c) PROHIBITION AGAINST ALIEN TRAVEL.—No per-
21 sonnel or equipment of Air and Marine Operations may
22 be used for the transportation of non-detained aliens, or
23 detained aliens expected to be administratively released
24 upon arrival, from the southwest border to destinations
25 within the United States.

1 (d) GAO REPORT.—If the staffing level required
2 under this section is not achieved by the date associated
3 with such level, the Comptroller General of the United
4 States shall—

5 (1) conduct a review of the reasons why such
6 level was not so achieved; and

7 (2) not later than September 30, 2027, publish
8 on a publicly available website of the Government
9 Accountability Office a report relating thereto.

10 **SEC. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**
11 **TION.**

12 (a) HIRING FLEXIBILITY.—Section 3 of the Anti-
13 Border Corruption Act of 2010 (6 U.S.C. 221; Public Law
14 111–376) is amended by striking subsection (b) and in-
15 serting the following new subsections:

16 “(b) WAIVER REQUIREMENT.—Subject to subsection
17 (c), the Commissioner of U.S. Customs and Border Pro-
18 tection shall waive the application of subsection (a)(1)—

19 “(1) to a current, full-time law enforcement of-
20 ficer employed by a State or local law enforcement
21 agency who—

22 “(A) has continuously served as a law en-
23 forcement officer for not fewer than three
24 years;

1 “(B) is authorized by law to engage in or
2 supervise the prevention, detection, investiga-
3 tion, or prosecution of, or the incarceration of
4 any person for, any violation of law, and has
5 statutory powers for arrest or apprehension;
6 and

7 “(C) is not currently under investigation,
8 has not been found to have engaged in criminal
9 activity or serious misconduct, has not resigned
10 from a law enforcement officer position under
11 investigation or in lieu of termination, and has
12 not been dismissed from a law enforcement offi-
13 cer position;

14 “(2) to a current, full-time Federal law enforce-
15 ment officer who—

16 “(A) has continuously served as a law en-
17 forcement officer for not fewer than three
18 years;

19 “(B) is authorized to make arrests, con-
20 duct investigations, conduct searches, make sei-
21 zures, carry firearms, and serve orders, war-
22 rants, and other processes;

23 “(C) is not currently under investigation,
24 has not been found to have engaged in criminal
25 activity or serious misconduct, has not resigned

1 from a law enforcement officer position under
2 investigation or in lieu of termination, and has
3 not been dismissed from a law enforcement offi-
4 cer position; and

5 “(D) holds a current Tier 4 background
6 investigation or current Tier 5 background in-
7 vestigation; or

8 “(3) to a member of the Armed Forces (or a re-
9 serve component thereof) or a veteran, if such indi-
10 vidual—

11 “(A) has served in the Armed Forces for
12 not fewer than three years;

13 “(B) holds, or has held within the past five
14 years, a Secret, Top Secret, or Top Secret/Sen-
15 sitive Compartmented Information clearance;

16 “(C) holds, or has undergone within the
17 past five years, a current Tier 4 background in-
18 vestigation or current Tier 5 background inves-
19 tigation;

20 “(D) received, or is eligible to receive, an
21 honorable discharge from service in the Armed
22 Forces and has not engaged in criminal activity
23 or committed a serious military or civil offense
24 under the Uniform Code of Military Justice;
25 and

1 “(E) was not granted any waivers to ob-
2 tain the clearance referred to in subparagraph
3 (B).

4 “(c) TERMINATION OF WAIVER REQUIREMENT;
5 SNAP-BACK.—The requirement to issue a waiver under
6 subsection (b) shall terminate if the Commissioner of U.S.
7 Customs and Border Protection (CBP) certifies to the
8 Committee on Homeland Security of the House of Rep-
9 resentatives and the Committee on Homeland Security
10 and Governmental Affairs of the Senate that CBP has met
11 all requirements pursuant to section 107 of the Secure the
12 Border Act of 2023 relating to personnel levels. If at any
13 time after such certification personnel levels fall below
14 such requirements, the Commissioner shall waive the ap-
15 plication of subsection (a)(1) until such time as the Com-
16 missioner re-certifies to such Committees that CBP has
17 so met all such requirements.”.

18 (b) SUPPLEMENTAL COMMISSIONER AUTHORITY;
19 REPORTING; DEFINITIONS.—The Anti-Border Corruption
20 Act of 2010 is amended by adding at the end the following
21 new sections:

22 **“SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

23 “(a) NONEXEMPTION.—An individual who receives a
24 waiver under section 3(b) is not exempt from any other
25 hiring requirements relating to suitability for employment

1 and eligibility to hold a national security designated posi-
2 tion, as determined by the Commissioner of U.S. Customs
3 and Border Protection.

4 “(b) BACKGROUND INVESTIGATIONS.—An individual
5 who receives a waiver under section 3(b) who holds a cur-
6 rent Tier 4 background investigation shall be subject to
7 a Tier 5 background investigation.

8 “(c) ADMINISTRATION OF POLYGRAPH EXAMINA-
9 TION.—The Commissioner of U.S. Customs and Border
10 Protection is authorized to administer a polygraph exam-
11 ination to an applicant or employee who is eligible for or
12 receives a waiver under section 3(b) if information is dis-
13 covered before the completion of a background investiga-
14 tion that results in a determination that a polygraph ex-
15 amination is necessary to make a final determination re-
16 garding suitability for employment or continued employ-
17 ment, as the case may be.

18 **“SEC. 6. REPORTING.**

19 “(a) ANNUAL REPORT.—Not later than one year
20 after the date of the enactment of this section and annu-
21 ally thereafter while the waiver authority under section
22 3(b) is in effect, the Commissioner of U.S. Customs and
23 Border Protection shall submit to Congress a report that
24 includes, with respect to each such reporting period, the
25 following:

1 “(1) Information relating to the number of
2 waivers granted under such section 3(b).

3 “(2) Information relating to the percentage of
4 applicants who were hired after receiving such a
5 waiver.

6 “(3) Information relating to the number of in-
7 stances that a polygraph was administered to an ap-
8 plicant who initially received such a waiver and the
9 results of such polygraph.

10 “(4) An assessment of the current impact of
11 such waiver authority on filling law enforcement po-
12 sitions at U.S. Customs and Border Protection.

13 “(5) An identification of additional authorities
14 needed by U.S. Customs and Border Protection to
15 better utilize such waiver authority for its intended
16 goals.

17 “(b) ADDITIONAL INFORMATION.—The first report
18 submitted under subsection (a) shall include the following:

19 “(1) An analysis of other methods of employ-
20 ment suitability tests that detect deception and could
21 be used in conjunction with traditional background
22 investigations to evaluate potential applicants or em-
23 ployees for suitability for employment or continued
24 employment, as the case may be.

1 “(2) A recommendation regarding whether a
2 test referred to in paragraph (1) should be adopted
3 by U.S. Customs and Border Protection when the
4 polygraph examination requirement is waived pursu-
5 ant to section 3(b).

6 **“SEC. 7. DEFINITIONS.**

7 “In this Act:

8 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
9 The term ‘Federal law enforcement officer’ means a
10 ‘law enforcement officer’, as such term is defined in
11 section 8331(20) or 8401(17) of title 5, United
12 States Code.

13 “(2) SERIOUS MILITARY OR CIVIL OFFENSE.—
14 The term ‘serious military or civil offense’ means an
15 offense for which—

16 “(A) a member of the Armed Forces may
17 be discharged or separated from service in the
18 Armed Forces; and

19 “(B) a punitive discharge is, or would be,
20 authorized for the same or a closely related of-
21 fense under the Manual for Court-Martial, as
22 pursuant to Army Regulation 635–200, chapter
23 14–12.

24 “(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and
25 ‘Tier 5’, with respect to background investigations,

1 have the meaning given such terms under the 2012
2 Federal Investigative Standards.

3 “(4) VETERAN.—The term ‘veteran’ has the
4 meaning given such term in section 101(2) of title
5 38, United States Code.”.

6 (c) POLYGRAPH EXAMINERS.—Not later than Sep-
7 tember 30, 2025, the Secretary shall increase to not fewer
8 than 150 the number of trained full-time equivalent poly-
9 graph examiners for administering polygraphs under the
10 Anti-Border Corruption Act of 2010, as amended by this
11 section.

12 **SEC. 109. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**
13 **ELS FOR U.S. BORDER PATROL AND AIR AND**
14 **MARINE OPERATIONS OF CBP.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Commissioner, in
17 coordination with the Under Secretary for Management,
18 the Chief Human Capital Officer, and the Chief Financial
19 Officer of the Department, shall implement a workload
20 staffing model for each of the following:

21 (1) The U.S. Border Patrol.

22 (2) Air and Marine Operations of CBP.

23 (b) RESPONSIBILITIES OF THE COMMISSIONER.—
24 Subsection (c) of section 411 of the Homeland Security
25 Act of 2002 (6 U.S.C. 211), is amended—

1 (1) by redesignating paragraphs (18) and (19)
2 as paragraphs (20) and (21), respectively; and

3 (2) by inserting after paragraph (17) the fol-
4 lowing new paragraphs:

5 “(18) implement a staffing model for the U.S.
6 Border Patrol, Air and Marine Operations, and the
7 Office of Field Operations that includes consider-
8 ation for essential frontline operator activities and
9 functions, variations in operating environments,
10 present and planned infrastructure, present and
11 planned technology, and required operations support
12 levels to enable such entities to manage and assign
13 personnel of such entities to ensure field and sup-
14 port posts possess adequate resources to carry out
15 duties specified in this section;

16 “(19) develop standard operating procedures
17 for a workforce tracking system within the U.S.
18 Border Patrol, Air and Marine Operations, and the
19 Office of Field Operations, train the workforce of
20 each of such entities on the use, capabilities, and
21 purpose of such system, and implement internal con-
22 trols to ensure timely and accurate scheduling and
23 reporting of actual completed work hours and activi-
24 ties;”.

25 (c) REPORT.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act with re-
3 spect to subsection (a) and paragraphs (18) and
4 (19) of section 411(c) of the Homeland Security Act
5 of 2002 (as amended by subsection (b)), and annu-
6 ally thereafter with respect to such paragraphs (18)
7 and (19), the Secretary shall submit to the appro-
8 priate congressional committees a report that in-
9 cludes a status update on the following:

10 (A) The implementation of such subsection
11 (a) and such paragraphs (18) and (19).

12 (B) Each relevant workload staffing model.

13 (2) DATA SOURCES AND METHODOLOGY RE-
14 QUIRED.—Each report required under paragraph (1)
15 shall include information relating to the data sources
16 and methodology used to generate each relevant
17 staffing model.

18 (d) INSPECTOR GENERAL REVIEW.—Not later than
19 90 days after the Commissioner develops the workload
20 staffing models pursuant to subsection (a), the Inspector
21 General of the Department shall review such models and
22 provide feedback to the Secretary and the appropriate con-
23 gressional committees with respect to the degree to which
24 such models are responsive to the recommendations of the
25 Inspector General, including the following:

1 (1) Recommendations from the Inspector Gen-
2 eral’s February 2019 audit.

3 (2) Any further recommendations to improve
4 such models.

5 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
6 FINED.—In this section, the term “appropriate congres-
7 sional committees” means—

8 (1) the Committee on Homeland Security of the
9 House of Representatives; and

10 (2) the Committee on Homeland Security and
11 Governmental Affairs of the Senate.

12 **SEC. 110. OPERATION STONEGARDEN.**

13 (a) IN GENERAL.—Subtitle A of title XX of the
14 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.)
15 is amended by adding at the end the following new section:

16 **“SEC. 2010. OPERATION STONEGARDEN.**

17 “(a) ESTABLISHMENT.—There is established in the
18 Department a program to be known as ‘Operation
19 Stonegarden’, under which the Secretary, acting through
20 the Administrator, shall make grants to eligible law en-
21 forcement agencies, through State administrative agen-
22 cies, to enhance border security in accordance with this
23 section.

1 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
2 ceive a grant under this section, a law enforcement agency
3 shall—

4 “(1) be located in—

5 “(A) a State bordering Canada or Mexico;

6 or

7 “(B) a State or territory with a maritime
8 border;

9 “(2) be involved in an active, ongoing, U.S.
10 Customs and Border Protection operation coordi-
11 nated through a U.S. Border Patrol sector office;
12 and

13 “(3) have an agreement in place with U.S. Im-
14 migration and Customs Enforcement to support en-
15 forcement operations.

16 “(c) PERMITTED USES.—A recipient of a grant
17 under this section may use such grant for costs associated
18 with the following:

19 “(1) Equipment, including maintenance and
20 sustainment.

21 “(2) Personnel, including overtime and backfill,
22 in support of enhanced border law enforcement ac-
23 tivities.

24 “(3) Any activity permitted for Operation
25 Stonegarden under the most recent fiscal year De-

1 partment of Homeland Security’s Homeland Secu-
2 rity Grant Program Notice of Funding Opportunity.

3 “(d) PERIOD OF PERFORMANCE.—The Secretary
4 shall award grants under this section to grant recipients
5 for a period of not fewer than 36 months.

6 “(e) NOTIFICATION.—Upon denial of a grant to a law
7 enforcement agency, the Administrator shall provide writ-
8 ten notice to the Committee on Homeland Security of the
9 House of Representatives and the Committee on Home-
10 land Security and Governmental Affairs of the Senate, in-
11 cluding the reasoning for such denial.

12 “(f) REPORT.—For each of fiscal years 2024 through
13 2028 the Administrator shall submit to the Committee on
14 Homeland Security of the House of Representatives and
15 the Committee on Homeland Security and Governmental
16 Affairs of the Senate a report that contains—

17 “(1) information on the expenditure of grants
18 made under this section by each grant recipient; and

19 “(2) recommendations for other uses of such
20 grants to further support eligible law enforcement
21 agencies.

22 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated \$110,000,000 for each
24 of fiscal years 2024 through 2028 for grants under this
25 section.”.

1 (b) CONFORMING AMENDMENT.—Subsection (a) of
 2 section 2002 of the Homeland Security Act of 2002 (6
 3 U.S.C. 603) is amended to read as follows:

4 “(a) GRANTS AUTHORIZED.—The Secretary, through
 5 the Administrator, may award grants under sections 2003,
 6 2004, 2009, and 2010 to State, local, and Tribal govern-
 7 ments, as appropriate.”.

8 (c) CLERICAL AMENDMENT.—The table of contents
 9 in section 1(b) of the Homeland Security Act of 2002 is
 10 amended by inserting after the item relating to section
 11 2009 the following new item:

“Sec. 2010. Operation Stonegarden.”.

12 **SEC. 111. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

13 (a) AIR AND MARINE OPERATIONS FLIGHT
 14 HOURS.—Not later than 120 days after the date of the
 15 enactment of this Act, the Secretary shall ensure that not
 16 fewer than 110,000 annual flight hours are carried out
 17 by Air and Marine Operations of CBP.

18 (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-
 19 retary, after coordination with the Administrator of the
 20 Federal Aviation Administration, shall ensure that Air and
 21 Marine Operations operate unmanned aircraft systems on
 22 the southern border of the United States for not less than
 23 24 hours per day.

24 (c) PRIMARY MISSIONS.—The Commissioner shall
 25 ensure the following:

1 (1) The primary missions for Air and Marine
2 Operations are to directly support the following:

3 (A) U.S. Border Patrol activities along the
4 borders of the United States.

5 (B) Joint Interagency Task Force South
6 and Joint Task Force East operations in the
7 transit zone.

8 (2) The Executive Assistant Commissioner of
9 Air and Marine Operations assigns the greatest pri-
10 ority to support missions specified in paragraph (1).

11 (d) HIGH DEMAND FLIGHT HOUR REQUIRE-
12 MENTS.—The Commissioner shall—

13 (1) ensure that U.S. Border Patrol Sector
14 Chiefs identify air support mission-critical hours;
15 and

16 (2) direct Air and Marine Operations to sup-
17 port requests from such Sector Chiefs as a compo-
18 nent of the primary mission of Air and Marine Op-
19 erations in accordance with subsection (c)(1)(A).

20 (e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—
21 The Commissioner shall contract for air support mission-
22 critical hours to meet the requests for such hours, as iden-
23 tified pursuant to subsection (d).

24 (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

1 (1) IN GENERAL.—The Chief of the U.S. Bor-
2 der Patrol shall be the executive agent with respect
3 to the use of small unmanned aircraft by CBP for
4 the purposes of the following:

5 (A) Meeting the unmet flight hour oper-
6 ational requirements of the U.S. Border Patrol.

7 (B) Achieving situational awareness and
8 operational control of the borders of the United
9 States.

10 (2) COORDINATION.—In carrying out para-
11 graph (1), the Chief of the U.S. Border Patrol shall
12 coordinate—

13 (A) flight operations with the Adminis-
14 trator of the Federal Aviation Administration to
15 ensure the safe and efficient operation of the
16 national airspace system; and

17 (B) with the Executive Assistant Commis-
18 sioner for Air and Marine Operations of CBP
19 to—

20 (i) ensure the safety of other CBP
21 aircraft flying in the vicinity of small un-
22 manned aircraft operated by the U.S. Bor-
23 der Patrol; and

1 (ii) establish a process to include data
2 from flight hours in the calculation of got
3 away statistics.

4 (3) CONFORMING AMENDMENT.—Paragraph (3)
5 of section 411(e) of the Homeland Security Act of
6 2002 (6 U.S.C. 211(e)) is amended—

7 (A) in subparagraph (B), by striking
8 “and” after the semicolon at the end;

9 (B) by redesignating subparagraph (C) as
10 subparagraph (D); and

11 (C) by inserting after subparagraph (B)
12 the following new subparagraph:

13 “(C) carry out the small unmanned air-
14 craft (as such term is defined in section 44801
15 of title 49, United States Code) requirements
16 pursuant to subsection (f) of section 111 of the
17 Secure the Border Act of 2023; and”.

18 (g) SAVINGS CLAUSE.—Nothing in this section may
19 be construed as conferring, transferring, or delegating to
20 the Secretary, the Commissioner, the Executive Assistant
21 Commissioner for Air and Marine Operations of CBP, or
22 the Chief of the U.S. Border Patrol any authority of the
23 Secretary of Transportation or the Administrator of the
24 Federal Aviation Administration relating to the use of air-
25 space or aviation safety.

1 (h) DEFINITIONS.—In this section:

2 (1) GOT AWAY.—The term “got away” has the
3 meaning given such term in section 1092(a)(3) of
4 the National Defense Authorization Act for Fiscal
5 Year (Public Law 114–328; U.S.C. 223(a)(3)).

6 (2) TRANSIT ZONE.—The term “transit zone”
7 has the meaning given such term in section
8 1092(a)(8) of the National Defense Authorization
9 Act for Fiscal Year 2017 (Public Law 114–328; 6
10 U.S.C. 223(a)(8)).

11 **SEC. 112. ERADICATION OF CARRIZO CANE AND SALT**
12 **CEDAR.**

13 (a) IN GENERAL.—Not later than 30 days after the
14 date of the enactment of this Act, the Secretary, in coordi-
15 nation with the heads of relevant Federal, State, and local
16 agencies, shall hire contractors to begin eradicating the
17 carrizo cane plant and any salt cedar along the Rio
18 Grande River that impedes border security operations.
19 Such eradication shall be completed—

20 (1) by not later than September 30, 2027, ex-
21 cept for required maintenance; and

22 (2) in the most expeditious and cost-effective
23 manner possible to maintain clear fields of view.

24 (b) APPLICATION.—The waiver authority under sub-
25 section (c) of section 102 of the Illegal Immigration Re-

1 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
2 1103 note), as amended by section 103 of this division,
3 shall apply to activities carried out pursuant to subsection
4 (a).

5 (c) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary shall submit
7 to the Committee on Homeland Security of the House of
8 Representatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a strategic plan
10 to eradicate all carrizo cane plant and salt cedar along
11 the Rio Grande River that impedes border security oper-
12 ations by not later than September 30, 2027.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$7,000,000 for each of fis-
15 cal years 2024 through 2028 to the Secretary to carry
16 out this subsection.

17 **SEC. 113. BORDER PATROL STRATEGIC PLAN.**

18 (a) IN GENERAL.—Not later than one year after the
19 date of the enactment of this Act and biennially thereafter,
20 the Commissioner, acting through the Chief of the U.S.
21 Border Patrol, shall issue a Border Patrol Strategic Plan
22 (referred to in this section as the “plan”) to enhance the
23 security of the borders of the United States.

24 (b) ELEMENTS.—The plan shall include the fol-
25 lowing:

1 (1) A consideration of Border Patrol Capability
2 Gap Analysis reporting, Border Security Improve-
3 ment Plans, and any other strategic document au-
4 thored by the U.S. Border Patrol to address security
5 gaps between ports of entry, including efforts to
6 mitigate threats identified in such analyses, plans,
7 and documents.

8 (2) Information relating to the dissemination of
9 information relating to border security or border
10 threats with respect to the efforts of the Department
11 and other appropriate Federal agencies.

12 (3) Information relating to efforts by U.S. Bor-
13 der Patrol to—

14 (A) increase situational awareness, includ-
15 ing—

16 (i) surveillance capabilities, such as
17 capabilities developed or utilized by the
18 Department of Defense, and any appro-
19 priate technology determined to be excess
20 by the Department of Defense; and

21 (ii) the use of manned aircraft and
22 unmanned aircraft;

23 (B) detect and prevent terrorists and in-
24 struments of terrorism from entering the
25 United States;

1 (C) detect, interdict, and disrupt between
2 ports of entry aliens unlawfully present in the
3 United States;

4 (D) detect, interdict, and disrupt human
5 smuggling, human trafficking, drug trafficking,
6 and other illicit cross-border activity;

7 (E) focus intelligence collection to disrupt
8 transnational criminal organizations outside of
9 the international and maritime borders of the
10 United States; and

11 (F) ensure that any new border security
12 technology can be operationally integrated with
13 existing technologies in use by the Department.

14 (4) Information relating to initiatives of the De-
15 partment with respect to operational coordination,
16 including any relevant task forces of the Depart-
17 ment.

18 (5) Information gathered from the lessons
19 learned by the deployments of the National Guard to
20 the southern border of the United States.

21 (6) A description of cooperative agreements re-
22 lating to information sharing with State, local, Trib-
23 al, territorial, and other Federal law enforcement
24 agencies that have jurisdiction on the borders of the
25 United States.

1 (7) Information relating to border security in-
2 formation received from the following:

3 (A) State, local, Tribal, territorial, and
4 other Federal law enforcement agencies that
5 have jurisdiction on the borders of the United
6 States or in the maritime environment.

7 (B) Border community stakeholders, in-
8 cluding representatives from the following:

9 (i) Border agricultural and ranching
10 organizations.

11 (ii) Business and civic organizations.

12 (iii) Hospitals and rural clinics within
13 150 miles of the borders of the United
14 States.

15 (iv) Victims of crime committed by
16 aliens unlawfully present in the United
17 States.

18 (v) Victims impacted by drugs,
19 transnational criminal organizations, car-
20 tels, gangs, or other criminal activity.

21 (vi) Farmers, ranchers, and property
22 owners along the border.

23 (vii) Other individuals negatively im-
24 pacted by illegal immigration.

1 (8) Information relating to the staffing require-
2 ments with respect to border security for the De-
3 partment.

4 (9) A prioritized list of Department research
5 and development objectives to enhance the security
6 of the borders of the United States.

7 (10) An assessment of training programs, in-
8 cluding such programs relating to the following:

9 (A) Identifying and detecting fraudulent
10 documents.

11 (B) Understanding the scope of CBP en-
12 forcement authorities and appropriate use of
13 force policies.

14 (C) Screening, identifying, and addressing
15 vulnerable populations, such as children and
16 victims of human trafficking.

17 **SEC. 114. U.S. CUSTOMS AND BORDER PROTECTION SPIR-**
18 **ITUAL READINESS.**

19 Not later than one year after the enactment of this
20 Act and annually thereafter for five years, the Commis-
21 sioner shall submit to the Committee on Homeland Secu-
22 rity of the House of Representatives and the Committee
23 on Homeland Security and Governmental Affairs of the
24 Senate a report on the availability and usage of the assist-
25 ance of chaplains, prayer groups, houses of worship, and

1 other spiritual resources for members of CBP who identify
2 as religiously affiliated and have attempted suicide, have
3 suicidal ideation, or are at risk of suicide, and metrics on
4 the impact such resources have in assisting religiously af-
5 filiated members who have access to and utilize such re-
6 sources compared to religiously affiliated members who do
7 not.

8 **SEC. 115. RESTRICTIONS ON FUNDING.**

9 (a) ARRIVING ALIENS.—No funds are authorized to
10 be appropriated to the Department to process the entry
11 into the United States of aliens arriving in between ports
12 of entry.

13 (b) RESTRICTION ON NONGOVERNMENTAL ORGANI-
14 ZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds
15 are authorized to be appropriated to the Department for
16 disbursement to any nongovernmental organization that
17 facilitates or encourages unlawful activity, including un-
18 lawful entry, human trafficking, human smuggling, drug
19 trafficking, and drug smuggling.

20 (c) RESTRICTION ON NONGOVERNMENTAL ORGANI-
21 ZATION FACILITATION OF ILLEGAL IMMIGRATION.—No
22 funds are authorized to be appropriated to the Depart-
23 ment for disbursement to any nongovernmental organiza-
24 tion to provide, or facilitate the provision of, transpor-
25 tation, lodging, or immigration legal services to inadmis-

1 sible aliens who enter the United States after the date of
2 the enactment of this Act.

3 **SEC. 116. COLLECTION OF DNA AND BIOMETRIC INFORMA-**
4 **TION AT THE BORDER.**

5 Not later than 14 days after the date of the enact-
6 ment of this Act, the Secretary shall ensure and certify
7 to the Committee on Homeland Security of the House of
8 Representatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate that CBP is fully
10 compliant with Federal DNA and biometric collection re-
11 quirements at United States land borders.

12 **SEC. 117. ERADICATION OF NARCOTIC DRUGS AND FORMU-**
13 **LATING EFFECTIVE NEW TOOLS TO ADDRESS**
14 **YEARLY LOSSES OF LIFE; ENSURING TIMELY**
15 **UPDATES TO U.S. CUSTOMS AND BORDER**
16 **PROTECTION FIELD MANUALS.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of the enactment of this Act, and not less frequently
19 than triennially thereafter, the Commissioner of U.S. Cus-
20 toms and Border Protection shall review and update, as
21 necessary, the current policies and manuals of the Office
22 of Field Operations related to inspections at ports of
23 entry, and the U.S. Border Patrol related to inspections
24 between ports of entry, to ensure the uniform implementa-
25 tion of inspection practices that will effectively respond to

1 technological and methodological changes designed to dis-
2 guise unlawful activity, such as the smuggling of drugs
3 and humans, along the border.

4 (b) REPORTING REQUIREMENT.—Not later than 90
5 days after each update required under subsection (a), the
6 Commissioner of U.S. Customs and Border Protection
7 shall submit to the Committee on Homeland Security and
8 the Committee on the Judiciary of the House of Rep-
9 resentatives and the Committee on Homeland Security
10 and Governmental Affairs and the Committee on the Judi-
11 ciary of the Senate a report that summarizes any policy
12 and manual changes pursuant to subsection (a).

13 **SEC. 118. PUBLICATION BY U.S. CUSTOMS AND BORDER**
14 **PROTECTION OF OPERATIONAL STATISTICS.**

15 (a) IN GENERAL.—Not later than the seventh day of
16 each month beginning with the second full month after
17 the date of the enactment of this Act, the Commissioner
18 of U.S. Customs and Border Protection shall publish on
19 a publicly available website of the Department of Home-
20 land Security information relating to the total number of
21 alien encounters and nationalities, unique alien encounters
22 and nationalities, gang affiliated apprehensions and na-
23 tionalities, drug seizures, alien encounters included in the
24 terrorist screening database and nationalities, arrests of
25 criminal aliens or individuals wanted by law enforcement

1 and nationalities, known got aways, encounters with de-
2 ceased aliens, and all other related or associated statistics
3 recorded by U.S. Customs and Border Protection during
4 the immediately preceding month. Each such publication
5 shall include the following:

6 (1) The aggregate such number, and such num-
7 ber disaggregated by geographic regions, of such re-
8 cordings and encounters, including specifications re-
9 lating to whether such recordings and encounters
10 were at the southwest, northern, or maritime border.

11 (2) An identification of the Office of Field Op-
12 erations field office, U.S. Border Patrol sector, or
13 Air and Marine Operations branch making each re-
14 cording or encounter.

15 (3) Information relating to whether each re-
16 cording or encounter of an alien was of a single
17 adult, an unaccompanied alien child, or an individual
18 in a family unit.

19 (4) Information relating to the processing dis-
20 position of each alien recording or encounter.

21 (5) Information relating to the nationality of
22 each alien who is the subject of each recording or
23 encounter.

24 (6) The total number of individuals included in
25 the terrorist screening database (as such term is de-

1 fined in section 2101 of the Homeland Security Act
2 of 2002 (6 U.S.C. 621)) who have repeatedly at-
3 tempted to cross unlawfully into the United States.

4 (7) The total number of individuals included in
5 the terrorist screening database who have been ap-
6 prehended, including information relating to whether
7 such individuals were released into the United States
8 or removed.

9 (b) EXCEPTIONS.—If the Commissioner of U.S. Cus-
10 toms and Border Protection in any month does not publish
11 the information required under subsection (a), or does not
12 publish such information by the date specified in such sub-
13 section, the Commissioner shall brief the Committee on
14 Homeland Security of the House of Representatives and
15 the Committee on Homeland Security and Governmental
16 Affairs of the Senate regarding the reason relating there-
17 to, as the case may be, by not later than the date that
18 is two business days after the tenth day of such month.

19 (c) DEFINITIONS.—In this section:

20 (1) ALIEN ENCOUNTERS.—The term “alien en-
21 counters” means aliens apprehended, determined in-
22 admissible, or processed for removal by U.S. Cus-
23 toms and Border Protection.

24 (2) GOT AWAY.—The term “got away” has the
25 meaning given such term in section 1092(a) of the

1 National Defense Authorization Act for Fiscal Year
2 2017 (6 U.S.C. 223(a)).

3 (3) **TERRORIST SCREENING DATABASE.**—The
4 term “terrorist screening database” has the meaning
5 given such term in section 2101 of the Homeland
6 Security Act of 2002 (6 U.S.C. 621).

7 (4) **UNACCOMPANIED ALIEN CHILD.**—The term
8 “unaccompanied alien child” has the meaning given
9 such term in section 462(g) of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 279(g)).

11 **SEC. 119. ALIEN CRIMINAL BACKGROUND CHECKS.**

12 (a) **IN GENERAL.**—Not later than seven days after
13 the date of the enactment of this Act, the Commissioner
14 shall certify to the Committee on Homeland Security and
15 the Committee on the Judiciary of the House of Rep-
16 resentatives and the Committee on Homeland Security
17 and Governmental Affairs and the Committee on the Judi-
18 ciary of the Senate that CBP has real-time access to the
19 criminal history databases of all countries of origin and
20 transit for aliens encountered by CBP to perform criminal
21 history background checks for such aliens.

22 (b) **STANDARDS.**—The certification required under
23 subsection (a) shall also include a determination whether
24 the criminal history databases of a country are accurate,
25 up to date, digitized, searchable, and otherwise meet the

1 standards of the Federal Bureau of Investigation for
2 criminal history databases maintained by State and local
3 governments.

4 (c) CERTIFICATION.—The Secretary shall annually
5 submit to the Committee on Homeland Security and the
6 Committee on the Judiciary of the House of Representa-
7 tives and the Committee on Homeland Security and Gov-
8 ernmental Affairs and the Committee on the Judiciary of
9 the Senate a certification that each database referred to
10 in subsection (b) which the Secretary accessed or sought
11 to access pursuant to this section met the standards de-
12 scribed in subsection (b).

13 **SEC. 120. PROHIBITED IDENTIFICATION DOCUMENTS AT**
14 **AIRPORT SECURITY CHECKPOINTS; NOTIFI-**
15 **CATION TO IMMIGRATION AGENCIES.**

16 (a) IN GENERAL.—The Administrator may not ac-
17 cept as valid proof of identification a prohibited identifica-
18 tion document at an airport security checkpoint.

19 (b) NOTIFICATION TO IMMIGRATION AGENCIES.—If
20 an individual presents a prohibited identification docu-
21 ment to an officer of the Transportation Security Admin-
22 istration at an airport security checkpoint, the Adminis-
23 trator shall promptly notify the Director of U.S. Immigra-
24 tion and Customs Enforcement, the Director of U.S. Cus-
25 toms and Border Protection, and the head of the appro-

1 priate local law enforcement agency to determine whether
2 the individual is in violation of any term of release from
3 the custody of any such agency.

4 (c) ENTRY INTO STERILE AREAS.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), if an individual is found to be in violation
7 of any term of release under subsection (b), the Ad-
8 ministrator may not permit such individual to enter
9 a sterile area.

10 (2) EXCEPTION.—An individual presenting a
11 prohibited identification document under this section
12 may enter a sterile area if the individual—

13 (A) is leaving the United States for the
14 purposes of removal or deportation; or

15 (B) presents a covered identification docu-
16 ment.

17 (d) COLLECTION OF BIOMETRIC INFORMATION FROM
18 CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STER-
19 ILE AREA OF AN AIRPORT.—Beginning not later than 120
20 days after the date of the enactment of this Act, the Ad-
21 ministrator shall collect biometric information from an in-
22 dividual described in subsection (e) prior to authorizing
23 such individual to enter into a sterile area.

24 (e) INDIVIDUAL DESCRIBED.—An individual de-
25 scribed in this subsection is an individual who—

1 (1) is seeking entry into the sterile area of an
2 airport;

3 (2) does not present a covered identification
4 document; and

5 (3) the Administrator cannot verify is a na-
6 tional of the United States.

7 (f) PARTICIPATION IN IDENT.—Beginning not later
8 than 120 days after the date of the enactment of this Act,
9 the Administrator, in coordination with the Secretary,
10 shall submit biometric data collected under this section to
11 the Automated Biometric Identification System (IDENT).

12 (g) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Transpor-
15 tation Security Administration.

16 (2) BIOMETRIC INFORMATION.—The term “bio-
17 metric information” means any of the following:

18 (A) A fingerprint.

19 (B) A palm print.

20 (C) A photograph, including—

21 (i) a photograph of an individual’s
22 face for use with facial recognition tech-
23 nology; and

1 (ii) a photograph of any physical or
2 anatomical feature, such as a scar, skin
3 mark, or tattoo.

4 (D) A signature.

5 (E) A voice print.

6 (F) An iris image.

7 (3) COVERED IDENTIFICATION DOCUMENT.—

8 The term “covered identification document” means
9 any of the following, if the document is valid and
10 unexpired:

11 (A) A United States passport or passport
12 card.

13 (B) A biometrically secure card issued by
14 a trusted traveler program of the Department
15 of Homeland Security, including—

16 (i) Global Entry;

17 (ii) Nexus;

18 (iii) Secure Electronic Network for
19 Travelers Rapid Inspection (SENTRI);
20 and

21 (iv) Free and Secure Trade (FAST).

22 (C) An identification card issued by the
23 Department of Defense, including such a card
24 issued to a dependent.

1 (D) Any document required for admission
2 to the United States under section 211(a) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1181(a)).

5 (E) An enhanced driver's license issued by
6 a State.

7 (F) A photo identification card issued by a
8 federally recognized Indian Tribe.

9 (G) A personal identity verification creden-
10 tial issued in accordance with Homeland Secu-
11 rity Presidential Directive 12.

12 (H) A driver's license issued by a province
13 of Canada.

14 (I) A Secure Certificate of Indian Status
15 issued by the Government of Canada.

16 (J) A Transportation Worker Identifica-
17 tion Credential.

18 (K) A Merchant Mariner Credential issued
19 by the Coast Guard.

20 (L) A Veteran Health Identification Card
21 issued by the Department of Veterans Affairs.

22 (M) Any other document the Administrator
23 determines, pursuant to a rule making in ac-
24 cordance with section 553 of title 5, United
25 States Code, will satisfy the identity verification

1 procedures of the Transportation Security Ad-
2 ministration.

3 (4) IMMIGRATION LAWS.—The term “immigra-
4 tion laws” has the meaning given that term in sec-
5 tion 101 of the Immigration and Nationality Act (8
6 U.S.C. 1101).

7 (5) PROHIBITED IDENTIFICATION DOCU-
8 MENT.—The term “prohibited identification docu-
9 ment” means any of the following (or any applicable
10 successor form):

11 (A) U.S. Immigration and Customs En-
12 forcement Form I–200, Warrant for Arrest of
13 Alien.

14 (B) U.S. Immigration and Customs En-
15 forcement Form I–205, Warrant of Removal/
16 Deportation.

17 (C) U.S. Immigration and Customs En-
18 forcement Form I–220A, Order of Release on
19 Recognizance.

20 (D) U.S. Immigration and Customs En-
21 forcement Form I–220B, Order of Supervision.

22 (E) Department of Homeland Security
23 Form I–862, Notice to Appear.

1 (F) U.S. Customs and Border Protection
 2 Form I-94, Arrival/Departure Record (includ-
 3 ing a print-out of an electronic record).

4 (G) Department of Homeland Security
 5 Form I-385, Notice to Report.

6 (H) Any document that directs an indi-
 7 vidual to report to the Department of Home-
 8 land Security.

9 (I) Any Department of Homeland Security
 10 work authorization or employment verification
 11 document.

12 (6) STERILE AREA.—The term “sterile area”
 13 has the meaning given that term in section 1540.5
 14 of title 49, Code of Federal Regulations, or any suc-
 15 cessor regulation.

16 **SEC. 121. PROHIBITION AGAINST ANY COVID-19 VACCINE**
 17 **MANDATE OR ADVERSE ACTION AGAINST**
 18 **DHS EMPLOYEES.**

19 (a) LIMITATION ON IMPOSITION OF NEW MAN-
 20 DATE.—The Secretary may not issue any COVID-19 vac-
 21 cine mandate unless Congress expressly authorizes such
 22 a mandate.

23 (b) PROHIBITION ON ADVERSE ACTION.—The Sec-
 24 retary may not take any adverse action against a Depart-

1 ment employee based solely on the refusal of such em-
2 ployee to receive a vaccine for COVID–19.

3 (c) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary shall report
5 to the Committee on Homeland Security of the House of
6 Representatives and the Committee on Homeland Security
7 and Governmental Affairs of the Senate on the following:

8 (1) The number of Department employees who
9 were terminated or resigned due to the COVID–19
10 vaccine mandate.

11 (2) An estimate of the cost to reinstate such
12 employees.

13 (3) How the Department would effectuate rein-
14 statement of such employees.

15 (d) RETENTION AND DEVELOPMENT OF
16 UNVACCINATED EMPLOYEES.—The Secretary shall make
17 every effort to retain Department employees who are not
18 vaccinated against COVID–19 and provide such employees
19 with professional development, promotion and leadership
20 opportunities, and consideration equal to that of their
21 peers.

22 **SEC. 122. CBP ONE APP LIMITATION.**

23 (a) LIMITATION.—The Department may use the CBP
24 One Mobile Application or any other similar program, ap-

1 plication, internet-based portal, website, device, or initia-
2 tive only for inspection of perishable cargo.

3 (b) REPORT.—Not later than 60 days after the date
4 of the enactment of this Act, the Commissioner shall re-
5 port to the Committee on Homeland Security of the House
6 of Representatives and the Committee on Homeland Secu-
7 rity and Governmental Affairs of the Senate the date on
8 which CBP began using CBP One to allow aliens to sched-
9 ule interviews at land ports of entry, how many aliens have
10 scheduled interviews at land ports of entry using CBP
11 One, the nationalities of such aliens, and the stated final
12 destinations of such aliens within the United States, if
13 any.

14 **SEC. 123. REPORT ON MEXICAN DRUG CARTELS.**

15 Not later than 60 days after the date of the enact-
16 ment of this Act, Congress shall commission a report that
17 contains the following:

18 (1) A national strategy to address Mexican
19 drug cartels, and a determination regarding whether
20 there should be a designation established to address
21 such cartels.

22 (2) Information relating to actions by such car-
23 tels that causes harm to the United States.

1 **SEC. 124. GAO STUDY ON COSTS INCURRED BY STATES TO**
2 **SECURE THE SOUTHWEST BORDER.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall conduct a study to examine the
6 costs incurred by individual States as a result of actions
7 taken by such States in support of the Federal mission
8 to secure the southwest border, and the feasibility of a
9 program to reimburse such States for such costs.

10 (b) CONTENTS.—The study required under sub-
11 section (a) shall include consideration of the following:

12 (1) Actions taken by the Department of Home-
13 land Security that have contributed to costs de-
14 scribed in such subsection incurred by States to se-
15 cure the border in the absence of Federal action, in-
16 cluding the termination of the Migrant Protection
17 Protocols and cancellation of border wall construc-
18 tion.

19 (2) Actions taken by individual States along the
20 southwest border to secure their borders, and the
21 costs associated with such actions.

22 (3) The feasibility of a program within the De-
23 partment of Homeland Security to reimburse States
24 for the costs incurred in support of the Federal mis-
25 sion to secure the southwest border.

1 **SEC. 125. REPORT BY INSPECTOR GENERAL OF THE DE-**
2 **PARTMENT OF HOMELAND SECURITY.**

3 (a) REPORT.—Not later than one year after the date
4 of the enactment of this Act and annually thereafter for
5 five years, the Inspector General of the Department of
6 Homeland Security shall submit to the Committee on
7 Homeland Security of the House of Representatives and
8 the Committee on Homeland Security and Governmental
9 Affairs of the Senate a report examining the economic and
10 security impact of mass migration to municipalities and
11 States along the southwest border. Such report shall in-
12 clude information regarding costs incurred by the fol-
13 lowing:

14 (1) State and local law enforcement to secure
15 the southwest border.

16 (2) Public school districts to educate students
17 who are aliens unlawfully present in the United
18 States.

19 (3) Healthcare providers to provide care to
20 aliens unlawfully present in the United States who
21 have not paid for such care.

22 (4) Farmers and ranchers due to migration im-
23 pacts to their properties.

24 (b) CONSULTATION.—To produce the report required
25 under subsection (a), the Inspector General of the Depart-
26 ment of Homeland Security shall consult with the individ-

1 uals and representatives of the entities described in para-
2 graphs (1) through (4) of such subsection.

3 **SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIA-**
4 **TIONS.**

5 (a) OFFICE OF THE SECRETARY AND EMERGENCY
6 MANAGEMENT.—No funds are authorized to be appro-
7 priated for the Alternatives to Detention Case Manage-
8 ment Pilot Program or the Office of the Immigration De-
9 tention Ombudsman for the Office of the Secretary and
10 Emergency Management of the Department of Homeland
11 Security.

12 (b) MANAGEMENT DIRECTORATE.—No funds are au-
13 thorized to be appropriated for electric vehicles or St. Eliz-
14 abeths campus construction for the Management Direc-
15 torate of the Department of Homeland Security.

16 (c) INTELLIGENCE, ANALYSIS, AND SITUATIONAL
17 AWARENESS.—There is authorized to be appropriated
18 \$216,000,000 for Intelligence, Analysis, and Situational
19 Awareness of the Department of Homeland Security.

20 (d) U.S. CUSTOMS AND BORDER PROTECTION.—No
21 funds are authorized to be appropriated for the Shelter
22 Services Program for U.S. Customs and Border Protec-
23 tion.

1 **SEC. 127. REPORT TO CONGRESS ON FOREIGN TERRORIST**
2 **ORGANIZATIONS.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of the enactment of this Act and annually thereafter
5 for five years, the Secretary of Homeland Security shall
6 submit to the Committee on Homeland Security of the
7 House of Representatives and the Committee on Home-
8 land Security and Governmental Affairs of the Senate an
9 assessment of foreign terrorist organizations attempting
10 to move their members or affiliates into the United States
11 through the southern, northern, or maritime border.

12 (b) DEFINITION.—In this section, the term “foreign
13 terrorist organization” means an organization described in
14 section 219 of the Immigration and Nationality Act (8
15 U.S.C. 1189).

16 **SEC. 128. ASSESSMENT BY INSPECTOR GENERAL OF THE**
17 **DEPARTMENT OF HOMELAND SECURITY ON**
18 **THE MITIGATION OF UNMANNED AIRCRAFT**
19 **SYSTEMS AT THE SOUTHWEST BORDER.**

20 Not later than 90 days after the date of the enact-
21 ment of this Act, the Inspector General of the Department
22 of Homeland Security shall submit to the Committee on
23 Homeland Security of the House of Representatives and
24 the Committee on Homeland Security and Governmental
25 Affairs of the Senate an assessment of U.S. Customs and
26 Border Protection’s ability to mitigate unmanned aircraft

1 systems at the southwest border. Such assessment shall
2 include information regarding any intervention between
3 January 1, 2021, and the date of the enactment of this
4 Act, by any Federal agency affecting in any manner U.S.
5 Customs and Border Protection’s authority to so mitigate
6 such systems.

7 **DIVISION B—IMMIGRATION EN-**
8 **FORCEMENT AND FOREIGN**
9 **AFFAIRS**

10 **TITLE I—ASYLUM REFORM AND**
11 **BORDER PROTECTION**

12 **SEC. 101. SAFE THIRD COUNTRY.**

13 Section 208(a)(2)(A) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

15 (1) by striking “if the Attorney General deter-
16 mines” and inserting “if the Attorney General or the
17 Secretary of Homeland Security determines—”;

18 (2) by striking “that the alien may be removed”
19 and inserting the following:

20 “(i) that the alien may be removed”;

21 (3) by striking “, pursuant to a bilateral or
22 multilateral agreement, to” and inserting “to”;

23 (4) by inserting “or the Secretary, on a case by
24 case basis,” before “finds that”;

1 (5) by striking the period at the end and insert-
2 ing “; or”; and

3 (6) by adding at the end the following:

4 “(ii) that the alien entered, attempted
5 to enter, or arrived in the United States
6 after transiting through at least one coun-
7 try outside the alien’s country of citizen-
8 ship, nationality, or last lawful habitual
9 residence en route to the United States,
10 unless—

11 “(I) the alien demonstrates that
12 he or she applied for protection from
13 persecution or torture in at least one
14 country outside the alien’s country of
15 citizenship, nationality, or last lawful
16 habitual residence through which the
17 alien transited en route to the United
18 States, and the alien received a final
19 judgment denying the alien protection
20 in each country;

21 “(II) the alien demonstrates that
22 he or she was a victim of a severe
23 form of trafficking in which a com-
24 mercial sex act was induced by force,
25 fraud, or coercion, or in which the

1 person induced to perform such act
2 was under the age of 18 years; or in
3 which the trafficking included the re-
4 cruitment, harboring, transportation,
5 provision, or obtaining of a person for
6 labor or services through the use of
7 force, fraud, or coercion for the pur-
8 pose of subjection to involuntary ser-
9 vitude, peonage, debt bondage, or
10 slavery, and was unable to apply for
11 protection from persecution in each
12 country through which the alien
13 transited en route to the United
14 States as a result of such severe form
15 of trafficking; or

16 “(III) the only countries through
17 which the alien transited en route to
18 the United States were, at the time of
19 the transit, not parties to the 1951
20 United Nations Convention relating to
21 the Status of Refugees, the 1967 Pro-
22 tocol Relating to the Status of Refu-
23 gees, or the United Nations Conven-
24 tion against Torture and Other Cruel,

1 Inhuman or Degrading Treatment or
2 Punishment.”.

3 **SEC. 102. CREDIBLE FEAR INTERVIEWS.**

4 Section 235(b)(1)(B)(v) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
6 striking “there is a significant possibility” and all that fol-
7 lows, and inserting “, taking into account the credibility
8 of the statements made by the alien in support of the
9 alien’s claim, as determined pursuant to section
10 208(b)(1)(B)(iii), and such other facts as are known to
11 the officer, the alien more likely than not could establish
12 eligibility for asylum under section 208, and it is more
13 likely than not that the statements made by, and on behalf
14 of, the alien in support of the alien’s claim are true.”.

15 **SEC. 103. CLARIFICATION OF ASYLUM ELIGIBILITY.**

16 (a) IN GENERAL.—Section 208(b)(1)(A) of the Im-
17 migration and Nationality Act (8 U.S.C. 1158(b)(1)(A))
18 is amended by inserting after “section 101(a)(42)(A)” the
19 following: “(in accordance with the rules set forth in this
20 section), and is eligible to apply for asylum under sub-
21 section (a)”.

22 (b) PLACE OF ARRIVAL.—Section 208(a)(1) of the
23 Immigration and Nationality Act (8 U.S.C. 1158(a)(1))
24 is amended—

1 (1) by striking “or who arrives in the United
 2 States (whether or not at a designated port of ar-
 3 rival and including an alien who is brought to the
 4 United States after having been interdicted in inter-
 5 national or United States waters),”; and

6 (2) by inserting after “United States” the fol-
 7 lowing: “and has arrived in the United States at a
 8 port of entry (including an alien who is brought to
 9 the United States after having been interdicted in
 10 international or United States waters),”.

11 **SEC. 104. EXCEPTIONS.**

12 Paragraph (2) of section 208(b) of the Immigration
 13 and Nationality Act (8 U.S.C. 1158(b)(2)) is amended to
 14 read as follows:

15 “(2) EXCEPTIONS.—

16 “(A) IN GENERAL.—Paragraph (1) shall
 17 not apply to an alien if the Secretary of Home-
 18 land Security or the Attorney General deter-
 19 mines that—

20 “(i) the alien ordered, incited, as-
 21 sisted, or otherwise participated in the per-
 22 secution of any person on account of race,
 23 religion, nationality, membership in a par-
 24 ticular social group, or political opinion;

1 “(ii) the alien has been convicted of
2 any felony under Federal, State, tribal, or
3 local law;

4 “(iii) the alien has been convicted of
5 any misdemeanor offense under Federal,
6 State, tribal, or local law involving—

7 “(I) the unlawful possession or
8 use of an identification document, au-
9 thentication feature, or false identi-
10 fication document (as those terms and
11 phrases are defined in the jurisdiction
12 where the conviction occurred), unless
13 the alien can establish that the convic-
14 tion resulted from circumstances
15 showing that—

16 “(aa) the document or fea-
17 ture was presented before board-
18 ing a common carrier;

19 “(bb) the document or fea-
20 ture related to the alien’s eligi-
21 bility to enter the United States;

22 “(cc) the alien used the doc-
23 ument or feature to depart a
24 country wherein the alien has

1 claimed a fear of persecution;
2 and

3 “(dd) the alien claimed a
4 fear of persecution without delay
5 upon presenting himself or her-
6 self to an immigration officer
7 upon arrival at a United States
8 port of entry;

9 “(II) the unlawful receipt of a
10 Federal public benefit (as defined in
11 section 401(c) of the Personal Re-
12 sponsibility and Work Opportunity
13 Reconciliation Act of 1996 (8 U.S.C.
14 1611(c))), from a Federal entity, or
15 the unlawful receipt of similar public
16 benefits from a State, tribal, or local
17 entity; or

18 “(III) possession or trafficking of
19 a controlled substance or controlled
20 substance paraphernalia, as those
21 phrases are defined under the law of
22 the jurisdiction where the conviction
23 occurred, other than a single offense
24 involving possession for one’s own use
25 of 30 grams or less of marijuana (as

1 marijuana is defined under the law of
2 the jurisdiction where the conviction
3 occurred);

4 “(iv) the alien has been convicted of
5 an offense arising under paragraph (1)(A)
6 or (2) of section 274(a), or under section
7 276;

8 “(v) the alien has been convicted of a
9 Federal, State, tribal, or local crime that
10 the Attorney General or Secretary of
11 Homeland Security knows, or has reason
12 to believe, was committed in support, pro-
13 motion, or furtherance of the activity of a
14 criminal street gang (as defined under the
15 law of the jurisdiction where the conviction
16 occurred or in section 521(a) of title 18,
17 United States Code);

18 “(vi) the alien has been convicted of
19 an offense for driving while intoxicated or
20 impaired, as those terms are defined under
21 the law of the jurisdiction where the con-
22 viction occurred (including a conviction for
23 driving while under the influence of or im-
24 paired by alcohol or drugs), without regard
25 to whether the conviction is classified as a

1 misdemeanor or felony under Federal,
2 State, tribal, or local law, in which such in-
3 toxicated or impaired driving was a cause
4 of serious bodily injury or death of another
5 person;

6 “(vii) the alien has been convicted of
7 more than one offense for driving while in-
8 toxicated or impaired, as those terms are
9 defined under the law of the jurisdiction
10 where the conviction occurred (including a
11 conviction for driving while under the in-
12 fluence of or impaired by alcohol or drugs),
13 without regard to whether the conviction is
14 classified as a misdemeanor or felony
15 under Federal, State, tribal, or local law;

16 “(viii) the alien has been convicted of
17 a crime—

18 “(I) that involves conduct
19 amounting to a crime of stalking;

20 “(II) of child abuse, child ne-
21 glect, or child abandonment; or

22 “(III) that involves conduct
23 amounting to a domestic assault or
24 battery offense, including—

1 “(aa) a misdemeanor crime
2 of domestic violence, as described
3 in section 921(a)(33) of title 18,
4 United States Code;

5 “(bb) a crime of domestic vi-
6 olence, as described in section
7 40002(a)(12) of the Violence
8 Against Women Act of 1994 (34
9 U.S.C. 12291(a)(12)); or

10 “(cc) any crime based on
11 conduct in which the alien har-
12 assed, coerced, intimidated, vol-
13 untarily or recklessly used (or
14 threatened to use) force or vio-
15 lence against, or inflicted phys-
16 ical injury or physical pain, how-
17 ever slight, upon a person—

18 “(AA) who is a current
19 or former spouse of the
20 alien;

21 “(BB) with whom the
22 alien shares a child;

23 “(CC) who is cohabi-
24 tating with, or who has

1 cohabitated with, the alien
2 as a spouse;

3 “(DD) who is similarly
4 situated to a spouse of the
5 alien under the domestic or
6 family violence laws of the
7 jurisdiction where the of-
8 fense occurred; or

9 “(EE) who is protected
10 from that alien’s acts under
11 the domestic or family vio-
12 lence laws of the United
13 States or of any State, tribal
14 government, or unit of local
15 government;

16 “(ix) the alien has engaged in acts of
17 battery or extreme cruelty upon a person
18 and the person—

19 “(I) is a current or former
20 spouse of the alien;

21 “(II) shares a child with the
22 alien;

23 “(III) cohabitates or has
24 cohabitated with the alien as a spouse;

1 “(IV) is similarly situated to a
2 spouse of the alien under the domestic
3 or family violence laws of the jurisdic-
4 tion where the offense occurred; or

5 “(V) is protected from that
6 alien’s acts under the domestic or
7 family violence laws of the United
8 States or of any State, tribal govern-
9 ment, or unit of local government;

10 “(x) the alien, having been convicted
11 by a final judgment of a particularly seri-
12 ous crime, constitutes a danger to the com-
13 munity of the United States;

14 “(xi) there are serious reasons for be-
15 lieving that the alien has committed a seri-
16 ous nonpolitical crime outside the United
17 States prior to the arrival of the alien in
18 the United States;

19 “(xii) there are reasonable grounds
20 for regarding the alien as a danger to the
21 security of the United States;

22 “(xiii) the alien is described in sub-
23 clause (I), (II), (III), (IV), or (VI) of sec-
24 tion 212(a)(3)(B)(i) or section
25 237(a)(4)(B) (relating to terrorist activ-

1 ity), unless, in the case only of an alien in-
2 admissible under subclause (IV) of section
3 212(a)(3)(B)(i), the Secretary of Home-
4 land Security or the Attorney General de-
5 termines, in the Secretary's or the Attor-
6 ney General's discretion, that there are not
7 reasonable grounds for regarding the alien
8 as a danger to the security of the United
9 States;

10 “(xiv) the alien was firmly resettled in
11 another country prior to arriving in the
12 United States; or

13 “(xv) there are reasonable grounds for
14 concluding the alien could avoid persecu-
15 tion by relocating to another part of the
16 alien's country of nationality or, in the
17 case of an alien having no nationality, an-
18 other part of the alien's country of last ha-
19 bitual residence.

20 “(B) SPECIAL RULES.—

21 “(i) PARTICULARLY SERIOUS CRIME;
22 SERIOUS NONPOLITICAL CRIME OUTSIDE
23 THE UNITED STATES.—

24 “(I) IN GENERAL.—For purposes
25 of subparagraph (A)(x), the Attorney

1 General or Secretary of Homeland Se-
2 curity, in their discretion, may deter-
3 mine that a conviction constitutes a
4 particularly serious crime based on—

5 “(aa) the nature of the con-
6 viction;

7 “(bb) the type of sentence
8 imposed; or

9 “(cc) the circumstances and
10 underlying facts of the convic-
11 tion.

12 “(II) DETERMINATION.—In mak-
13 ing a determination under subclause
14 (I), the Attorney General or Secretary
15 of Homeland Security may consider
16 all reliable information and is not lim-
17 ited to facts found by the criminal
18 court or provided in the underlying
19 record of conviction.

20 “(III) TREATMENT OF FELO-
21 NIES.—In making a determination
22 under subclause (I), an alien who has
23 been convicted of a felony (as defined
24 under this section) or an aggravated
25 felony (as defined under section

1 101(a)(43)), shall be considered to
2 have been convicted of a particularly
3 serious crime.

4 “(IV) INTERPOL RED NOTICE.—
5 In making a determination under sub-
6 paragraph (A)(xi), an Interpol Red
7 Notice may constitute reliable evi-
8 dence that the alien has committed a
9 serious nonpolitical crime outside the
10 United States.

11 “(ii) CRIMES AND EXCEPTIONS.—

12 “(I) DRIVING WHILE INTOXI-
13 CATED OR IMPAIRED.—A finding
14 under subparagraph (A)(vi) does not
15 require the Attorney General or Sec-
16 retary of Homeland Security to find
17 the first conviction for driving while
18 intoxicated or impaired (including a
19 conviction for driving while under the
20 influence of or impaired by alcohol or
21 drugs) as a predicate offense. The At-
22 torney General or Secretary of Home-
23 land Security need only make a fac-
24 tual determination that the alien pre-
25 viously was convicted for driving while

1 intoxicated or impaired as those terms
2 are defined under the jurisdiction
3 where the conviction occurred (includ-
4 ing a conviction for driving while
5 under the influence of or impaired by
6 alcohol or drugs).

7 “(II) STALKING AND OTHER
8 CRIMES.—In making a determination
9 under subparagraph (A)(viii), includ-
10 ing determining the existence of a do-
11 mestic relationship between the alien
12 and the victim, the underlying conduct
13 of the crime may be considered, and
14 the Attorney General or Secretary of
15 Homeland Security is not limited to
16 facts found by the criminal court or
17 provided in the underlying record of
18 conviction.

19 “(III) BATTERY OR EXTREME
20 CRUELTY.—In making a determina-
21 tion under subparagraph (A)(ix), the
22 phrase ‘battery or extreme cruelty’ in-
23 cludes—

24 “(aa) any act or threatened
25 act of violence, including any

1 forceful detention, which results
2 or threatens to result in physical
3 or mental injury;

4 “(bb) psychological or sexual
5 abuse or exploitation, including
6 rape, molestation, incest, or
7 forced prostitution, shall be con-
8 sidered acts of violence; and

9 “(cc) other abusive acts, in-
10 cluding acts that, in and of them-
11 selves, may not initially appear
12 violent, but that are a part of an
13 overall pattern of violence.

14 “(IV) EXCEPTION FOR VICTIMS
15 OF DOMESTIC VIOLENCE.—An alien
16 who was convicted of an offense de-
17 scribed in clause (viii) or (ix) of sub-
18 paragraph (A) is not ineligible for
19 asylum on that basis if the alien satis-
20 fies the criteria under section
21 237(a)(7)(A).

22 “(C) SPECIFIC CIRCUMSTANCES.—Para-
23 graph (1) shall not apply to an alien whose
24 claim is based on—

1 “(i) personal animus or retribution,
2 including personal animus in which the al-
3 leged persecutor has not targeted, or mani-
4 fested an animus against, other members
5 of an alleged particular social group in ad-
6 dition to the member who has raised the
7 claim at issue;

8 “(ii) the applicant’s generalized dis-
9 approval of, disagreement with, or opposi-
10 tion to criminal, terrorist, gang, guerilla,
11 or other non-state organizations absent ex-
12 pressive behavior in furtherance of a dis-
13 crete cause against such organizations re-
14 lated to control of a State or expressive be-
15 havior that is antithetical to the State or
16 a legal unit of the State;

17 “(iii) the applicant’s resistance to re-
18 cruitment or coercion by guerrilla, crimi-
19 nal, gang, terrorist, or other non-state or-
20 ganizations;

21 “(iv) the targeting of the applicant for
22 criminal activity for financial gain based
23 on wealth or affluence or perceptions of
24 wealth or affluence; or

25 “(v) the applicant’s criminal activity;

1 “(vi) the applicant’s perceived, past or
2 present, gang affiliation.

3 “(D) DEFINITIONS AND CLARIFICA-
4 TIONS.—

5 “(i) DEFINITIONS.—For purposes of
6 this paragraph:

7 “(I) FELONY.—The term ‘felony’
8 means—

9 “(aa) any crime defined as a
10 felony by the relevant jurisdiction
11 (Federal, State, tribal, or local)
12 of conviction; or

13 “(bb) any crime punishable
14 by more than one year of impris-
15 onment.

16 “(II) MISDEMEANOR.—The term
17 ‘misdemeanor’ means—

18 “(aa) any crime defined as a
19 misdemeanor by the relevant ju-
20 risdiction (Federal, State, tribal,
21 or local) of conviction; or

22 “(bb) any crime not punish-
23 able by more than one year of
24 imprisonment.

25 “(ii) CLARIFICATIONS.—

1 “(I) CONSTRUCTION.—For pur-
2 poses of this paragraph, whether any
3 activity or conviction also may con-
4 stitute a basis for removal is immate-
5 rial to a determination of asylum eli-
6 gibility.

7 “(II) ATTEMPT, CONSPIRACY, OR
8 SOLICITATION.—For purposes of this
9 paragraph, all references to a criminal
10 offense or criminal conviction shall be
11 deemed to include any attempt, con-
12 spiracy, or solicitation to commit the
13 offense or any other inchoate form of
14 the offense.

15 “(III) EFFECT OF CERTAIN OR-
16 DERS.—

17 “(aa) IN GENERAL.—No
18 order vacating a conviction,
19 modifying a sentence, clarifying a
20 sentence, or otherwise altering a
21 conviction or sentence shall have
22 any effect under this paragraph
23 unless the Attorney General or
24 Secretary of Homeland Security
25 determines that—

1 “(AA) the court issuing
2 the order had jurisdiction
3 and authority to do so; and

4 “(BB) the order was
5 not entered for rehabilitative
6 purposes or for purposes of
7 ameliorating the immigra-
8 tion consequences of the
9 conviction or sentence.

10 “(bb) AMELIORATING IMMI-
11 GRATION CONSEQUENCES.—For
12 purposes of item (aa)(BB), the
13 order shall be presumed to be for
14 the purpose of ameliorating im-
15 migration consequences if—

16 “(AA) the order was
17 entered after the initiation
18 of any proceeding to remove
19 the alien from the United
20 States; or

21 “(BB) the alien moved
22 for the order more than one
23 year after the date of the
24 original order of conviction

1 or sentencing, whichever is
2 later.

3 “(cc) AUTHORITY OF IMMI-
4 GRATION JUDGE.—An immigra-
5 tion judge is not limited to con-
6 sideration only of material in-
7 cluded in any order vacating a
8 conviction, modifying a sentence,
9 or clarifying a sentence to deter-
10 mine whether such order should
11 be given any effect under this
12 paragraph, but may consider
13 such additional information as
14 the immigration judge determines
15 appropriate.

16 “(E) ADDITIONAL LIMITATIONS.—The
17 Secretary of Homeland Security or the Attorney
18 General may by regulation establish additional
19 limitations and conditions, consistent with this
20 section, under which an alien shall be ineligible
21 for asylum under paragraph (1).

22 “(F) NO JUDICIAL REVIEW.—There shall
23 be no judicial review of a determination of the
24 Secretary of Homeland Security or the Attorney
25 General under subparagraph (A)(xiii).”.

1 **SEC. 105. EMPLOYMENT AUTHORIZATION.**

2 Paragraph (2) of section 208(d) of the Immigration
3 and Nationality Act (8 U.S.C. 1158(d)) is amended to
4 read as follows:

5 “(2) EMPLOYMENT AUTHORIZATION.—

6 “(A) AUTHORIZATION PERMITTED.—An
7 applicant for asylum is not entitled to employ-
8 ment authorization, but such authorization may
9 be provided under regulation by the Secretary
10 of Homeland Security. An applicant who is not
11 otherwise eligible for employment authorization
12 shall not be granted such authorization prior to
13 the date that is 180 days after the date of filing
14 of the application for asylum.

15 “(B) TERMINATION.—Each grant of em-
16 ployment authorization under subparagraph
17 (A), and any renewal or extension thereof, shall
18 be valid for a period of 6 months, except that
19 such authorization, renewal, or extension shall
20 terminate prior to the end of such 6 month pe-
21 riod as follows:

22 “(i) Immediately following the denial
23 of an asylum application by an asylum offi-
24 cer, unless the case is referred to an immi-
25 gration judge.

1 “(ii) 30 days after the date on which
2 an immigration judge denies an asylum ap-
3 plication, unless the alien timely appeals to
4 the Board of Immigration Appeals.

5 “(iii) Immediately following the denial
6 by the Board of Immigration Appeals of an
7 appeal of a denial of an asylum applica-
8 tion.

9 “(C) RENEWAL.—The Secretary of Home-
10 land Security may not grant, renew, or extend
11 employment authorization to an alien if the
12 alien was previously granted employment au-
13 thorization under subparagraph (A), and the
14 employment authorization was terminated pur-
15 suant to a circumstance described in subpara-
16 graph (B)(i), (ii), or (iii), unless a Federal
17 court of appeals remands the alien’s case to the
18 Board of Immigration Appeals.

19 “(D) INELIGIBILITY.—The Secretary of
20 Homeland Security may not grant employment
21 authorization to an alien under this paragraph
22 if the alien—

23 “(i) is ineligible for asylum under sub-
24 section (b)(2)(A); or

1 “(ii) entered or attempted to enter the
2 United States at a place and time other
3 than lawfully through a United States port
4 of entry.”.

5 **SEC. 106. ASYLUM FEES.**

6 Paragraph (3) of section 208(d) of the Immigration
7 and Nationality Act (8 U.S.C. 1158(d)) is amended to
8 read as follows:

9 “(3) FEES.—

10 “(A) APPLICATION FEE.—A fee of not less
11 than \$50 for each application for asylum shall
12 be imposed. Such fee shall not exceed the cost
13 of adjudicating the application. Such fee shall
14 not apply to an unaccompanied alien child who
15 files an asylum application in proceedings under
16 section 240.

17 “(B) EMPLOYMENT AUTHORIZATION.—A
18 fee may also be imposed for the consideration
19 of an application for employment authorization
20 under this section and for adjustment of status
21 under section 209(b). Such a fee shall not ex-
22 ceed the cost of adjudicating the application.

23 “(C) PAYMENT.—Fees under this para-
24 graph may be assessed and paid over a period
25 of time or by installments.

1 “(D) RULE OF CONSTRUCTION.—Nothing
2 in this paragraph shall be construed to limit the
3 authority of the Attorney General or Secretary
4 of Homeland Security to set adjudication and
5 naturalization fees in accordance with section
6 286(m).”.

7 **SEC. 107. RULES FOR DETERMINING ASYLUM ELIGIBILITY.**

8 Section 208 of the Immigration and Nationality Act
9 (8 U.S.C. 1158) is amended by adding at the end the fol-
10 lowing:

11 “(f) RULES FOR DETERMINING ASYLUM ELIGI-
12 BILITY.—In making a determination under subsection
13 (b)(1)(A) with respect to whether an alien is a refugee
14 within the meaning of section 101(a)(42)(A), the following
15 shall apply:

16 “(1) PARTICULAR SOCIAL GROUP.—The Sec-
17 retary of Homeland Security or the Attorney Gen-
18 eral shall not determine that an alien is a member
19 of a particular social group unless the alien articu-
20 lates on the record, or provides a basis on the record
21 for determining, the definition and boundaries of the
22 alleged particular social group, establishes that the
23 particular social group exists independently from the
24 alleged persecution, and establishes that the alien’s

1 claim of membership in a particular social group
2 does not involve—

3 “(A) past or present criminal activity or
4 association (including gang membership);

5 “(B) presence in a country with general-
6 ized violence or a high crime rate;

7 “(C) being the subject of a recruitment ef-
8 fort by criminal, terrorist, or persecutory
9 groups;

10 “(D) the targeting of the applicant for
11 criminal activity for financial gain based on per-
12 ceptions of wealth or affluence;

13 “(E) interpersonal disputes of which gov-
14 ernmental authorities in the relevant society or
15 region were unaware or uninvolved;

16 “(F) private criminal acts of which govern-
17 mental authorities in the relevant society or re-
18 gion were unaware or uninvolved;

19 “(G) past or present terrorist activity or
20 association;

21 “(H) past or present persecutory activity
22 or association; or

23 “(I) status as an alien returning from the
24 United States.

1 “(2) POLITICAL OPINION.—The Secretary of
2 Homeland Security or the Attorney General may not
3 determine that an alien holds a political opinion with
4 respect to which the alien is subject to persecution
5 if the political opinion is constituted solely by gener-
6 alized disapproval of, disagreement with, or opposi-
7 tion to criminal, terrorist, gang, guerilla, or other
8 non-state organizations and does not include expres-
9 sive behavior in furtherance of a cause against such
10 organizations related to efforts by the State to con-
11 trol such organizations or behavior that is antithet-
12 ical to or otherwise opposes the ruling legal entity of
13 the State or a unit thereof.

14 “(3) PERSECUTION.—The Secretary of Home-
15 land Security or the Attorney General may not de-
16 termine that an alien has been subject to persecution
17 or has a well-founded fear of persecution based only
18 on—

19 “(A) the existence of laws or government
20 policies that are unenforced or infrequently en-
21 forced, unless there is credible evidence that
22 such a law or policy has been or would be ap-
23 plied to the applicant personally; or

1 “(B) the conduct of rogue foreign govern-
2 ment officials acting outside the scope of their
3 official capacity.

4 “(4) DISCRETIONARY DETERMINATION.—

5 “(A) ADVERSE DISCRETIONARY FAC-
6 TORS.—The Secretary of Homeland Security or
7 the Attorney General may only grant asylum to
8 an alien if the alien establishes that he or she
9 warrants a favorable exercise of discretion. In
10 making such a determination, the Attorney
11 General or Secretary of Homeland Security
12 shall consider, if applicable, an alien’s use of
13 fraudulent documents to enter the United
14 States, unless the alien arrived in the United
15 States by air, sea, or land directly from the ap-
16 plicant’s home country without transiting
17 through any other country.

18 “(B) FAVORABLE EXERCISE OF DISCRE-
19 TION NOT PERMITTED.—Except as provided in
20 subparagraph (C), the Attorney General or Sec-
21 retary of Homeland Security shall not favorably
22 exercise discretion under this section for any
23 alien who—

24 “(i) has accrued more than one year
25 of unlawful presence in the United States,

1 as defined in sections 212(a)(9)(B)(ii) and
2 (iii), prior to filing an application for asy-
3 lum;

4 “(ii) at the time the asylum applica-
5 tion is filed with the immigration court or
6 is referred from the Department of Home-
7 land Security, has—

8 “(I) failed to timely file (or time-
9 ly file a request for an extension of
10 time to file) any required Federal,
11 State, or local income tax returns;

12 “(II) failed to satisfy any out-
13 standing Federal, State, or local tax
14 obligations; or

15 “(III) income that would result
16 in tax liability under section 1 of the
17 Internal Revenue Code of 1986 and
18 that was not reported to the Internal
19 Revenue Service;

20 “(iii) has had two or more prior asy-
21 lum applications denied for any reason;

22 “(iv) has withdrawn a prior asylum
23 application with prejudice or been found to
24 have abandoned a prior asylum application;

1 “(v) failed to attend an interview re-
2 garding his or her asylum application with
3 the Department of Homeland Security, un-
4 less the alien shows by a preponderance of
5 the evidence that—

6 “(I) exceptional circumstances
7 prevented the alien from attending the
8 interview; or

9 “(II) the interview notice was not
10 mailed to the last address provided by
11 the alien or the alien’s representative
12 and neither the alien nor the alien’s
13 representative received notice of the
14 interview; or

15 “(vi) was subject to a final order of
16 removal, deportation, or exclusion and did
17 not file a motion to reopen to seek asylum
18 based on changed country conditions with-
19 in one year of the change in country condi-
20 tions.

21 “(C) EXCEPTIONS.—If one or more of the
22 adverse discretionary factors set forth in sub-
23 paragraph (B) are present, the Attorney Gen-
24 eral or the Secretary, may, notwithstanding

1 such subparagraph (B), favorably exercise dis-
2 cretion under section 208—

3 “(i) in extraordinary circumstances,
4 such as those involving national security or
5 foreign policy considerations; or

6 “(ii) if the alien, by clear and con-
7 vincing evidence, demonstrates that the de-
8 nial of the application for asylum would re-
9 sult in exceptional and extremely unusual
10 hardship to the alien.

11 “(5) LIMITATION.—If the Secretary or the At-
12 torney General determines that an alien fails to sat-
13 isfy the requirement under paragraph (1), the alien
14 may not be granted asylum based on membership in
15 a particular social group, and may not appeal the
16 determination of the Secretary or Attorney General,
17 as applicable. A determination under this paragraph
18 shall not serve as the basis for any motion to reopen
19 or reconsider an application for asylum or with-
20 holding of removal for any reason, including a claim
21 of ineffective assistance of counsel, unless the alien
22 complies with the procedural requirements for such
23 a motion and demonstrates that counsel’s failure to
24 define, or provide a basis for defining, a formulation

1 of a particular social group was both not a strategic
2 choice and constituted egregious conduct.

3 “(6) STEREOTYPES.—Evidence offered in sup-
4 port of an application for asylum that promotes cul-
5 tural stereotypes about a country, its inhabitants, or
6 an alleged persecutor, including stereotypes based on
7 race, religion, nationality, or gender, shall not be ad-
8 missible in adjudicating that application, except that
9 evidence that an alleged persecutor holds
10 stereotypical views of the applicant shall be admis-
11 sible.

12 “(7) DEFINITIONS.—In this section:

13 “(A) The term ‘membership in a particular
14 social group’ means membership in a group
15 that is—

16 “(i) composed of members who share
17 a common immutable characteristic;

18 “(ii) defined with particularity; and

19 “(iii) socially distinct within the soci-
20 ety in question.

21 “(B) The term ‘political opinion’ means an
22 ideal or conviction in support of the furtherance
23 of a discrete cause related to political control of
24 a state or a unit thereof.

1 “(C) The term ‘persecution’ means the in-
2 fliction of a severe level of harm constituting an
3 exigent threat by the government of a country
4 or by persons or an organization that the gov-
5 ernment was unable or unwilling to control.
6 Such term does not include—

7 “(i) generalized harm or violence that
8 arises out of civil, criminal, or military
9 strife in a country;

10 “(ii) all treatment that the United
11 States regards as unfair, offensive, unjust,
12 unlawful, or unconstitutional;

13 “(iii) intermittent harassment, includ-
14 ing brief detentions;

15 “(iv) threats with no actual effort to
16 carry out the threats, except that particu-
17 larized threats of severe harm of an imme-
18 diate and menacing nature made by an
19 identified entity may constitute persecu-
20 tion; or

21 “(v) non-severe economic harm or
22 property damage.”.

1 **SEC. 108. FIRM RESETTLEMENT.**

2 Section 208 of the Immigration and Nationality Act
3 (8 U.S.C. 1158), as amended by this title, is further
4 amended by adding at the end the following:

5 “(g) FIRM RESETTLEMENT.—In determining wheth-
6 er an alien was firmly resettled in another country prior
7 to arriving in the United States under subsection
8 (b)(2)(A)(xiv), the following shall apply:

9 “(1) IN GENERAL.—An alien shall be consid-
10 ered to have firmly resettled in another country if,
11 after the events giving rise to the alien’s asylum
12 claim—

13 “(A) the alien resided in a country through
14 which the alien transited prior to arriving in or
15 entering the United States and—

16 “(i) received or was eligible for any
17 permanent legal immigration status in that
18 country;

19 “(ii) resided in such a country with
20 any non-permanent but indefinitely renew-
21 able legal immigration status (including
22 asylee, refugee, or similar status, but ex-
23 cluding status of a tourist); or

24 “(iii) resided in such a country and
25 could have applied for and obtained an im-
26 migration status described in clause (ii);

1 “(B) the alien physically resided volun-
2 tarily, and without continuing to suffer persecu-
3 tion or torture, in any one country for one year
4 or more after departing his country of nation-
5 ality or last habitual residence and prior to ar-
6 rival in or entry into the United States, except
7 for any time spent in Mexico by an alien who
8 is not a native or citizen of Mexico solely as a
9 direct result of being returned to Mexico pursu-
10 ant to section 235(b)(3) or of being subject to
11 metering; or

12 “(C) the alien is a citizen of a country
13 other than the country in which the alien al-
14 leges a fear of persecution, or was a citizen of
15 such a country in the case of an alien who re-
16 nounces such citizenship, and the alien was
17 present in that country after departing his
18 country of nationality or last habitual residence
19 and prior to arrival in or entry into the United
20 States.

21 “(2) BURDEN OF PROOF.—If an immigration
22 judge determines that an alien has firmly resettled
23 in another country under paragraph (1), the alien
24 shall bear the burden of proving the bar does not
25 apply.

1 “(3) FIRM RESETTLEMENT OF PARENT.—An
2 alien shall be presumed to have been firmly resettled
3 in another country if the alien’s parent was firmly
4 resettled in another country, the parent’s resettlement
5 occurred before the alien turned 18 years of
6 age, and the alien resided with such parent at the
7 time of the firm resettlement, unless the alien establishes
8 that he or she could not have derived any permanent
9 legal immigration status or any non permanent
10 but indefinitely renewable legal immigration
11 status (including asylum, refugee, or similar status,
12 but excluding status of a tourist) from the alien’s
13 parent.”.

14 **SEC. 109. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**
15 **PLICATIONS.**

16 (a) IN GENERAL.—Section 208(d)(4) of the Immi-
17 gration and Nationality Act (8 U.S.C. 1158(d)(4)) is
18 amended—

19 (1) in the matter preceding subparagraph (A),
20 by inserting “the Secretary of Homeland Security
21 or” before “the Attorney General”;

22 (2) in subparagraph (A), by striking “and of
23 the consequences, under paragraph (6), of knowingly
24 filing a frivolous application for asylum; and” and
25 inserting a semicolon;

1 (3) in subparagraph (B), by striking the period
2 and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(C) ensure that a written warning ap-
5 pears on the asylum application advising the
6 alien of the consequences of filing a frivolous
7 application and serving as notice to the alien of
8 the consequence of filing a frivolous applica-
9 tion.”.

10 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1158(d)(6)) is amended by striking “If the” and all that
13 follows and inserting:

14 “(A) IN GENERAL.—If the Secretary of
15 Homeland Security or the Attorney General de-
16 termines that an alien has knowingly made a
17 frivolous application for asylum and the alien
18 has received the notice under paragraph (4)(C),
19 the alien shall be permanently ineligible for any
20 benefits under this chapter, effective as the date
21 of the final determination of such an applica-
22 tion.

23 “(B) CRITERIA.—An application is frivo-
24 lous if the Secretary of Homeland Security or

1 the Attorney General determines, consistent
2 with subparagraph (C), that—

3 “(i) it is so insufficient in substance
4 that it is clear that the applicant know-
5 ingly filed the application solely or in part
6 to delay removal from the United States,
7 to seek employment authorization as an
8 applicant for asylum pursuant to regula-
9 tions issued pursuant to paragraph (2), or
10 to seek issuance of a Notice to Appear in
11 order to pursue Cancellation of Removal
12 under section 240A(b); or

13 “(ii) any of the material elements are
14 knowingly fabricated.

15 “(C) SUFFICIENT OPPORTUNITY TO CLAR-
16 IFY.—In determining that an application is friv-
17 olous, the Secretary or the Attorney General,
18 must be satisfied that the applicant, during the
19 course of the proceedings, has had sufficient op-
20 portunity to clarify any discrepancies or implau-
21 sible aspects of the claim.

22 “(D) WITHHOLDING OF REMOVAL NOT
23 PRECLUDED.—For purposes of this section, a
24 finding that an alien filed a frivolous asylum
25 application shall not preclude the alien from

1 seeking withholding of removal under section
2 241(b)(3) or protection pursuant to the Con-
3 vention Against Torture.”.

4 **SEC. 110. TECHNICAL AMENDMENTS.**

5 Section 208 of the Immigration and Nationality Act
6 (8 U.S.C. 1158) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2)(D), by inserting
9 “Secretary of Homeland Security or the” before
10 “Attorney General”; and

11 (B) in paragraph (3), by inserting “Sec-
12 retary of Homeland Security or the” before
13 “Attorney General”;

14 (2) in subsection (c)—

15 (A) in paragraph (1), by striking “Attor-
16 ney General” each place such term appears and
17 inserting “Secretary of Homeland Security”;

18 (B) in paragraph (2), in the matter pre-
19 ceding subparagraph (A), by inserting “Sec-
20 retary of Homeland Security or the” before
21 “Attorney General”; and

22 (C) in paragraph (3), by inserting “Sec-
23 retary of Homeland Security or the” before
24 “Attorney General”; and

25 (3) in subsection (d)—

(A) in paragraph (1), by inserting “Secretary of Homeland Security or the” before “Attorney General” each place such term appears; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(ii) in subparagraph (B), by inserting “Secretary of Homeland Security or the” before “Attorney General”.

SEC. 111. REQUIREMENT FOR PROCEDURES RELATING TO CERTAIN ASYLUM APPLICATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish procedures to expedite the adjudication of asylum applications for aliens—

(1) who are subject to removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); and

(2) who are nationals of a Western Hemisphere country sanctioned by the United States, as described in subsection (b), as of January 1, 2023.

(b) WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES DESCRIBED.—Subsection (a)

1 shall apply only to an asylum application filed by an alien
 2 who is a national of a Western Hemisphere country sub-
 3 ject to sanctions pursuant to—

4 (1) the Cuban Liberty and Democratic Soli-
 5 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6021
 6 note);

7 (2) the Reinforcing Nicaragua’s Adherence to
 8 Conditions for Electoral Reform Act of 2021 or the
 9 RENACER Act (50 U.S.C. 1701 note); or

10 (3) Executive order (Fed. Reg. 12747; declar-
 11 ing a national emergency with respect to the situa-
 12 tion in Venezuela).

13 (c) APPLICABILITY.—This section shall only apply to
 14 an alien who files an application for asylum after the date
 15 of the enactment of this Act.

16 **TITLE II—BORDER SAFETY AND** 17 **MIGRANT PROTECTION**

18 **SEC. 201. INSPECTION OF APPLICANTS FOR ADMISSION.**

19 Section 235 of the Immigration and Nationality Act
 20 (8 U.S.C. 1225) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A)—

24 (I) in clauses (i) and (ii), by
 25 striking “section 212(a)(6)(C)” in-

1 serting “subparagraph (A) or (C) of
2 section 212(a)(6)”; and

3 (II) by adding at the end the fol-
4 lowing:

5 “(iv) INELIGIBILITY FOR PAROLE.—
6 An alien described in clause (i) or (ii) shall
7 not be eligible for parole except as ex-
8 pressly authorized pursuant to section
9 212(d)(5), or for parole or release pursu-
10 ant to section 236(a).”; and

11 (ii) in subparagraph (B)—

12 (I) in clause (ii), by striking
13 “asylum.” and inserting “asylum and
14 shall not be released (including pursu-
15 ant to parole or release pursuant to
16 section 236(a) but excluding as ex-
17 pressly authorized pursuant to section
18 212(d)(5)) other than to be removed
19 or returned to a country as described
20 in paragraph (3).”; and

21 (II) in clause (iii)(IV)—

22 (aa) in the header by strik-
23 ing “DETENTION” and insert-
24 ing

25 “DETENTION, RETURN, OR REMOVAL”; and

1 (bb) by adding at the end
2 the following: “The alien shall
3 not be released (including pursu-
4 ant to parole or release pursuant
5 to section 236(a) but excluding
6 as expressly authorized pursuant
7 to section 212(d)(5)) other than
8 to be removed or returned to a
9 country as described in para-
10 graph (3).”;

11 (B) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) by striking “Subject to sub-
14 paragraphs (B) and (C),” and insert-
15 ing “Subject to subparagraph (B) and
16 paragraph (3),”; and

17 (II) by adding at the end the fol-
18 lowing: “The alien shall not be re-
19 leased (including pursuant to parole
20 or release pursuant to section 236(a)
21 but excluding as expressly authorized
22 pursuant to section 212(d)(5)) other
23 than to be removed or returned to a
24 country as described in paragraph
25 (3).”; and

1 (ii) by striking subparagraph (C);
2 (C) by redesignating paragraph (3) as
3 paragraph (5); and
4 (D) by inserting after paragraph (2) the
5 following:

6 “(3) RETURN TO FOREIGN TERRITORY CONTIG-
7 UOUS TO THE UNITED STATES.—

8 “(A) IN GENERAL.—The Secretary of
9 Homeland Security may return to a foreign ter-
10 ritory contiguous to the United States any alien
11 arriving on land from that territory (whether or
12 not at a designated port of entry) pending a
13 proceeding under section 240 or review of a de-
14 termination under subsection (b)(1)(B)(iii)(III).

15 “(B) MANDATORY RETURN.—If at any
16 time the Secretary of Homeland Security can-
17 not—

18 “(i) comply with its obligations to de-
19 tain an alien as required under clauses (ii)
20 and (iii)(IV) of subsection (b)(1)(B) and
21 subsection (b)(2)(A); or

22 “(ii) remove an alien to a country de-
23 scribed in section 208(a)(2)(A), the Sec-
24 retary of Homeland Security shall, without
25 exception, including pursuant to parole or

1 release pursuant to section 236(a) but ex-
2 cluding as expressly authorized pursuant
3 to section 212(d)(5), return to a foreign
4 territory contiguous to the United States
5 any alien arriving on land from that terri-
6 tory (whether or not at a designated port
7 of entry) pending a proceeding under sec-
8 tion 240 or review of a determination
9 under subsection (b)(1)(B)(iii)(III).

10 “(4) ENFORCEMENT BY STATE ATTORNEYS

11 GENERAL.—The attorney general of a State, or
12 other authorized State officer, alleging a violation of
13 the detention, return, or removal requirements under
14 paragraph (1), (2), or (3) that affects such State or
15 its residents, may bring an action against the Sec-
16 retary of Homeland Security on behalf of the resi-
17 dents of the State in an appropriate United States
18 district court to obtain appropriate injunctive re-
19 lief.”; and

20 (2) by adding at the end the following:

21 “(e) AUTHORITY TO PROHIBIT INTRODUCTION OF

22 CERTAIN ALIENS.—If the Secretary of Homeland Security
23 determines, in his discretion, that the prohibition of the
24 introduction of aliens who are inadmissible under subpara-
25 graph (A) or (C) of section 212(a)(6) or under section

1 212(a)(7) at an international land or maritime border of
2 the United States is necessary to achieve operational con-
3 trol (as defined in section 2 of the Secure Fence Act of
4 2006 (8 U.S.C. 1701 note)) of such border, the Secretary
5 may prohibit, in whole or in part, the introduction of such
6 aliens at such border for such period of time as the Sec-
7 retary determines is necessary for such purpose.”.

8 **SEC. 202. OPERATIONAL DETENTION FACILITIES.**

9 (a) IN GENERAL.—Not later than September 30,
10 2023, the Secretary of Homeland Security shall take all
11 necessary actions to reopen or restore all U.S. Immigra-
12 tion and Customs Enforcement detention facilities that
13 were in operation on January 20, 2021, that subsequently
14 closed or with respect to which the use was altered, re-
15 duced, or discontinued after January 20, 2021. In car-
16 rying out the requirement under this subsection, the Sec-
17 retary may use the authority under section 103(a)(11) of
18 the Immigration and Nationality Act (U.S.C.
19 1103(a)(11)).

20 (b) SPECIFIC FACILITIES.—The requirement under
21 subsection (a) shall include at a minimum, reopening, or
22 restoring, the following facilities:

- 23 (1) Irwin County Detention Center in Georgia.
24 (2) C. Carlos Carreiro Immigration Detention
25 Center in Bristol County, Massachusetts.

1 (3) Etowah County Detention Center in Gads-
2 den, Alabama.

3 (4) Glades County Detention Center in Moore
4 Haven, Florida.

5 (5) South Texas Family Residential Center.

6 (c) EXCEPTION.—

7 (1) IN GENERAL.—Except as provided in para-
8 graphs (2) and (3), the Secretary of Homeland Se-
9 curity is authorized to obtain equivalent capacity for
10 detention facilities at locations other than those list-
11 ed in subsection (b).

12 (2) LIMITATION.—The Secretary may not take
13 action under paragraph (1) unless the capacity ob-
14 tained would result in a reduction of time and cost
15 relative to the cost and time otherwise required to
16 obtain such capacity.

17 (3) SOUTH TEXAS FAMILY RESIDENTIAL CEN-
18 TER.—The exception under paragraph (1) shall not
19 apply to the South Texas Family Residential Center.
20 The Secretary shall take all necessary steps to mod-
21 ify and operate the South Texas Family Residential
22 Center in the same manner and capability it was op-
23 erating on January 20, 2021.

24 (d) PERIODIC REPORT.—Not later than 90 days after
25 the date of the enactment of this Act, and every 90 days

1 thereafter until September 30, 2027, the Secretary of
2 Homeland Security shall submit to the appropriate con-
3 gressional committees a detailed plan for and a status re-
4 port on—

5 (1) compliance with the deadline under sub-
6 section (a);

7 (2) the increase in detention capabilities re-
8 quired by this section—

9 (A) for the 90 day period immediately pre-
10 ceding the date such report is submitted; and

11 (B) for the period beginning on the first
12 day of the fiscal year during which the report
13 is submitted, and ending on the date such re-
14 port is submitted;

15 (3) the number of detention beds that were
16 used and the number of available detention beds
17 that were not used during—

18 (A) the 90 day period immediately pre-
19 ceding the date such report is submitted; and

20 (B) the period beginning on the first day
21 of the fiscal year during which the report is
22 submitted, and ending on the date such report
23 is submitted;

24 (4) the number of aliens released due to a lack
25 of available detention beds; and

1 (5) the resources the Department of Homeland
2 Security needs in order to comply with the require-
3 ments under this section.

4 (e) NOTIFICATION.—The Secretary of Homeland Se-
5 curity shall notify Congress, and include with such notifi-
6 cation a detailed description of the resources the Depart-
7 ment of Homeland Security needs in order to detain all
8 aliens whose detention is mandatory or nondiscretionary
9 under the Immigration and Nationality Act (8 U.S.C.
10 1101 et seq.)—

11 (1) not later than 5 days after all U.S. Immi-
12 gration and Customs Enforcement detention facili-
13 ties reach 90 percent of capacity;

14 (2) not later than 5 days after all U.S. Immi-
15 gration and Customs Enforcement detention facili-
16 ties reach 95 percent of capacity; and

17 (3) not later than 5 days after all U.S. Immi-
18 gration and Customs Enforcement detention facili-
19 ties reach full capacity.

20 (f) APPROPRIATE CONGRESSIONAL COMMITTEES.—
21 In this section, the term “appropriate congressional com-
22 mittees” means—

23 (1) the Committee on the Judiciary of the
24 House of Representatives;

1 (2) the Committee on Appropriations of the
2 House of Representatives;

3 (3) the Committee on the Judiciary of the Sen-
4 ate; and

5 (4) the Committee on Appropriations of the
6 Senate.

7 **TITLE III—PREVENTING UNCON-**
8 **TROLLED MIGRATION FLOWS**
9 **IN THE WESTERN HEMI-**
10 **SPHERE**

11 **SEC. 301. UNITED STATES POLICY REGARDING WESTERN**
12 **HEMISPHERE COOPERATION ON IMMIGRA-**
13 **TION AND ASYLUM.**

14 It is the policy of the United States to enter into
15 agreements, accords, and memoranda of understanding
16 with countries in the Western Hemisphere, the purposes
17 of which are to advance the interests of the United States
18 by reducing costs associated with illegal immigration and
19 to protect the human capital, societal traditions, and eco-
20 nomic growth of other countries in the Western Hemi-
21 sphere. It is further the policy of the United States to
22 ensure that humanitarian and development assistance
23 funding aimed at reducing illegal immigration is not ex-
24 pended on programs that have not proven to reduce illegal
25 immigrant flows in the aggregate.

1 **SEC. 302. NEGOTIATIONS BY SECRETARY OF STATE.**

2 (a) AUTHORIZATION TO NEGOTIATE.—The Secretary
3 of State shall seek to negotiate agreements, accords, and
4 memoranda of understanding between the United States,
5 Mexico, Honduras, El Salvador, Guatemala, and other
6 countries in the Western Hemisphere with respect to co-
7 operation and burden sharing required for effective re-
8 gional immigration enforcement, expediting legal claims by
9 aliens for asylum, and the processing, detention, and repa-
10 triation of foreign nationals seeking to enter the United
11 States unlawfully. Such agreements shall be designed to
12 facilitate a regional approach to immigration enforcement
13 and shall, at a minimum, provide that—

14 (1) the Government of Mexico authorize and ac-
15 cept the rapid entrance into Mexico of nationals of
16 countries other than Mexico who seek asylum in
17 Mexico, and process the asylum claims of such na-
18 tionals inside Mexico, in accordance with both do-
19 mestic law and international treaties and conven-
20 tions governing the processing of asylum claims;

21 (2) the Government of Mexico authorize and ac-
22 cept both the rapid entrance into Mexico of all na-
23 tionals of countries other than Mexico who are ineli-
24 gible for asylum in Mexico and wish to apply for
25 asylum in the United States, whether or not at a
26 port of entry, and the continued presence of such

1 nationals in Mexico while they wait for the adjudica-
2 tion of their asylum claims to conclude in the United
3 States;

4 (3) the Government of Mexico commit to pro-
5 vide the individuals described in paragraphs (1) and
6 (2) with appropriate humanitarian protections;

7 (4) the Government of Honduras, the Govern-
8 ment of El Salvador, and the Government of Guate-
9 mala each authorize and accept the entrance into
10 the respective countries of nationals of other coun-
11 tries seeking asylum in the applicable such country
12 and process such claims in accordance with applica-
13 ble domestic law and international treaties and con-
14 ventions governing the processing of asylum claims;

15 (5) the Government of the United States com-
16 mit to work to accelerate the adjudication of asylum
17 claims and to conclude removal proceedings in the
18 wake of asylum adjudications as expeditiously as
19 possible;

20 (6) the Government of the United States com-
21 mit to continue to assist the governments of coun-
22 tries in the Western Hemisphere, such as the Gov-
23 ernment of Honduras, the Government of El Sal-
24 vador, and the Government of Guatemala, by sup-

(7) the Government of the United States commit to monitoring developments in hemispheric immigration trends and regional asylum capabilities to determine whether additional asylum cooperation agreements are warranted.

(c) ALIEN DEFINED.—In this section, the term “alien” has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

18 SEC. 303. MANDATORY BRIEFINGS ON UNITED STATES EF-
19 FORTS TO ADDRESS THE BORDER CRISIS.

(a) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (b), the Secretary of State, or the designee of the Secretary of State, shall provide to the appropriate congressional committees an in-person

1 briefing on efforts undertaken pursuant to the negotiation
2 authority provided by section 302 of this title to monitor,
3 deter, and prevent illegal immigration to the United
4 States, including by entering into agreements, accords,
5 and memoranda of understanding with foreign countries
6 and by using United States foreign assistance to stem the
7 root causes of migration in the Western Hemisphere.

8 (b) TERMINATION OF MANDATORY BRIEFING.—The
9 date described in this subsection is the date on which the
10 Secretary of State, in consultation with the heads of other
11 relevant Federal departments and agencies, determines
12 and certifies to the appropriate congressional committees
13 that illegal immigration flows have subsided to a manage-
14 able rate.

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means the Committee on Foreign Af-
18 fairs of the House of Representatives and the Committee
19 on Foreign Relations of the Senate.

20 **TITLE IV—ENSURING UNITED** 21 **FAMILIES AT THE BORDER**

22 **SEC. 401. CLARIFICATION OF STANDARDS FOR FAMILY DE-** 23 **TENTION.**

24 (a) IN GENERAL.—Section 235 of the William Wil-
25 berforce Trafficking Victims Protection Reauthorization

1 Act of 2008 (8 U.S.C. 1232) is amended by adding at
2 the end the following:

3 “(j) CONSTRUCTION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, judicial determination, consent de-
6 cree, or settlement agreement, the detention of any
7 alien child who is not an unaccompanied alien child
8 shall be governed by sections 217, 235, 236, and
9 241 of the Immigration and Nationality Act (8
10 U.S.C. 1187, 1225, 1226, and 1231). There is no
11 presumption that an alien child who is not an unac-
12 companied alien child should not be detained.

13 “(2) FAMILY DETENTION.—The Secretary of
14 Homeland Security shall—

15 “(A) maintain the care and custody of an
16 alien, during the period during which the
17 charges described in clause (i) are pending,
18 who—

19 “(i) is charged only with a mis-
20 demeanor offense under section 275(a) of
21 the Immigration and Nationality Act (8
22 U.S.C. 1325(a)); and

23 “(ii) entered the United States with
24 the alien’s child who has not attained 18
25 years of age; and

1 “(B) detain the alien with the alien’s
2 child.”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the amendments in this section to section of
5 the William Wilberforce Trafficking Victims Protection
6 Reauthorization Act of 2008 (8 U.S.C. 1232) are intended
7 to satisfy the requirements of the Settlement Agreement
8 in *Flores v. Meese*, No. 85–4544 (C.D. Cal), as approved
9 by the court on January 28, 1997, with respect to its in-
10 terpretation in *Flores v. Johnson*, 212 F. Supp. 3d 864
11 (C.D. Cal. 2015), that the agreement applies to accom-
12 panied minors.

13 (c) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date of the enact-
15 ment of this Act and shall apply to all actions that occur
16 before, on, or after such date.

17 (d) PREEMPTION OF STATE LICENSING REQUIRE-
18 MENTS.—Notwithstanding any other provision of law, ju-
19 dicial determination, consent decree, or settlement agree-
20 ment, no State may require that an immigration detention
21 facility used to detain children who have not attained 18
22 years of age, or families consisting of one or more of such
23 children and the parents or legal guardians of such chil-
24 dren, that is located in that State, be licensed by the State
25 or any political subdivision thereof.

TITLE V—PROTECTION OF CHILDREN

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) Implementation of the provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children has incentivized multiple surges of unaccompanied alien children arriving at the southwest border in the years since the bill's enactment.

(2) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children treat unaccompanied alien children from countries that are contiguous to the United States disparately by swiftly returning them to their home country absent indications of trafficking or a credible fear of return, but allowing for the release of unaccompanied alien children from noncontiguous countries into the interior of the United States, often to those individuals who paid to smuggle them into the country in the first place.

(3) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched the cartels, who profit hundreds of millions of dollars each

1 year by smuggling unaccompanied alien children to
2 the southwest border, exploiting and sexually abus-
3 ing many such unaccompanied alien children on the
4 perilous journey.

5 (4) Prior to 2008, the number of unaccom-
6 panied alien children encountered at the southwest
7 border never exceeded 1,000 in a single year.

8 (5) The United States is currently in the midst
9 of the worst crisis of unaccompanied alien children
10 in our nation's history, with over 350,000 such un-
11 accompanied alien children encountered at the
12 southwest border since Joe Biden became President.

13 (6) In 2022, during the Biden Administration,
14 152,057 unaccompanied alien children were encoun-
15 tered, the most ever in a single year and an over
16 400 percent increase compared to the last full fiscal
17 year of the Trump Administration in which 33,239
18 unaccompanied alien children were encountered.

19 (7) The Biden Administration has lost contact
20 with at least 85,000 unaccompanied alien children
21 who entered the United States since Joe Biden took
22 office.

23 (8) The Biden Administration dismantled effec-
24 tive safeguards put in place by the Trump Adminis-
25 tration that protected unaccompanied alien children

1 from being abused by criminals or exploited for ille-
2 gal and dangerous child labor.

3 (9) A recent New York Times investigation
4 found that unaccompanied alien children are being
5 exploited in the labor market and “are ending up in
6 some of the most punishing jobs in the country.”.

7 (10) The Times investigation found unaccom-
8 panied alien children, “under intense pressure to
9 earn money” in order to “send cash back to their
10 families while often being in debt to their sponsors
11 for smuggling fees, rent, and living expenses,”
12 feared “that they had become trapped in cir-
13 cumstances they never could have imagined.”.

14 (11) The Biden Administration’s Department of
15 Health and Human Services Secretary Xavier
16 Becerra compared placing unaccompanied alien chil-
17 dren with sponsors, to widgets in an assembly line,
18 stating that, “If Henry Ford had seen this in his
19 plant, he would have never become famous and rich.
20 This is not the way you do an assembly line.”.

21 (12) Department of Health and Human Serv-
22 ices employees working under Secretary Xavier
23 Becerra’s leadership penned a July 2021 memo-
24 randum expressing serious concern that “labor traf-
25 ficking was increasing” and that the agency had be-

1 come “one that rewards individuals for making quick
2 releases, and not one that rewards individuals for
3 preventing unsafe releases.”.

4 (13) Despite this, Secretary Xavier Becerra
5 pressured then-Director of the Office of Refugee Re-
6 settlement Cindy Huang to prioritize releases of un-
7 accompanied alien children over ensuring their safe-
8 ty, telling her “if she could not increase the number
9 of discharges he would find someone who could” and
10 then-Director Huang resigned one month later.

11 (14) In June 2014, the Obama-Biden Adminis-
12 tration requested legal authority to exercise discre-
13 tion in returning and removing unaccompanied alien
14 children from non-contiguous countries back to their
15 home countries.

16 (15) In August 2014, the House of Representa-
17 tives passed H.R. 5320, which included the Protec-
18 tion of Children Act.

19 (16) This title ends the disparate policies of the
20 Trafficking Victims Protection Reauthorization Act
21 of 2008 by ensuring the swift return of all unaccom-
22 panied alien children to their country of origin if
23 they are not victims of trafficking and do not have
24 a fear of return.

1 **SEC. 502. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**
2 **DREN.**

3 (a) IN GENERAL.—Section 235 of the William Wil-
4 berforce Trafficking Victims Protection Reauthorization
5 Act of 2008 (8 U.S.C. 1232) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)—

8 (i) By amending the heading to read
9 as follows: “RULES FOR UNACCOMPANIED
10 ALIEN CHILDREN.—”

11 (ii) in subparagraph (A)—

12 (I) in the matter preceding clause
13 (i), by striking “who is a national or
14 habitual resident of a country that is
15 contiguous with the United States”;

16 (II) in clause (i), by inserting
17 “and” at the end;

18 (III) in clause (ii), by striking “;
19 and” and inserting a period; and

20 (IV) by striking clause (iii); and
21 (iii) in subparagraph (B)—

22 (I) in the matter preceding clause
23 (i), by striking “(8 U.S.C. 1101 et
24 seq.) may—” and inserting “(8
25 U.S.C. 1101 et seq.)—”;

1 (II) in clause (i), by inserting be-
2 fore “permit such child to withdraw”
3 the following: “may”; and

4 (III) in clause (ii), by inserting
5 before “return such child” the fol-
6 lowing: “shall”; and

7 (B) in paragraph (5)(D)—

8 (i) in the matter preceding clause (i),
9 by striking “, except for an unaccompanied
10 alien child from a contiguous country sub-
11 ject to exceptions under subsection (a)(2),”
12 and inserting “who does not meet the cri-
13 teria listed in paragraph (2)(A)”; and

14 (ii) in clause (i), by inserting before
15 the semicolon at the end the following: “,
16 which shall include a hearing before an im-
17 migration judge not later than 14 days
18 after being screened under paragraph (4)”; and

19 (2) in subsection (b)—

20 (A) in paragraph (2)—

21 (i) in subparagraph (A), by inserting
22 before the semicolon the following: “be-
23 lieved not to meet the criteria listed in sub-
24 section (a)(2)(A)”; and

1 (ii) in subparagraph (B), by inserting
2 before the period the following: “and does
3 not meet the criteria listed in subsection
4 (a)(2)(A)”;

5 (B) in paragraph (3), by striking “an un-
6 accompanied alien child in custody shall” and
7 all that follows, and inserting the following: “an
8 unaccompanied alien child in custody—

9 “(A) in the case of a child who does not
10 meet the criteria listed in subsection (a)(2)(A),
11 shall transfer the custody of such child to the
12 Secretary of Health and Human Services not
13 later than 30 days after determining that such
14 child is an unaccompanied alien child who does
15 not meet such criteria; or

16 “(B) in the case of a child who meets the
17 criteria listed in subsection (a)(2)(A), may
18 transfer the custody of such child to the Sec-
19 retary of Health and Human Services after de-
20 termining that such child is an unaccompanied
21 alien child who meets such criteria.”;

22 (3) in subsection (c)—

23 (A) in paragraph (3), by inserting at the
24 end the following:

1 “(D) INFORMATION ABOUT INDIVIDUALS
2 WITH WHOM CHILDREN ARE PLACED.—

3 “(i) INFORMATION TO BE PROVIDED
4 TO HOMELAND SECURITY.—Before placing
5 a child with an individual, the Secretary of
6 Health and Human Services shall provide
7 to the Secretary of Homeland Security, re-
8 garding the individual with whom the child
9 will be placed, information on—

10 “(I) the name of the individual;

11 “(II) the social security number
12 of the individual;

13 “(III) the date of birth of the in-
14 dividual;

15 “(IV) the location of the individ-
16 ual’s residence where the child will be
17 placed;

18 “(V) the immigration status of
19 the individual, if known; and

20 “(VI) contact information for the
21 individual.

22 “(ii) ACTIVITIES OF THE SECRETARY
23 OF HOMELAND SECURITY.—Not later than
24 30 days after receiving the information
25 listed in clause (i), the Secretary of Home-

1 land Security, upon determining that an
2 individual with whom a child is placed is
3 unlawfully present in the United States
4 and not in removal proceedings pursuant
5 to chapter 4 of title II of the Immigration
6 and Nationality Act (8 U.S.C. 1221 et
7 seq.), shall initiate such removal pro-
8 ceedings.”; and

9 (B) in paragraph (5)—

10 (i) by inserting after “to the greatest
11 extent practicable” the following: “(at no
12 expense to the Government)”; and

13 (ii) by striking “have counsel to rep-
14 resent them” and inserting “have access to
15 counsel to represent them”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to any unaccompanied alien child
18 (as such term is defined in section 462(g) of the Home-
19 land Security Act of 2002 (6 U.S.C. 279(g))) apprehended
20 on or after the date that is 30 days after the date of the
21 enactment of this Act.

1 **SEC. 503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IM-**
2 **MIGRANTS UNABLE TO REUNITE WITH EI-**
3 **THER PARENT.**

4 Section 101(a)(27)(J) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

6 (1) in clause (i), by striking “, and whose reuni-
7 fication with 1 or both of the immigrant’s parents
8 is not viable due to abuse, neglect, abandonment, or
9 a similar basis found under State law”; and

10 (2) in clause (iii)—

11 (A) in subclause (I), by striking “and” at
12 the end;

13 (B) in subclause (II), by inserting “and”
14 after the semicolon; and

15 (C) by adding at the end the following:

16 “(III) an alien may not be grant-
17 ed special immigrant status under this
18 subparagraph if the alien’s reunifica-
19 tion with any one parent or legal
20 guardian is not precluded by abuse,
21 neglect, abandonment, or any similar
22 cause under State law;”.

23 **SEC. 504. RULE OF CONSTRUCTION.**

24 Nothing in this title shall be construed to limit the
25 following procedures or practices relating to an unaccom-

1 panied alien child (as defined in section 462(g)(2) of the
2 Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))):

3 (1) Screening of such a child for a credible fear
4 of return to his or her country of origin.

5 (2) Screening of such a child to determine
6 whether he or she was a victim of trafficking.

7 (3) Department of Health and Human Services
8 policy in effect on the date of the enactment of this
9 Act requiring a home study for such a child if he or
10 she is under 12 years of age.

11 **TITLE VI—VISA OVERSTAYS** 12 **PENALTIES**

13 **SEC. 601. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR** 14 **PRESENCE.**

15 Section 275 of the Immigration and Nationality Act
16 (8 U.S.C. 1325) is amended—

17 (1) in subsection (a) by inserting after “for a
18 subsequent commission of any such offense” the fol-
19 lowing: “or if the alien was previously convicted of
20 an offense under subsection (e)(2)(A)”;

21 (2) in subsection (b)—

22 (A) in paragraph (1), by striking “at least
23 \$50 and not more than \$250” and inserting
24 “not less than \$ and not more than \$1,000”;
25 and

1 (B) in paragraph (2), by inserting after
2 “in the case of an alien who has been previously
3 subject to a civil penalty under this subsection”
4 the following: “or subsection (e)(2)(B)”; and
5 (3) by adding at the end the following:

6 “(e) VISA OVERSTAYS.—

7 “(1) IN GENERAL.—An alien who was admitted
8 as a nonimmigrant has violated this paragraph if the
9 alien, for an aggregate of 10 days or more, has
10 failed—

11 “(A) to maintain the nonimmigrant status
12 in which the alien was admitted, or to which it
13 was changed under section 248, including com-
14 plying with the period of stay authorized by the
15 Secretary of Homeland Security in connection
16 with such status; or

17 “(B) to comply otherwise with the condi-
18 tions of such nonimmigrant status.

19 “(2) PENALTIES.—An alien who has violated
20 paragraph (1)—

21 “(A) shall—

22 “(i) for the first commission of such a
23 violation, be fined under title 18, United
24 States Code, or imprisoned not more than
25 6 months, or both; and

1 “(ii) for a subsequent commission of
 2 such a violation, or if the alien was pre-
 3 viously convicted of an offense under sub-
 4 section (a), be fined under such title 18, or
 5 imprisoned not more than 2 years, or both;
 6 and

7 “(B) in addition to, and not in lieu of, any
 8 penalty under subparagraph (A) and any other
 9 criminal or civil penalties that may be imposed,
 10 shall be subject to a civil penalty of—

11 “(i) not less than \$500 and not more
 12 than \$1,000 for each violation; or

13 “(ii) twice the amount specified in
 14 clause (i), in the case of an alien who has
 15 been previously subject to a civil penalty
 16 under this subparagraph or subsection
 17 (b).”.

18 **TITLE VII—IMMIGRATION** 19 **PAROLE REFORM**

20 **SEC. 701. IMMIGRATION PAROLE REFORM.**

21 Section 212(d)(5) of the Immigration and Nationality
 22 Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

23 “(5)(A) Except as provided in subparagraphs
 24 (B) and (C) and section 214(f), the Secretary of
 25 Homeland Security, in the discretion of the Sec-

1 retary, may temporarily parole into the United
2 States any alien applying for admission to the
3 United States who is not present in the United
4 States, under such conditions as the Secretary may
5 prescribe, on a case-by-case basis, and not according
6 to eligibility criteria describing an entire class of po-
7 tential parole recipients, for urgent humanitarian
8 reasons or significant public benefit. Parole granted
9 under this subparagraph may not be regarded as an
10 admission of the alien. When the purposes of such
11 parole have been served in the opinion of the Sec-
12 retary, the alien shall immediately return or be re-
13 turned to the custody from which the alien was pa-
14 roled. After such return, the case of the alien shall
15 be dealt with in the same manner as the case of any
16 other applicant for admission to the United States.

17 “(B) The Secretary of Homeland Security
18 may grant parole to any alien who—

19 “(i) is present in the United States
20 without lawful immigration status;

21 “(ii) is the beneficiary of an approved
22 petition under section 203(a);

23 “(iii) is not otherwise inadmissible or
24 removable; and

1 “(iv) is the spouse or child of a mem-
2 ber of the Armed Forces serving on active
3 duty.

4 “(C) The Secretary of Homeland Security
5 may grant parole to any alien—

6 “(i) who is a national of the Republic
7 of Cuba and is living in the Republic of
8 Cuba;

9 “(ii) who is the beneficiary of an ap-
10 proved petition under section 203(a);

11 “(iii) for whom an immigrant visa is
12 not immediately available;

13 “(iv) who meets all eligibility require-
14 ments for an immigrant visa;

15 “(v) who is not otherwise inadmis-
16 sible; and

17 “(vi) who is receiving a grant of pa-
18 role in furtherance of the commitment of
19 the united states to the minimum level of
20 annual legal migration of cuban nationals
21 to the united states specified in the U.S.-
22 Cuba Joint Communique on Migration,
23 done at New York September 9, 1994, and
24 reaffirmed in the Cuba-United States:
25 Joint Statement on Normalization of Mi-

1 gration, Building on the Agreement of
2 September 9, 1994, done at New York
3 May 2, 1995.

4 “(D) The Secretary of Homeland Security
5 may grant parole to an alien who is returned to
6 a contiguous country under section 235(b)(3) to
7 allow the alien to attend the alien’s immigration
8 hearing. The grant of parole shall not exceed
9 the time required for the alien to be escorted to,
10 and attend, the alien’s immigration hearing
11 scheduled on the same calendar day as the
12 grant, and to immediately thereafter be es-
13 corted back to the contiguous country. A grant
14 of parole under this subparagraph shall not be
15 considered for purposes of determining whether
16 the alien is inadmissible under this Act.

17 “(E) For purposes of determining an
18 alien’s eligibility for parole under subparagraph
19 (A), an urgent humanitarian reason shall be
20 limited to circumstances in which the alien es-
21 tablishes that—

22 “(i)(I) the alien has a medical emer-
23 gency; and

1 “(II)(aa) the alien cannot obtain
2 necessary treatment in the foreign
3 state in which the alien is residing; or

4 “(bb) the medical emergency
5 is life-threatening and there is in-
6 sufficient time for the alien to be
7 admitted to the United States
8 through the normal visa process;

9 “(ii) the alien is the parent or legal
10 guardian of an alien described in clause (i)
11 and the alien described in clause (i) is a
12 minor;

13 “(iii) the alien is needed in the United
14 States in order to donate an organ or
15 other tissue for transplant and there is in-
16 sufficient time for the alien to be admitted
17 to the United States through the normal
18 visa process;

19 “(iv) the alien has a close family
20 member in the United States whose death
21 is imminent and the alien could not arrive
22 in the United States in time to see such
23 family member alive if the alien were to be
24 admitted to the United States through the
25 normal visa process;

1 “(v) the alien is seeking to attend the
2 funeral of a close family member and the
3 alien could not arrive in the United States
4 in time to attend such funeral if the alien
5 were to be admitted to the United States
6 through the normal visa process;

7 “(vi) the alien is an adopted child
8 with an urgent medical condition who is in
9 the legal custody of the petitioner for a
10 final adoption-related visa and whose med-
11 ical treatment is required before the ex-
12 pected award of a final adoption-related
13 visa; or

14 “(vii) the alien is a lawful applicant
15 for adjustment of status under section 245
16 and is returning to the United States after
17 temporary travel abroad.

18 “(F) For purposes of determining an
19 alien’s eligibility for parole under subparagraph
20 (A), a significant public benefit may be deter-
21 mined to result from the parole of an alien only
22 if—

23 “(i) the alien has assisted (or will as-
24 sist, whether knowingly or not) the United

1 States Government in a law enforcement
2 matter;

3 “(ii) the alien’s presence is required
4 by the Government in furtherance of such
5 law enforcement matter; and

6 “(iii) the alien is inadmissible, does
7 not satisfy the eligibility requirements for
8 admission as a nonimmigrant, or there is
9 insufficient time for the alien to be admit-
10 ted to the United States through the nor-
11 mal visa process.

12 “(G) For purposes of determining an
13 alien’s eligibility for parole under subparagraph
14 (A), the term ‘case-by-case basis’ means that
15 the facts in each individual case are considered
16 and parole is not granted based on membership
17 in a defined class of aliens to be granted parole.
18 The fact that aliens are considered for or grant-
19 ed parole one-by-one and not as a group is not
20 sufficient to establish that the parole decision is
21 made on a case-by-case basis.

22 “(H) The Secretary of Homeland Security
23 may not use the parole authority under this
24 paragraph to parole an alien into the United
25 States for any reason or purpose other than

1 those described in subparagraphs (B), (C), (D),
2 (E), and (F).

3 “(I) An alien granted parole may not ac-
4 cept employment, except that an alien granted
5 parole pursuant to subparagraph (B) or (C) is
6 authorized to accept employment for the dura-
7 tion of the parole, as evidenced by an employ-
8 ment authorization document issued by the Sec-
9 retary of Homeland Security.

10 “(J) Parole granted after a departure from
11 the United States shall not be regarded as an
12 admission of the alien. An alien granted parole,
13 whether as an initial grant of parole or parole
14 upon reentry into the United States, is not eli-
15 gible to adjust status to lawful permanent resi-
16 dence or for any other immigration benefit if
17 the immigration status the alien had at the
18 time of departure did not authorize the alien to
19 adjust status or to be eligible for such benefit.

20 “(K)(i) Except as provided in clauses (ii)
21 and (iii), parole shall be granted to an alien
22 under this paragraph for the shorter of—

23 “(I) a period of sufficient length
24 to accomplish the activity described in

1 subparagraph (D), (E), or (F) for
2 which the alien was granted parole; or
3 “(II) 1 year.

4 “(ii) Grants of parole pursuant to
5 subparagraph (A) may be extended once,
6 in the discretion of the Secretary, for an
7 additional period that is the shorter of—

8 “(I) the period that is necessary
9 to accomplish the activity described in
10 subparagraph (E) or (F) for which
11 the alien was granted parole; or

12 “(II) 1 year.

13 “(iii) Aliens who have a pending ap-
14 plication to adjust status to permanent
15 residence under section 245 may request
16 extensions of parole under this paragraph,
17 in 1-year increments, until the application
18 for adjustment has been adjudicated. Such
19 parole shall terminate immediately upon
20 the denial of such adjustment application.

21 “(L) Not later than 90 days after the last
22 day of each fiscal year, the Secretary of Home-
23 land Security shall submit to the Committee on
24 the Judiciary of the Senate and the Committee
25 on the Judiciary of the House of Representa-

1 tives and make available to the public, a re-
2 port—

3 “(i) identifying the total number of
4 aliens paroled into the United States under
5 this paragraph during the previous fiscal
6 year; and

7 “(ii) containing information and data
8 regarding all aliens paroled during such
9 fiscal year, including—

10 “(I) the duration of parole;

11 “(II) the type of parole; and

12 “(III) the current status of the
13 aliens so paroled.”.

14 **SEC. 702. IMPLEMENTATION.**

15 (a) IN GENERAL.—Except as provided in subsection
16 (b), this title and the amendments made by this title shall
17 take effect on the date that is 30 days after the date of
18 the enactment of this Act.

19 (b) EXCEPTIONS.—Notwithstanding subsection (a),
20 each of the following exceptions apply:

21 (1) Any application for parole or advance parole
22 filed by an alien before the date of the enactment of
23 this Act shall be adjudicated under the law that was
24 in effect on the date on which the application was
25 properly filed and any approved advance parole shall

1 remain valid under the law that was in effect on the
2 date on which the advance parole was approved.

3 (2) Section 212(d)(5)(J) of the Immigration
4 and Nationality Act, as added by section 701 of this
5 title, shall take effect on the date of the enactment
6 of this Act.

7 (3) Aliens who were paroled into the United
8 States pursuant to section 212(d)(5)(A) of the Im-
9 migration and Nationality Act (U.S.C.
10 1182(d)(5)(A)) before January 1, 2023, shall con-
11 tinue to be subject to the terms of parole that were
12 in effect on the date on which their respective parole
13 was approved.

14 **SEC. 703. CAUSE OF ACTION.**

15 Any person, State, or local government that experi-
16 ences financial harm in excess of \$1,000 due to a failure
17 of the Federal Government to lawfully apply the provisions
18 of this title or the amendments made by this title shall
19 have standing to bring a civil action against the Federal
20 Government in an appropriate district court of the United
21 States for appropriate relief.

22 **SEC. 704. SEVERABILITY.**

23 If any provision of this title or any amendment by
24 this title, or the application of such provision or amend-
25 ment to any person or circumstance, is held to be uncon-

stitutional, the remainder of this title and the application of such provision or amendment to any other person or circumstance shall not be affected.

TITLE VIII—REPEALING REGULATIONS

SEC. 801. REPEALING REGULATIONS.

The rules relating to “Temporary Agricultural Employment of H–2A Nonimmigrants in the United States” (87 Fed. Reg. 61660 (Oct. 12, 2022)) and to “Adverse Effect Wage Rate Methodology for the Temporary Employment of H–2A Nonimmigrants in Non-Range Occupations in the United States” (88 Fed. Reg. 12760 (Feb. 28, 2023)) shall have no force or effect, may not be reissued in substantially the same form, and any new rules that are substantially the same as such rules may not be issued.

○