

118TH CONGRESS
1ST SESSION

H. R. _____

Reducing spending, securing the border, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

Reducing spending, securing the border, 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.**

4 This Act may be cited as the “Spending Reduction
5 and Border Security Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

DIVISION B—OTHER MATTERS

Sec. 101. Statutory PAYGO scorecards.

- Sec. 102. Senate PAYGO scorecards.
- Sec. 103. Classification of budgetary effects.

DIVISION C—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 D—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.

3

- 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.

DIVISION E—ESTABLISHMENT OF FISCAL COMMISSION

- Sec. 1. Short title.
- Sec. 2. Definitions.
- Sec. 3. Establishment of Fiscal Commission.
- Sec. 4. Expedited consideration of Fiscal Commission bills.
- Sec. 5. Funding.
- Sec. 6. Rulemaking.

1 SEC. 3. REFERENCES.

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall

1 be treated as referring only to the provisions of that divi-
2 sion.

3 **DIVISION A—CONTINUING**
4 **APPROPRIATIONS ACT, 2024**

5 The following sums are hereby appropriated, out of
6 any money in the Treasury not otherwise appropriated,
7 and out of applicable corporate or other revenues, receipts,
8 and funds, for the several departments, agencies, corpora-
9 tions, and other organizational units of Government for
10 fiscal year 2024, and for other purposes, namely:

11 SEC. 101. (a) Such amounts as may be necessary,
12 at a rate for operations as provided in the applicable ap-
13 propriations Acts for fiscal year 2023 and under the au-
14 thority and conditions provided in such Acts, for con-
15 tinuing projects or activities (including the costs of direct
16 loans and loan guarantees) that are not otherwise specifi-
17 cally provided for in this Act, that were conducted in fiscal
18 year 2023, and for which appropriations, funds, or other
19 authority were made available in the following appropria-
20 tions Acts:

21 (1) The Agriculture, Rural Development, Food
22 and Drug Administration, and Related Agencies Ap-
23 propriations Act, 2023 (division A of Public Law
24 117–328).

1 (2) The Commerce, Justice, Science, and Re-
2 lated Agencies Appropriations Act, 2023 (division B
3 of Public Law 117–328).

4 (3) The Department of Defense Appropriations
5 Act, 2023 (division C of Public Law 117–328).

6 (4) The Energy and Water Development and
7 Related Agencies Appropriations Act, 2023 (division
8 D of Public Law 117–328), except the first proviso
9 under the heading “Department of Energy—Energy
10 Programs—SPR Petroleum Account”.

11 (5) The Financial Services and General Govern-
12 ment Appropriations Act, 2023 (division E of Public
13 Law 117–328).

14 (6) The Department of Homeland Security Ap-
15 propriations Act, 2023 (division F of Public Law
16 117–328), including title III of division O of Public
17 Law 117–328.

18 (7) The Department of the Interior, Environ-
19 ment, and Related Agencies Appropriations Act,
20 2023 (division G of Public Law 117–328).

21 (8) The Departments of Labor, Health and
22 Human Services, and Education, and Related Agen-
23 cies Appropriations Act, 2023 (division H of Public
24 Law 117–328).

1 (9) The Legislative Branch Appropriations Act,
2 2023 (division I of Public Law 117–328).

3 (10) The Military Construction, Veterans Af-
4 fairs, and Related Agencies Appropriations Act,
5 2023 (division J of Public Law 117–328).

6 (11) The Department of State, Foreign Oper-
7 ations, and Related Programs Appropriations Act,
8 2023 (division K of Public Law 117–328).

9 (12) The Transportation, Housing and Urban
10 Development, and Related Agencies Appropriations
11 Act, 2023 (division L of Public Law 117–328).

12 (b) The rate for operations provided by subsection (a)
13 is hereby reduced by 29.88565 percent, so that the total
14 amount of annualized discretionary budget authority for
15 fiscal year 2024 is equal to \$1,470,979,000,000: *Provided*,
16 That the reduction in this subsection shall not apply to
17 the rate for operations provided for the national defense
18 budget function (050), the Department of Veterans Af-
19 fairs, the Department of Homeland Security, or amounts
20 designated as being for disaster relief pursuant to section
21 251(b)(2)(D) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 SEC. 102. (a) No appropriation or funds made avail-
24 able or authority granted pursuant to section 101 for the
25 Department of Defense shall be used for:

1 (1) the new production of items not funded for
2 production in fiscal year 2023 or prior years;

3 (2) the increase in production rates above those
4 sustained with fiscal year 2023 funds; or

5 (3) the initiation, resumption, or continuation
6 of any project, activity, operation, or organization
7 (defined as any project, subproject, activity, budget
8 activity, program element, and subprogram within a
9 program element, and for any investment items de-
10 fined as a P-1 line item in a budget activity within
11 an appropriation account and an R-1 line item that
12 includes a program element and subprogram element
13 within an appropriation account) for which appro-
14 priations, funds, or other authority were not avail-
15 able during fiscal year 2023.

16 (b) No appropriation or funds made available or au-
17 thority granted pursuant to section 101 for the Depart-
18 ment of Defense shall be used to initiate multi-year pro-
19 curements utilizing advance procurement funding for eco-
20 nomic order quantity procurement unless specifically ap-
21 propriated later.

22 SEC. 103. Appropriations made by section 101 shall
23 be available to the extent and in the manner that would
24 be provided by the pertinent appropriations Act.

1 SEC. 104. Except as otherwise provided in section
2 102, no appropriation or funds made available or author-
3 ity granted pursuant to section 101 shall be used to ini-
4 tiate or resume any project or activity for which appro-
5 priations, funds, or other authority were not available dur-
6 ing fiscal year 2023.

7 SEC. 105. Appropriations made and authority grant-
8 ed pursuant to this Act shall cover all obligations or ex-
9 penditures incurred for any project or activity during the
10 period for which funds or authority for such project or
11 activity are available under this Act.

12 SEC. 106. Unless otherwise provided for in this Act
13 or in the applicable appropriations Act for fiscal year
14 2024, appropriations and funds made available and au-
15 thority granted pursuant to this Act shall be available
16 until whichever of the following first occurs:

17 (1) The enactment into law of an appropriation
18 for any project or activity provided for in this Act.

19 (2) The enactment into law of the applicable
20 appropriations Act for fiscal year 2024 without any
21 provision for such project or activity.

22 (3) October 31, 2023.

23 SEC. 107. Expenditures made pursuant to this Act
24 shall be charged to the applicable appropriation, fund, or
25 authorization whenever a bill in which such applicable ap-

1 appropriation, fund, or authorization is contained is enacted
2 into law.

3 SEC. 108. Appropriations made and funds made
4 available by or authority granted pursuant to this Act may
5 be used without regard to the time limitations for submis-
6 sion and approval of apportionments set forth in section
7 1513 of title 31, United States Code, but nothing in this
8 Act may be construed to waive any other provision of law
9 governing the apportionment of funds.

10 SEC. 109. Notwithstanding any other provision of
11 this Act, except section 106, for those programs that
12 would otherwise have high initial rates of operation or
13 complete distribution of appropriations at the beginning
14 of fiscal year 2024 because of distributions of funding to
15 States, foreign countries, grantees, or others, such high
16 initial rates of operation or complete distribution shall not
17 be made, and no grants shall be awarded for such pro-
18 grams funded by this Act that would impinge on final
19 funding prerogatives.

20 SEC. 110. This Act shall be implemented so that only
21 the most limited funding action of that permitted in the
22 Act shall be taken in order to provide for continuation of
23 projects and activities.

24 SEC. 111. (a) For entitlements and other mandatory
25 payments whose budget authority was provided in appro-

1 priations Acts for fiscal year 2023, and for activities under
2 the Food and Nutrition Act of 2008, activities shall be
3 continued at the rate to maintain program levels under
4 current law, under the authority and conditions provided
5 in the applicable appropriations Act for fiscal year 2023,
6 to be continued through the date specified in section
7 106(3).

8 (b) Notwithstanding section 106, obligations for man-
9 datory payments due on or about the first day of any
10 month that begins after October 2023 but not later than
11 30 days after the date specified in section 106(3) may con-
12 tinue to be made, and funds shall be available for such
13 payments.

14 SEC. 112. Amounts made available under section 101
15 for civilian personnel compensation and benefits in each
16 department and agency may be apportioned up to the rate
17 for operations necessary to avoid furloughs within such de-
18 partment or agency, consistent with the applicable appro-
19 priations Act for fiscal year 2023, except that such author-
20 ity provided under this section shall not be used until after
21 the department or agency has taken all necessary actions
22 to reduce or defer non-personnel-related administrative ex-
23 penses.

24 SEC. 113. Funds appropriated by this Act may be
25 obligated and expended notwithstanding section 10 of

1 Public Law 91–672 (22 U.S.C. 2412), section 15 of the
2 State Department Basic Authorities Act of 1956 (22
3 U.S.C. 2680), section 313 of the Foreign Relations Au-
4 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
5 6212), and section 504(a)(1) of the National Security Act
6 of 1947 (50 U.S.C. 3094(a)(1)).

7 SEC. 114. (a) Each amount incorporated by reference
8 in this Act that was previously designated by the Congress
9 as an emergency requirement pursuant to section
10 4001(a)(1) of S. Con. Res. 14 (117th Congress), the con-
11 current resolution on the budget for fiscal year 2022, and
12 section 1(e) of H. Res. 1151 (117th Congress), as en-
13 grossed in the House of Representatives on June 8, 2022,
14 is designated by the Congress as an emergency require-
15 ment pursuant to section 251(b)(2)(A) of the Balanced
16 Budget and Emergency Deficit Control Act of 1985.

17 (b) Each amount incorporated by reference in this
18 Act that was previously designated as being for disaster
19 relief pursuant to a concurrent resolution on the budget
20 in the Senate and section 1(f) of H. Res. 1151 (117th
21 Congress), as engrossed in the House of Representatives
22 on June 8, 2022, is designated by the Congress as being
23 for disaster relief pursuant to section 251(b)(2)(D) of
24 such Act.

1 (c) This section shall become effective immediately
2 upon enactment of this Act, and shall remain in effect
3 through the date in section 106(3).

4 SEC. 115. (a) Rescissions or cancellations of discre-
5 tionary budget authority that continue pursuant to section
6 101 in Treasury Appropriations Fund Symbols (TAFS)—

7 (1) to which other appropriations are not pro-
8 vided by this Act, but for which there is a current
9 applicable TAFS that does receive an appropriation
10 in this Act; or

11 (2) which are no-year TAFS and receive other
12 appropriations in this Act,

13 may be continued instead by reducing the rate for oper-
14 ations otherwise provided by section 101 for such current
15 applicable TAFS, as long as doing so does not impinge
16 on the final funding prerogatives of the Congress.

17 (b) Rescissions or cancellations described in sub-
18 section (a) shall continue in an amount equal to the lesser
19 of—

20 (1) the amount specified for rescission or can-
21 cellation in the applicable appropriations Act ref-
22 erenced in section 101 of this Act; or

23 (2) the amount of balances available, as of Oc-
24 tober 1, 2023, from the funds specified for rescission

1 or cancellation in the applicable appropriations Act
2 referenced in section 101 of this Act.

3 (c) No later than October 11, 2023, the Director of
4 the Office of Management and Budget shall provide to the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate a comprehensive list of the rescis-
7 sions or cancellations that will continue pursuant to sec-
8 tion 101: *Provided*, That the information in such com-
9 prehensive list shall be periodically updated to reflect any
10 subsequent changes in the amount of balances available,
11 as of October 1, 2023, from the funds specified for rescis-
12 sion or cancellation in the applicable appropriations Act
13 referenced in section 101, and such updates shall be trans-
14 mitted to the Committees on Appropriations of the House
15 of Representatives and the Senate upon request.

16 SEC. 116. Amounts made available by section 101 for
17 “Farm Service Agency—Agricultural Credit Insurance
18 Fund Program Account” may be apportioned up to the
19 rate for operations necessary to accommodate approved
20 applications for direct and guaranteed farm ownership
21 loans, as authorized by 7 U.S.C. 1922 et seq.

22 SEC. 117. Amounts made available by section 101 to
23 the Department of Agriculture for “Rural Housing Serv-
24 ice—Rental Assistance Program” may be apportioned up
25 to the rate for operations necessary to maintain activities

1 as authorized by section 521(a)(2) of the Housing Act of
2 1949.

3 SEC. 118. Section 260 of the Agricultural Marketing
4 Act of 1946 (7 U.S.C. 1636i) and section 942 of the Live-
5 stock Mandatory Reporting Act of 1999 (7 U.S.C. 1635
6 note; Public Law 106–78) shall be applied by substituting
7 the date specified in section 106(3) of this Act for “Sep-
8 tember 30, 2023”.

9 SEC. 119. Notwithstanding sections 102 and 104 of
10 this Act, amounts made available by section 101(3) for
11 the Department of Defense may be apportioned up to the
12 rate for operations necessary to facilitate the programs
13 and activities set forth in H.R. 4365, the Department of
14 Defense Appropriations Act, 2024, reported by the House
15 Committee on Appropriations on June 27, 2023, subject
16 to the terms and conditions therein.

17 SEC. 120. Notwithstanding sections 102 and 104 of
18 this Act, amounts made available by section 101 to the
19 Department of Defense for “Shipbuilding and Conversion,
20 Navy” shall be available for the procurement of one Co-
21 lumbia Class Submarine.

22 SEC. 121. During the period covered by this Act, sec-
23 tion 714(b)(2)(B) of title 10, United States Code, shall
24 be applied by substituting “four years” for “two years”.

1 SEC. 122. In addition to amounts otherwise provided
2 by section 101, amounts are provided for “Department of
3 Energy—Energy Programs—Nuclear Energy” at a rate
4 for operations of \$220,000,000: *Provided*, That amounts
5 are provided for necessary expenses related to Risk Reduc-
6 tion for Future Demonstrations at a rate for operations
7 of \$120,000,000 and Advanced Nuclear Fuel Availability
8 at a rate for operations of \$100,000,000.

9 SEC. 123. Amounts made available by section 101 for
10 “Small Business Administration—Business Loans Pro-
11 gram Account” may be apportioned up to the rate for op-
12 erations necessary to accommodate increased demand for
13 commitments for general business loans authorized under
14 paragraphs (1) through (35) of section 7(a) of the Small
15 Business Act (15 U.S.C. 636(a)), for commitments to
16 guarantee trust certificates authorized by section 5(g) of
17 the Small Business Act (15 U.S.C. 634(g)), for commit-
18 ments to guarantee loans under section 503 of the Small
19 Business Investment Act of 1958 (15 U.S.C. 697), and
20 for commitments to guarantee loans for debentures under
21 section 303(b) of the Small Business Investment Act of
22 1958 (15 U.S.C. 683(b)).

23 SEC. 124. Notwithstanding any other provision of
24 this Act, except section 106, the District of Columbia may
25 expend local funds made available under the heading “Dis-

1 triet of Columbia—District of Columbia Funds” for such
2 programs and activities under the District of Columbia
3 Appropriations Act, 2023 (title IV of division E of Public
4 Law 117–328) at the rate set forth in the Fiscal Year
5 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as
6 modified as of the date of enactment of this Act.

7 SEC. 125. Amounts made available by section 101 to
8 the Department of Homeland Security under the heading
9 “Federal Emergency Management Agency—Disaster Re-
10 lief Fund” may be apportioned up to the rate for oper-
11 ations necessary to carry out response and recovery activi-
12 ties under the Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

14 SEC. 126. Amounts provided by section 101 shall not
15 be made available to utilize the U.S. Customs and Border
16 Protection CBP One Application, or any successor appli-
17 cation, to facilitate the parole of any alien into the United
18 States.

19 SEC. 127. (a) Amounts provided by section 101 shall
20 not be made available to transport aliens unlawfully
21 present in, paroled into, or inadmissible to the United
22 States into the interior of the United States for purposes
23 other than enforcement of the immigration laws (as such
24 term is defined in section 101 of the Immigration and Na-
25 tionality Act (8 U.S.C. 1101)).

1 (b) The limitation under subsection (a) shall not
2 apply with respect to amounts made available to transport
3 unaccompanied alien children (as such term is defined in
4 section 462 of the Homeland Security Act of 2002 (6
5 U.S.C. 279)).

6 SEC. 128. Amounts provided by section 101 shall not
7 be made available to issue any employment authorization
8 document or similar document to any alien whose applica-
9 tion for asylum in the United States has been denied, or
10 who is convicted of a Federal or State crime while his or
11 her application for asylum in the United States is pending.

12 SEC. 129. Amounts provided by section 101 shall not
13 be made available to obligate, expend, or transfer to an-
14 other Federal agency, board, or commission to be used to
15 dismantle, demolish, remove, or damage existing United
16 States-Mexico physical barriers at any location where such
17 barriers have been constructed as of the date of enactment
18 of this Act unless such barrier is simultaneously being re-
19 paired or replaced.

20 SEC. 130. Amounts provided by section 101 shall not
21 be made available to implement, administer, or otherwise
22 carry out the activities and policies described in the memo-
23 randum issued by the Secretary of Homeland Security on
24 September 30, 2021, entitled “Guidelines for the Enforce-
25 ment of Civil Immigration Law” or described in the

1 memorandum issued by Kerry Doyle, Immigration and
2 Customs Enforcement Principal Legal Advisor on April 3,
3 2022, entitled “Guidance to OPLA Attorneys Regarding
4 the Enforcement of Civil Immigration Laws and the Exer-
5 cise of 20 Prosecutorial Discretion” or any successor or
6 similar memorandum or policy.

7 SEC. 131. Amounts provided by section 101 shall not
8 be made available to implement, administer, or otherwise
9 carry out the policies described in the directive issued by
10 the Acting Commissioner of U.S. Customs and Border
11 Protection on January 10, 2023, entitled “Emergency
12 Driving and Vehicular Pursuits”.

13 SEC. 132. Amounts provided by section 101 shall not
14 be made available to implement, administer, or enforce the
15 rule entitled “Procedures or Credible Fear Screening and
16 Consideration of Asylum, Withholding of Removal, and
17 CAT Protection Claims by Asylum Officers” (87 Fed.
18 Reg. 18078).

19 SEC. 133. Amounts provided by section 101 shall not
20 be made available to release (including pursuant to parole
21 or release pursuant to section 236(a) of the Immigration
22 and Nationality Act but excluding as expressly authorized
23 pursuant to section 212(d)(5)) an alien described in sec-
24 tion 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than
25 to be removed, including to a country described in section

1 208(a)(2)(A), or returned to a country as described in sec-
2 tion 235(b)(3).

3 SEC. 134. Amounts provided by section 101 shall not
4 be made available to implement, administer, or enforce the
5 rule related to “Circumvention of Lawful Pathways” (88
6 Fed. Reg. 11704).

7 SEC. 135. (a) Sections 1309(a) and 1319 of the Na-
8 tional Flood Insurance Act of 1968 (42 U.S.C. 4016(a)
9 and 4026) shall be applied by substituting the date speci-
10 fied in section 106(3) of this Act for “September 30,
11 2023”.

12 (b)(1) Subject to paragraph (2), this section shall be-
13 come effective immediately upon enactment of this Act.

14 (2) If this Act is enacted after September 30, 2023,
15 this section shall be applied as if it were in effect on Sep-
16 tember 30, 2023.

17 SEC. 136. (a) Of the amounts made available pursu-
18 ant to section 40803(c)(2) of Public Law 117–58, the Sec-
19 retary of Agriculture shall transfer to the Secretary of the
20 Interior such sums as are necessary to continue without
21 interruption the Federal wildland firefighter base salary
22 increase provided under Section 40803(d)(4)(B) of such
23 Public Law.

24 (b) In carrying out subsection (a), the Secretary of
25 Agriculture—

1 (1) may make more than one transfer of funds
2 under this section; and

3 (2) may not transfer a total amount of funds
4 greater than \$17,250,000.

5 (c) No funds transferred pursuant to this section may
6 be obligated without prior written notification, to the Com-
7 mittees on Appropriations of the House of Representatives
8 and the Senate, of the date of the transfer, the total
9 amount to be transferred, and the remaining funds avail-
10 able for transfer.

11 SEC. 137. Notwithstanding section 101, section 126
12 of Division J of Public Law 117–328 shall be applied dur-
13 ing the period covered by this Act by substituting “fiscal
14 year 2017, fiscal year 2018, and fiscal year 2019” for “fis-
15 cal year 2017 and fiscal year 2018”.

16 This division may be cited as the “Continuing Appro-
17 priations Act, 2024”.

18 **DIVISION B—OTHER MATTERS**

19 **SEC. 101. STATUTORY PAYGO SCORECARDS.**

20 The budgetary effects of this division and each suc-
21 ceeding division shall not be entered on either PAYGO
22 scorecard maintained pursuant to section 4(d) of the Stat-
23 utory Pay-As-You-Go Act of 2010.

1 **SEC. 102. SENATE PAYGO SCORECARDS.**

2 The budgetary effects of this division and each suc-
3 ceeding division shall not be entered on any PAYGO score-
4 card maintained for purposes of section 4106 of H. Con.
5 Res. 71 (115th Congress).

6 **SEC. 103. CLASSIFICATION OF BUDGETARY EFFECTS.**

7 Notwithstanding Rule 3 of the Budget Scorekeeping
8 Guidelines set forth in the joint explanatory statement of
9 the committee of conference accompanying Conference Re-
10 port 105–217 and section 250(c)(8) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985, the
12 budgetary effects of this division and each succeeding divi-
13 sion shall not be estimated—

14 (1) for purposes of section 251 of such Act;

15 (2) for purposes of an allocation to the Com-
16 mittee on Appropriations pursuant to section 302(a)
17 of the Congressional Budget Act of 1974; and

18 (3) for purposes of paragraph (4)(C) of section
19 3 of the Statutory Pay-As-You-Go Act of 2010 as
20 being included in an appropriation Act.

21 **DIVISION C—BORDER SECURITY**

22 **SEC. 101. DEFINITIONS.**

23 In this division:

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

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

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

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

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

12 (6) SITUATIONAL AWARENESS.—The term “sit-
13 uational awareness” has the meaning given such
14 term in section 1092(a)(7) of the National Defense
15 Authorization Act for Fiscal Year 2017 (Public Law
16 114–328; 6 U.S.C. 223(a)(7)).

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

21 **SEC. 102. BORDER WALL CONSTRUCTION.**

22 (a) IN GENERAL.—

23 (1) IMMEDIATE RESUMPTION OF BORDER WALL
24 CONSTRUCTION.—Not later than seven days after
25 the date of the enactment of this Act, the Secretary

1 shall resume all activities related to the construction
2 of the border wall along the border between the
3 United States and Mexico that were underway or
4 being planned for prior to January 20, 2021.

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

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

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

1 ture, technology, and other elements as identified by the
2 Department prior to January 20, 2021, through the ex-
3 penditure of funds appropriated or explicitly obligated, as
4 the case may be, for use, as well as any future funds ap-
5 propriated or otherwise made available by Congress.

6 (c) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means the Committee on Homeland Secu-
10 rity and the Committee on Appropriations of the
11 House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs and
13 the Committee on Appropriations of the Senate.

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

18 (3) TECHNOLOGY.—The term “technology” in-
19 cludes border surveillance and detection technology,
20 including linear ground detection systems, associated
21 with a border wall.

1 **SEC. 103. STRENGTHENING THE REQUIREMENTS FOR BAR-**
2 **RIERS ALONG THE SOUTHERN BORDER.**

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

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

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

17 (2) in subsection (b)—

18 (A) in the subsection heading, by striking
19 “FENCING AND ROAD IMPROVEMENTS” and in-
20 serting “PHYSICAL BARRIERS”;

21 (B) in paragraph (1)—

22 (i) in the heading, by striking “FENC-
23 ING” and inserting “BARRIERS”;

24 (ii) by amending subparagraph (A) to
25 read as follows:

1 “(A) REINFORCED BARRIERS.—In carrying
2 out this section, the Secretary of Homeland Se-
3 curity shall construct a border wall, including
4 physical barriers, tactical infrastructure, and
5 technology, along not fewer than 900 miles of
6 the southwest border until situational aware-
7 ness and operational control of the southwest
8 border is achieved.”;

9 (iii) by amending subparagraph (B) to
10 read as follows:

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

19 (iv) in subparagraph (C)—

20 (I) by amending clause (i) to
21 read as follows:

22 “(i) IN GENERAL.—In carrying out
23 this section, the Secretary of Homeland
24 Security shall consult with the Secretary of
25 the Interior, the Secretary of Agriculture,

1 appropriate representatives of State, Trib-
2 al, and local governments, and appropriate
3 private property owners in the United
4 States to minimize the impact on natural
5 resources, commerce, and sites of historical
6 or cultural significance for the commu-
7 nities and residents located near the sites
8 at which physical barriers, tactical infra-
9 structure, and technology are to be con-
10 structed. Such consultation may not delay
11 such construction for longer than seven
12 days.”; and

13 (II) in clause (ii)—

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

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

19 “(II) delay the transfer to the
20 United States of the possession of
21 property or affect the validity of any
22 property acquisition by the United
23 States by purchase or eminent do-
24 main, or to otherwise affect the emi-

1 nent domain laws of the United States
2 or of any State; or”; and

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

5 “(III) create any right or liability
6 for any party.”; and

7 (v) by striking subparagraph (D);
8 (C) in paragraph (2)—

9 (i) by striking “Attorney General”
10 and inserting “Secretary of Homeland Se-
11 curity”;

12 (ii) by striking “this subsection” and
13 inserting “this section”; and

14 (iii) by striking “construction of
15 fences” and inserting “the construction of
16 physical barriers, tactical infrastructure,
17 and technology”;

18 (D) by amending paragraph (3) to read as
19 follows:

20 “(3) AGENT SAFETY.—In carrying out this sec-
21 tion, the Secretary of Homeland Security, when de-
22 signing, testing, constructing, installing, deploying,
23 integrating, and operating physical barriers, tactical
24 infrastructure, or technology, shall incorporate such
25 safety features into such design, test, construction,

1 installation, deployment, integration, or operation of
2 such physical barriers, tactical infrastructure, or
3 technology, as the case may be, that the Secretary
4 determines are necessary to maximize the safety and
5 effectiveness of officers and agents of the Depart-
6 ment of Homeland Security or of any other Federal
7 agency deployed in the vicinity of such physical bar-
8 riers, tactical infrastructure, or technology.”; and

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

11 (3) in subsection (c)—

12 (A) by amending paragraph (1) to read as
13 follows:

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

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (C) by inserting after paragraph (1) the
4 following new paragraph:

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

13 (4) by adding at the end the following new sub-
14 sections:

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

20 “(f) DEFINITIONS.—In this section:

21 “(1) ADVANCED UNATTENDED SURVEILLANCE
22 SENSORS.—The term ‘advanced unattended surveil-
23 lance sensors’ means sensors that utilize an onboard
24 computer to analyze detections in an effort to dis-

1 cern between vehicles, humans, and animals, and ul-
2 timately filter false positives prior to transmission.

3 “(2) 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 “(3) PHYSICAL BARRIERS.—The term ‘physical
8 barriers’ includes reinforced fencing, the border wall,
9 and levee walls.

10 “(4) SITUATIONAL AWARENESS.—The term ‘sit-
11 uational awareness’ has the meaning given such
12 term in section 1092(a)(7) of the National Defense
13 Authorization Act for Fiscal Year 2017 (Public Law
14 114–328; 6 U.S.C. 223(a)(7)).

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

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

21 “(A) Tower-based surveillance technology.

22 “(B) Deployable, lighter-than-air ground
23 surveillance equipment.

24 “(C) Vehicle and Dismount Exploitation
25 Radars (VADER).

1 “(D) 3-dimensional, seismic acoustic detec-
2 tion and ranging border tunneling detection
3 technology.

4 “(E) Advanced unattended surveillance
5 sensors.

6 “(F) Mobile vehicle-mounted and man-
7 portable surveillance capabilities.

8 “(G) Unmanned aircraft systems.

9 “(H) Tunnel detection systems and other
10 seismic technology.

11 “(I) Fiber-optic cable.

12 “(J) Other border detection, communica-
13 tion, and surveillance technology.

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. 104. BORDER AND PORT SECURITY TECHNOLOGY IN-**
19 **VESTMENT PLAN.**

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

1 “plan”). The plan may include a classified annex, if appro-
2 priate.

3 (b) CONTENTS OF PLAN.—The plan shall include the
4 following:

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

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

11 (A) prevent terrorists and instruments of
12 terror from entering the United States;

13 (B) combat and reduce cross-border crimi-
14 nal activity, including—

15 (i) the transport of illegal goods, such
16 as illicit drugs; and

17 (ii) human smuggling and human
18 trafficking; and

19 (C) facilitate the flow of legal trade across
20 the southwest border.

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

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

1 (B) are unlawfully present in the United
2 States.

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

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

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

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

19 (8) An identification and assessment of ways to
20 increase opportunities for communication and col-
21 laboration with the private sector, small and dis-
22 advantaged businesses, intragovernment entities,
23 university centers of excellence, and federal labora-
24 tories to ensure CBP is able to engage with the mar-
25 ket for security-related technologies that are avail-

1 able to satisfy its mission needs before engaging in
2 an acquisition of a security-related technology.

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

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

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

13 (12) A description of initiatives to—

14 (A) streamline the acquisition process of
15 CBP; and

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

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

24 (14) In the case of a new acquisition leading to
25 the removal of equipment from a port of entry along

1 the northern or southern border of the United
2 States, a strategy to consult with the private sector
3 and community stakeholders affected by such re-
4 moval.

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

9 (16) An identification of recent technological
10 advancements in the following:

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

13 (B) Unmanned aerial systems and related
14 technology, including counter-unmanned aerial
15 system technology.

16 (C) Surveillance technology, including the
17 following:

18 (i) Mobile surveillance vehicles.

19 (ii) Associated electronics, including
20 cameras, sensor technology, and radar.

21 (iii) Tower-based surveillance tech-
22 nology.

23 (iv) Advanced unattended surveillance
24 sensors.

1 (v) Deployable, lighter-than-air,
2 ground surveillance equipment.

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

6 (E) Tunnel detection technology.

7 (F) Communications equipment, including
8 the following:

9 (i) Radios.

10 (ii) Long-term evolution broadband.

11 (iii) Miniature satellites.

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

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

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

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

1 (d) FORM.—To the extent practicable, the plan shall
2 be published in unclassified form on the website of the
3 Department.

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

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

14 (1) an update of the plan, if appropriate; and

15 (2) a report that includes—

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

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

25 (g) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Homeland Security
5 and the Committee on Appropriations of the
6 House of Representatives; and

7 (B) the Committee on Homeland Security
8 and Governmental Affairs and the Committee
9 on Appropriations of the Senate.

10 (2) COVERED OFFICIALS.—The term “covered
11 officials” means—

12 (A) the Under Secretary for Management
13 of the Department;

14 (B) the Under Secretary for Science and
15 Technology of the Department; and

16 (C) the Chief Information Officer of the
17 Department.

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

1 **SEC. 105. BORDER SECURITY TECHNOLOGY PROGRAM**
2 **MANAGEMENT.**

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

6 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**
7 **MANAGEMENT.**

8 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In
9 this section, the term ‘major acquisition program’ means
10 an acquisition program of the Department that is esti-
11 mated by the Secretary to require an eventual total ex-
12 penditure of at least \$100,000,000 (based on fiscal year
13 2023 constant dollars) over its life-cycle cost.

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

18 “(1) ensure that each such program has a writ-
19 ten acquisition program baseline approved by the
20 relevant acquisition decision authority;

21 “(2) document that each such program is satis-
22 fying cost, schedule, and performance thresholds as
23 specified in such baseline, in compliance with rel-
24 evant departmental acquisition policies and the Fed-
25 eral Acquisition Regulation; and

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

4 “(c) ADHERENCE TO STANDARDS.—The Secretary,
5 acting through the Under Secretary for Management and
6 the Commissioner of U.S. Customs and Border Protection,
7 shall ensure border security technology acquisition pro-
8 gram managers who are responsible for carrying out this
9 section adhere to relevant internal control standards iden-
10 tified by the Comptroller General of the United States.
11 The Commissioner shall provide information, as needed,
12 to assist the Under Secretary in monitoring management
13 of border security technology acquisition programs under
14 this section.

15 “(d) PLAN.—The Secretary, acting through the
16 Under Secretary for Management, in coordination with
17 the Under Secretary for Science and Technology and the
18 Commissioner of U.S. Customs and Border Protection,
19 shall submit to the Committee on Homeland Security of
20 the House of Representatives and the Committee on
21 Homeland Security and Governmental Affairs of the Sen-
22 ate a plan for testing, evaluating, and using independent
23 verification and validation of resources relating to the pro-
24 posed acquisition of border security technology. Under
25 such plan, the proposed acquisition of new border security

1 technologies shall be evaluated through a series of assess-
2 ments, processes, and audits to ensure—

3 “(1) compliance with relevant departmental ac-
4 quisition policies and the Federal Acquisition Regu-
5 lation; and

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

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of the Homeland Security Act of 2002 is
9 amended by inserting after the item relating to section
10 436 the following new item:

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

11 (c) PROHIBITION ON ADDITIONAL AUTHORIZATION
12 OF APPROPRIATIONS.—No additional funds are author-
13 ized to be appropriated to carry out section 437 of the
14 Homeland Security Act of 2002, as added by subsection
15 (a).

16 **SEC. 106. U.S. CUSTOMS AND BORDER PROTECTION TECH-**
17 **NOLOGY UPGRADES.**

18 (a) SECURE COMMUNICATIONS.—The Commissioner
19 shall ensure that each CBP officer or agent, as appro-
20 priate, is equipped with a secure radio or other two-way
21 communication device that allows each such officer or
22 agent to communicate—

23 (1) between ports of entry and inspection sta-
24 tions; and

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

3 (b) BORDER SECURITY DEPLOYMENT PROGRAM.—

4 (1) EXPANSION.—Not later than September 30,
5 2025, the Commissioner shall—

6 (A) fully implement the Border Security
7 Deployment Program of CBP; and

8 (B) expand the integrated surveillance and
9 intrusion detection system at land ports of
10 entry along the northern and southern borders
11 of the United States.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—In
13 addition to amounts otherwise authorized to be ap-
14 propriated for such purpose, there is authorized to
15 be appropriated \$33,000,000 for fiscal years 2024
16 and 2025 to carry out paragraph (1).

17 (c) UPGRADE OF LICENSE PLATE READERS AT
18 PORTS OF ENTRY.—

19 (1) UPGRADE.—Not later than two years after
20 the date of the enactment of this Act, the Commis-
21 sioner shall upgrade all existing license plate readers
22 in need of upgrade, as determined by the Commis-
23 sioner, on the northern and southern borders of the
24 United States.

1 (c) PROHIBITION AGAINST ALIEN TRAVEL.—No per-
2 sonnel or equipment of Air and Marine Operations may
3 be used for the transportation of non-detained aliens, or
4 detained aliens expected to be administratively released
5 upon arrival, from the southwest border to destinations
6 within the United States.

7 (d) GAO REPORT.—If the staffing level required
8 under this section is not achieved by the date associated
9 with such level, the Comptroller General of the United
10 States shall—

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

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

16 **SEC. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**
17 **TION.**

18 (a) HIRING FLEXIBILITY.—Section 3 of the Anti-
19 Border Corruption Act of 2010 (6 U.S.C. 221; Public Law
20 111–376) is amended by striking subsection (b) and in-
21 serting the following new subsections:

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

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

4 “(A) has continuously served as a law en-
5 forcement officer for not fewer than three
6 years;

7 “(B) is authorized by law to engage in or
8 supervise the prevention, detection, investiga-
9 tion, or prosecution of, or the incarceration of
10 any person for, any violation of law, and has
11 statutory powers for arrest or apprehension;
12 and

13 “(C) is not currently under investigation,
14 has not been found to have engaged in criminal
15 activity or serious misconduct, has not resigned
16 from a law enforcement officer position under
17 investigation or in lieu of termination, and has
18 not been dismissed from a law enforcement offi-
19 cer position;

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

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

1 “(B) is authorized to make arrests, con-
2 duct investigations, conduct searches, make sei-
3 zures, carry firearms, and serve orders, war-
4 rants, and other processes;

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

12 “(D) holds a current Tier 4 background
13 investigation or current Tier 5 background in-
14 vestigation; or

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

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

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

23 “(C) holds, or has undergone within the
24 past five years, a current Tier 4 background in-

1 investigation or current Tier 5 background inves-
2 tigation;

3 “(D) received, or is eligible to receive, an
4 honorable discharge from service in the Armed
5 Forces and has not engaged in criminal activity
6 or committed a serious military or civil offense
7 under the Uniform Code of Military Justice;
8 and

9 “(E) was not granted any waivers to ob-
10 tain the clearance referred to in subparagraph
11 (B).

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

1 (b) SUPPLEMENTAL COMMISSIONER AUTHORITY;
2 REPORTING; DEFINITIONS.—The Anti-Border Corruption
3 Act of 2010 is amended by adding at the end the following
4 new sections:

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

6 “(a) NONEXEMPTION.—An individual who receives a
7 waiver under section 3(b) is not exempt from any other
8 hiring requirements relating to suitability for employment
9 and eligibility to hold a national security designated posi-
10 tion, as determined by the Commissioner of U.S. Customs
11 and Border Protection.

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

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

1 **“SEC. 6. REPORTING.**

2 “(a) ANNUAL REPORT.—Not later than one year
3 after the date of the enactment of this section and annu-
4 ally thereafter while the waiver authority under section
5 3(b) is in effect, the Commissioner of U.S. Customs and
6 Border Protection shall submit to Congress a report that
7 includes, with respect to each such reporting period, the
8 following:

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

11 “(2) Information relating to the percentage of
12 applicants who were hired after receiving such a
13 waiver.

14 “(3) Information relating to the number of in-
15 stances that a polygraph was administered to an ap-
16 plicant who initially received such a waiver and the
17 results of such polygraph.

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

21 “(5) An identification of additional authorities
22 needed by U.S. Customs and Border Protection to
23 better utilize such waiver authority for its intended
24 goals.

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

1 “(1) An analysis of other methods of employ-
2 ment suitability tests that detect deception and could
3 be used in conjunction with traditional background
4 investigations to evaluate potential applicants or em-
5 ployees for suitability for employment or continued
6 employment, as the case may be.

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

12 **“SEC. 7. DEFINITIONS.**

13 “In this Act:

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

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

22 “(A) a member of the Armed Forces may
23 be discharged or separated from service in the
24 Armed Forces; and

1 Officer of the Department, shall implement a workload
2 staffing model for each of the following:

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

4 (2) Air and Marine Operations of CBP.

5 (b) RESPONSIBILITIES OF THE COMMISSIONER.—

6 Subsection (c) of section 411 of the Homeland Security
7 Act of 2002 (6 U.S.C. 211), is amended—

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

10 (2) by inserting after paragraph (17) the fol-
11 lowing new paragraphs:

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

23 “(19) develop standard operating procedures
24 for a workforce tracking system within the U.S.
25 Border Patrol, Air and Marine Operations, and the

1 Office of Field Operations, train the workforce of
2 each of such entities on the use, capabilities, and
3 purpose of such system, and implement internal con-
4 trols to ensure timely and accurate scheduling and
5 reporting of actual completed work hours and activi-
6 ties;”.

7 (c) REPORT.—

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

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

19 (B) Each relevant workload staffing model.

20 (2) DATA SOURCES AND METHODOLOGY RE-
21 QUIRED.—Each report required under paragraph (1)
22 shall include information relating to the data sources
23 and methodology used to generate each relevant
24 staffing model.

1 (d) INSPECTOR GENERAL REVIEW.—Not later than
2 90 days after the Commissioner develops the workload
3 staffing models pursuant to subsection (a), the Inspector
4 General of the Department shall review such models and
5 provide feedback to the Secretary and the appropriate con-
6 gressional committees with respect to the degree to which
7 such models are responsive to the recommendations of the
8 Inspector General, including the following:

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

11 (2) Any further recommendations to improve
12 such models.

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

16 (1) the Committee on Homeland Security of the
17 House of Representatives; and

18 (2) the Committee on Homeland Security and
19 Governmental Affairs of the Senate.

20 **SEC. 110. OPERATION STONEGARDEN.**

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

1 **“SEC. 2010. OPERATION STONEGARDEN.**

2 “(a) ESTABLISHMENT.—There is established in the
3 Department a program to be known as ‘Operation
4 Stonegarden’, under which the Secretary, acting through
5 the Administrator, shall make grants to eligible law en-
6 forcement agencies, through State administrative agen-
7 cies, to enhance border security in accordance with this
8 section.

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

12 “(1) be located in—

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

14 or

15 “(B) a State or territory with a maritime
16 border;

17 “(2) be involved in an active, ongoing, U.S.
18 Customs and Border Protection operation coordi-
19 nated through a U.S. Border Patrol sector office;
20 and

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

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

1 “(1) Equipment, including maintenance and
2 sustainment.

3 “(2) Personnel, including overtime and backfill,
4 in support of enhanced border law enforcement ac-
5 tivities.

6 “(3) Any activity permitted for Operation
7 Stonegarden under the most recent fiscal year De-
8 partment of Homeland Security’s Homeland Secu-
9 rity Grant Program Notice of Funding Opportunity.

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

13 “(e) NOTIFICATION.—Upon denial of a grant to a law
14 enforcement agency, the Administrator shall provide writ-
15 ten notice to the Committee on Homeland Security of the
16 House of Representatives and the Committee on Home-
17 land Security and Governmental Affairs of the Senate, in-
18 cluding the reasoning for such denial.

19 “(f) REPORT.—For each of fiscal years 2024 through
20 2028 the Administrator shall submit to the Committee on
21 Homeland Security of the House of Representatives and
22 the Committee on Homeland Security and Governmental
23 Affairs of the Senate a report that contains—

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

1 “(2) recommendations for other uses of such
2 grants to further support eligible law enforcement
3 agencies.

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

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

11 “(a) GRANTS AUTHORIZED.—The Secretary, through
12 the Administrator, may award grants under sections 2003,
13 2004, 2009, and 2010 to State, local, and Tribal govern-
14 ments, as appropriate.”.

15 (c) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002 is
17 amended by inserting after the item relating to section
18 2009 the following new item:

 “Sec. 2010. Operation Stonegarden.”.

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

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

1 (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-
2 retary, after coordination with the Administrator of the
3 Federal Aviation Administration, shall ensure that Air and
4 Marine Operations operate unmanned aircraft systems on
5 the southern border of the United States for not less than
6 24 hours per day.

7 (c) PRIMARY MISSIONS.—The Commissioner shall
8 ensure the following:

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

11 (A) U.S. Border Patrol activities along the
12 borders of the United States.

13 (B) Joint Interagency Task Force South
14 and Joint Task Force East operations in the
15 transit zone.

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

19 (d) HIGH DEMAND FLIGHT HOUR REQUIRE-
20 MENTS.—The Commissioner shall—

21 (1) ensure that U.S. Border Patrol Sector
22 Chiefs identify air support mission-critical hours;
23 and

24 (2) direct Air and Marine Operations to sup-
25 port requests from such Sector Chiefs as a compo-

1 nent of the primary mission of Air and Marine Op-
2 erations in accordance with subsection (c)(1)(A).

3 (e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—

4 The Commissioner shall contract for air support mission-
5 critical hours to meet the requests for such hours, as iden-
6 tified pursuant to subsection (d).

7 (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

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

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

14 (B) Achieving situational awareness and
15 operational control of the borders of the United
16 States.

17 (2) COORDINATION.—In carrying out para-
18 graph (1), the Chief of the U.S. Border Patrol shall
19 coordinate—

20 (A) flight operations with the Adminis-
21 trator of the Federal Aviation Administration to
22 ensure the safe and efficient operation of the
23 national airspace system; and

1 (B) with the Executive Assistant Commis-
2 sioner for Air and Marine Operations of CBP
3 to—

4 (i) ensure the safety of other CBP
5 aircraft flying in the vicinity of small un-
6 manned aircraft operated by the U.S. Bor-
7 der Patrol; and

8 (ii) establish a process to include data
9 from flight hours in the calculation of got
10 away statistics.

11 (3) CONFORMING AMENDMENT.—Paragraph (3)
12 of section 411(e) of the Homeland Security Act of
13 2002 (6 U.S.C. 211(e)) is amended—

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

16 (B) by redesignating subparagraph (C) as
17 subparagraph (D); and

18 (C) by inserting after subparagraph (B)
19 the following new subparagraph:

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

1 (g) SAVINGS CLAUSE.—Nothing in this section may
2 be construed as conferring, transferring, or delegating to
3 the Secretary, the Commissioner, the Executive Assistant
4 Commissioner for Air and Marine Operations of CBP, or
5 the Chief of the U.S. Border Patrol any authority of the
6 Secretary of Transportation or the Administrator of the
7 Federal Aviation Administration relating to the use of air-
8 space or aviation safety.

9 (h) DEFINITIONS.—In this section:

10 (1) GOT AWAY.—The term “got away” has the
11 meaning given such term in section 1092(a)(3) of
12 the National Defense Authorization Act for Fiscal
13 Year 2017 (Public Law 114–328; 6 U.S.C.
14 223(a)(3)).

15 (2) TRANSIT ZONE.—The term “transit zone”
16 has the meaning given such term in section
17 1092(a)(8) of the National Defense Authorization
18 Act for Fiscal Year 2017 (Public Law 114–328; 6
19 U.S.C. 223(a)(8)).

20 **SEC. 112. ERADICATION OF CARRIZO CANE AND SALT**
21 **CEDAR.**

22 (a) IN GENERAL.—Not later than 30 days after the
23 date of the enactment of this Act, the Secretary, in coordi-
24 nation with the heads of relevant Federal, State, and local
25 agencies, shall hire contractors to begin eradicating the

1 carrizo cane plant and any salt cedar along the Rio
2 Grande River that impedes border security operations.

3 Such eradication shall be completed—

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

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

8 (b) APPLICATION.—The waiver authority under sub-
9 section (c) of section 102 of the Illegal Immigration Re-
10 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
11 1103 note), as amended by section 103 of this division,
12 shall apply to activities carried out pursuant to subsection
13 (a).

14 (c) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Secretary shall submit
16 to the Committee on Homeland Security of the House of
17 Representatives and the Committee on Homeland Security
18 and Governmental Affairs of the Senate a strategic plan
19 to eradicate all carrizo cane plant and salt cedar along
20 the Rio Grande River that impedes border security oper-
21 ations by not later than September 30, 2027.

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

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

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

8 (b) ELEMENTS.—The plan shall include the fol-
9 lowing:

10 (1) A consideration of Border Patrol Capability
11 Gap Analysis reporting, Border Security Improve-
12 ment Plans, and any other strategic document au-
13 thored by the U.S. Border Patrol to address security
14 gaps between ports of entry, including efforts to
15 mitigate threats identified in such analyses, plans,
16 and documents.

17 (2) Information relating to the dissemination of
18 information relating to border security or border
19 threats with respect to the efforts of the Department
20 and other appropriate Federal agencies.

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

23 (A) increase situational awareness, includ-
24 ing—

25 (i) surveillance capabilities, such as
26 capabilities developed or utilized by the

1 Department of Defense, and any appro-
2 priate technology determined to be excess
3 by the Department of Defense; and

4 (ii) the use of manned aircraft and
5 unmanned aircraft;

6 (B) detect and prevent terrorists and in-
7 struments of terrorism from entering the
8 United States;

9 (C) detect, interdict, and disrupt between
10 ports of entry aliens unlawfully present in the
11 United States;

12 (D) detect, interdict, and disrupt human
13 smuggling, human trafficking, drug trafficking,
14 and other illicit cross-border activity;

15 (E) focus intelligence collection to disrupt
16 transnational criminal organizations outside of
17 the international and maritime borders of the
18 United States; and

19 (F) ensure that any new border security
20 technology can be operationally integrated with
21 existing technologies in use by the Department.

22 (4) Information relating to initiatives of the De-
23 partment with respect to operational coordination,
24 including any relevant task forces of the Depart-
25 ment.

1 (5) Information gathered from the lessons
2 learned by the deployments of the National Guard to
3 the southern border of the United States.

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

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

11 (A) State, local, Tribal, territorial, and
12 other Federal law enforcement agencies that
13 have jurisdiction on the borders of the United
14 States or in the maritime environment.

15 (B) Border community stakeholders, in-
16 cluding representatives from the following:

17 (i) Border agricultural and ranching
18 organizations.

19 (ii) Business and civic organizations.

20 (iii) Hospitals and rural clinics within
21 150 miles of the borders of the United
22 States.

23 (iv) Victims of crime committed by
24 aliens unlawfully present in the United
25 States.

1 (v) Victims impacted by drugs,
2 transnational criminal organizations, car-
3 tels, gangs, or other criminal activity.

4 (vi) Farmers, ranchers, and property
5 owners along the border.

6 (vii) Other individuals negatively im-
7 pacted by illegal immigration.

8 (8) Information relating to the staffing require-
9 ments with respect to border security for the De-
10 partment.

11 (9) A prioritized list of Department research
12 and development objectives to enhance the security
13 of the borders of the United States.

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

16 (A) Identifying and detecting fraudulent
17 documents.

18 (B) Understanding the scope of CBP en-
19 forcement authorities and appropriate use of
20 force policies.

21 (C) Screening, identifying, and addressing
22 vulnerable populations, such as children and
23 victims of human trafficking.

1 **SEC. 114. U.S. CUSTOMS AND BORDER PROTECTION SPIR-**
2 **ITUAL READINESS.**

3 Not later than one year after the enactment of this
4 Act and annually thereafter for five years, the Commis-
5 sioner shall submit to the Committee on Homeland Secu-
6 rity of the House of Representatives and the Committee
7 on Homeland Security and Governmental Affairs of the
8 Senate a report on the availability and usage of the assist-
9 ance of chaplains, prayer groups, houses of worship, and
10 other spiritual resources for members of CBP who identify
11 as religiously affiliated and have attempted suicide, have
12 suicidal ideation, or are at risk of suicide, and metrics on
13 the impact such resources have in assisting religiously af-
14 filiated members who have access to and utilize such re-
15 sources compared to religiously affiliated members who do
16 not.

17 **SEC. 115. RESTRICTIONS ON FUNDING.**

18 (a) **ARRIVING ALIENS.**—No funds are authorized to
19 be appropriated to the Department to process the entry
20 into the United States of aliens arriving in between ports
21 of entry.

22 (b) **RESTRICTION ON NONGOVERNMENTAL ORGANI-**
23 **ZATION SUPPORT FOR UNLAWFUL ACTIVITY.**—No funds
24 are authorized to be appropriated to the Department for
25 disbursement to any nongovernmental organization that
26 facilitates or encourages unlawful activity, including un-

1 lawful entry, human trafficking, human smuggling, drug
2 trafficking, and drug smuggling.

3 (c) RESTRICTION ON NONGOVERNMENTAL ORGANI-
4 ZATION FACILITATION OF ILLEGAL IMMIGRATION.—No
5 funds are authorized to be appropriated to the Depart-
6 ment for disbursement to any nongovernmental organiza-
7 tion to provide, or facilitate the provision of, transpor-
8 tation, lodging, or immigration legal services to inadmis-
9 sible aliens who enter the United States after the date of
10 the enactment of this Act.

11 **SEC. 116. COLLECTION OF DNA AND BIOMETRIC INFORMA-**
12 **TION AT THE BORDER.**

13 Not later than 14 days after the date of the enact-
14 ment of this Act, the Secretary shall ensure and certify
15 to the Committee on Homeland Security of the House of
16 Representatives and the Committee on Homeland Security
17 and Governmental Affairs of the Senate that CBP is fully
18 compliant with Federal DNA and biometric collection re-
19 quirements at United States land borders.

1 **SEC. 117. ERADICATION OF NARCOTIC DRUGS AND FORMU-**
2 **LATING EFFECTIVE NEW TOOLS TO ADDRESS**
3 **YEARLY LOSSES OF LIFE; ENSURING TIMELY**
4 **UPDATES TO U.S. CUSTOMS AND BORDER**
5 **PROTECTION FIELD MANUALS.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, and not less frequently
8 than triennially thereafter, the Commissioner of U.S. Cus-
9 toms and Border Protection shall review and update, as
10 necessary, the current policies and manuals of the Office
11 of Field Operations related to inspections at ports of
12 entry, and the U.S. Border Patrol related to inspections
13 between ports of entry, to ensure the uniform implementa-
14 tion of inspection practices that will effectively respond to
15 technological and methodological changes designed to dis-
16 guise unlawful activity, such as the smuggling of drugs
17 and humans, along the border.

18 (b) REPORTING REQUIREMENT.—Not later than 90
19 days after each update required under subsection (a), the
20 Commissioner of U.S. Customs and Border Protection
21 shall submit to the Committee on Homeland Security and
22 the Committee on the Judiciary of the House of Rep-
23 resentatives and the Committee on Homeland Security
24 and Governmental Affairs and the Committee on the Judi-
25 ciary of the Senate a report that summarizes any policy
26 and manual changes pursuant to subsection (a).

1 **SEC. 118. PUBLICATION BY U.S. CUSTOMS AND BORDER**
2 **PROTECTION OF OPERATIONAL STATISTICS.**

3 (a) IN GENERAL.—Not later than the seventh day of
4 each month beginning with the second full month after
5 the date of the enactment of this Act, the Commissioner
6 of U.S. Customs and Border Protection shall publish on
7 a publicly available website of the Department of Home-
8 land Security information relating to the total number of
9 alien encounters and nationalities, unique alien encounters
10 and nationalities, gang affiliated apprehensions and na-
11 tionalities, drug seizures, alien encounters included in the
12 terrorist screening database and nationalities, arrests of
13 criminal aliens or individuals wanted by law enforcement
14 and nationalities, known got aways, encounters with de-
15 ceased aliens, and all other related or associated statistics
16 recorded by U.S. Customs and Border Protection during
17 the immediately preceding month. Each such publication
18 shall include the following:

19 (1) The aggregate such number, and such num-
20 ber disaggregated by geographic regions, of such re-
21 cordings and encounters, including specifications re-
22 lating to whether such recordings and encounters
23 were at the southwest, northern, or maritime border.

24 (2) An identification of the Office of Field Op-
25 erations field office, U.S. Border Patrol sector, or

1 Air and Marine Operations branch making each re-
2 cording or encounter.

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

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

9 (5) Information relating to the nationality of
10 each alien who is the subject of each recording or
11 encounter.

12 (6) The total number of individuals included in
13 the terrorist screening database (as such term is de-
14 fined in section 2101 of the Homeland Security Act
15 of 2002 (6 U.S.C. 621)) who have repeatedly at-
16 tempted to cross unlawfully into the United States.

17 (7) The total number of individuals included in
18 the terrorist screening database who have been ap-
19 prehended, including information relating to whether
20 such individuals were released into the United States
21 or removed.

22 (b) EXCEPTIONS.—If the Commissioner of U.S. Cus-
23 toms and Border Protection in any month does not publish
24 the information required under subsection (a), or does not
25 publish such information by the date specified in such sub-

1 section, the Commissioner shall brief the Committee on
2 Homeland Security of the House of Representatives and
3 the Committee on Homeland Security and Governmental
4 Affairs of the Senate regarding the reason relating there-
5 to, as the case may be, by not later than the date that
6 is two business days after the tenth day of such month.

7 (c) DEFINITIONS.—In this section:

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

12 (2) GOT AWAY.—The term “got away” has the
13 meaning given such term in section 1092(a) of the
14 National Defense Authorization Act for Fiscal Year
15 2017 (6 U.S.C. 223(a)).

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

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

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

2 (a) IN GENERAL.—Not later than seven days after
3 the date of the enactment of this Act, the Commissioner
4 shall certify to the Committee on Homeland Security and
5 the Committee on the Judiciary of the House of Rep-
6 resentatives and the Committee on Homeland Security
7 and Governmental Affairs and the Committee on the Judi-
8 ciary of the Senate that CBP has real-time access to the
9 criminal history databases of all countries of origin and
10 transit for aliens encountered by CBP to perform criminal
11 history background checks for such aliens.

12 (b) STANDARDS.—The certification required under
13 subsection (a) shall also include a determination whether
14 the criminal history databases of a country are accurate,
15 up to date, digitized, searchable, and otherwise meet the
16 standards of the Federal Bureau of Investigation for
17 criminal history databases maintained by State and local
18 governments.

19 (c) CERTIFICATION.—The Secretary shall annually
20 submit to the Committee on Homeland Security and the
21 Committee on the Judiciary of the House of Representa-
22 tives and the Committee on Homeland Security and Gov-
23 ernmental Affairs and the Committee on the Judiciary of
24 the Senate a certification that each database referred to
25 in subsection (b) which the Secretary accessed or sought

1 to access pursuant to this section met the standards de-
2 scribed in subsection (b).

3 **SEC. 120. PROHIBITED IDENTIFICATION DOCUMENTS AT**
4 **AIRPORT SECURITY CHECKPOINTS; NOTIFI-**
5 **CATION TO IMMIGRATION AGENCIES.**

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

9 (b) NOTIFICATION TO IMMIGRATION AGENCIES.—If
10 an individual presents a prohibited identification docu-
11 ment to an officer of the Transportation Security Admin-
12 istration at an airport security checkpoint, the Adminis-
13 trator shall promptly notify the Director of U.S. Immigra-
14 tion and Customs Enforcement, the Director of U.S. Cus-
15 toms and Border Protection, and the head of the appro-
16 priate local law enforcement agency to determine whether
17 the individual is in violation of any term of release from
18 the custody of any such agency.

19 (c) ENTRY INTO STERILE AREAS.—

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

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

4 (A) is leaving the United States for the
5 purposes of removal or deportation; or

6 (B) presents a covered identification docu-
7 ment.

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

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

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

19 (2) does not present a covered identification
20 document; and

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

23 (f) PARTICIPATION IN IDENT.—Beginning not later
24 than 120 days after the date of the enactment of this Act,
25 the Administrator, in coordination with the Secretary,

1 shall submit biometric data collected under this section to
2 the Automated Biometric Identification System (IDENT).

3 (g) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Transpor-
6 tation Security Administration.

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

9 (A) A fingerprint.

10 (B) A palm print.

11 (C) A photograph, including—

12 (i) a photograph of an individual’s
13 face for use with facial recognition tech-
14 nology; and

15 (ii) a photograph of any physical or
16 anatomical feature, such as a scar, skin
17 mark, or tattoo.

18 (D) A signature.

19 (E) A voice print.

20 (F) An iris image.

21 (3) COVERED IDENTIFICATION DOCUMENT.—

22 The term “covered identification document” means
23 any of the following, if the document is valid and
24 unexpired:

1 (A) A United States passport or passport
2 card.

3 (B) A biometrically secure card issued by
4 a trusted traveler program of the Department
5 of Homeland Security, including—

6 (i) Global Entry;

7 (ii) Nexus;

8 (iii) Secure Electronic Network for
9 Travelers Rapid Inspection (SENTRI);
10 and

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

12 (C) An identification card issued by the
13 Department of Defense, including such a card
14 issued to a dependent.

15 (D) Any document required for admission
16 to the United States under section 211(a) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1181(a)).

19 (E) An enhanced driver's license issued by
20 a State.

21 (F) A photo identification card issued by a
22 federally recognized Indian Tribe.

23 (G) A personal identity verification creden-
24 tial issued in accordance with Homeland Secu-
25 rity Presidential Directive 12.

1 (H) A driver's license issued by a province
2 of Canada.

3 (I) A Secure Certificate of Indian Status
4 issued by the Government of Canada.

5 (J) A Transportation Worker Identifica-
6 tion Credential.

7 (K) A Merchant Mariner Credential issued
8 by the Coast Guard.

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

11 (M) Any other document the Administrator
12 determines, pursuant to a rule making in ac-
13 cordance with section 553 of title 5, United
14 States Code, will satisfy the identity verification
15 procedures of the Transportation Security Ad-
16 ministration.

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

21 (5) PROHIBITED IDENTIFICATION DOCU-
22 MENT.—The term “prohibited identification docu-
23 ment” means any of the following (or any applicable
24 successor form):

1 (A) U.S. Immigration and Customs En-
2 forcement Form I-200, Warrant for Arrest of
3 Alien.

4 (B) U.S. Immigration and Customs En-
5 forcement Form I-205, Warrant of Removal/
6 Deportation.

7 (C) U.S. Immigration and Customs En-
8 forcement Form I-220A, Order of Release on
9 Recognizance.

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

12 (E) Department of Homeland Security
13 Form I-862, Notice to Appear.

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

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

19 (H) Any document that directs an indi-
20 vidual to report to the Department of Home-
21 land Security.

22 (I) Any Department of Homeland Security
23 work authorization or employment verification
24 document.

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

5 **SEC. 121. PROHIBITION AGAINST ANY COVID-19 VACCINE**
6 **MANDATE OR ADVERSE ACTION AGAINST**
7 **DHS EMPLOYEES.**

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

12 (b) PROHIBITION ON ADVERSE ACTION.—The Sec-
13 retary may not take any adverse action against a Depart-
14 ment employee based solely on the refusal of such em-
15 ployee to receive a vaccine for COVID-19.

16 (c) REPORT.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary shall report
18 to the Committee on Homeland Security of the House of
19 Representatives and the Committee on Homeland Security
20 and Governmental Affairs of the Senate on the following:

21 (1) The number of Department employees who
22 were terminated or resigned due to the COVID-19
23 vaccine mandate.

24 (2) An estimate of the cost to reinstate such
25 employees.

1 (3) How the Department would effectuate rein-
2 statement of such employees.

3 (d) RETENTION AND DEVELOPMENT OF
4 UNVACCINATED EMPLOYEES.—The Secretary shall make
5 every effort to retain Department employees who are not
6 vaccinated against COVID–19 and provide such employees
7 with professional development, promotion and leadership
8 opportunities, and consideration equal to that of their
9 peers.

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

11 (a) LIMITATION.—The Department may use the CBP
12 One Mobile Application or any other similar program, ap-
13 plication, internet-based portal, website, device, or initia-
14 tive only for inspection of perishable cargo.

15 (b) REPORT.—Not later than 60 days after the date
16 of the enactment of this Act, the Commissioner shall re-
17 port to the Committee on Homeland Security of the House
18 of Representatives and the Committee on Homeland Secu-
19 rity and Governmental Affairs of the Senate the date on
20 which CBP began using CBP One to allow aliens to sched-
21 ule interviews at land ports of entry, how many aliens have
22 scheduled interviews at land ports of entry using CBP
23 One, the nationalities of such aliens, and the stated final
24 destinations of such aliens within the United States, if
25 any.

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

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

5 (1) A national strategy to address Mexican
6 drug cartels, and a determination regarding whether
7 there should be a designation established to address
8 such cartels.

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

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

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of the enactment of this Act, the Comptroller General
15 of the United States shall conduct a study to examine the
16 costs incurred by individual States as a result of actions
17 taken by such States in support of the Federal mission
18 to secure the southwest border, and the feasibility of a
19 program to reimburse such States for such costs.

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

22 (1) Actions taken by the Department of Home-
23 land Security that have contributed to costs de-
24 scribed in such subsection incurred by States to se-
25 cure the border in the absence of Federal action, in-
26 cluding the termination of the Migrant Protection

1 Protocols and cancellation of border wall construc-
2 tion.

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

6 (3) The feasibility of a program within the De-
7 partment of Homeland Security to reimburse States
8 for the costs incurred in support of the Federal mis-
9 sion to secure the southwest border.

10 **SEC. 125. REPORT BY INSPECTOR GENERAL OF THE DE-**
11 **PARTMENT OF HOMELAND SECURITY.**

12 (a) REPORT.—Not later than one year after the date
13 of the enactment of this Act and annually thereafter for
14 five years, the Inspector General of the Department of
15 Homeland Security shall submit to the Committee on
16 Homeland Security of the House of Representatives and
17 the Committee on Homeland Security and Governmental
18 Affairs of the Senate a report examining the economic and
19 security impact of mass migration to municipalities and
20 States along the southwest border. Such report shall in-
21 clude information regarding costs incurred by the fol-
22 lowing:

23 (1) State and local law enforcement to secure
24 the southwest border.

1 (2) Public school districts to educate students
2 who are aliens unlawfully present in the United
3 States.

4 (3) Healthcare providers to provide care to
5 aliens unlawfully present in the United States who
6 have not paid for such care.

7 (4) Farmers and ranchers due to migration im-
8 pacts to their properties.

9 (b) CONSULTATION.—To produce the report required
10 under subsection (a), the Inspector General of the Depart-
11 ment of Homeland Security shall consult with the individ-
12 uals and representatives of the entities described in para-
13 graphs (1) through (4) of such subsection.

14 **SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIA-**
15 **TIONS.**

16 (a) OFFICE OF THE SECRETARY AND EMERGENCY
17 MANAGEMENT.—No funds are authorized to be appro-
18 priated for the Alternatives to Detention Case Manage-
19 ment Pilot Program or the Office of the Immigration De-
20 tention Ombudsman for the Office of the Secretary and
21 Emergency Management of the Department of Homeland
22 Security.

23 (b) MANAGEMENT DIRECTORATE.—No funds are au-
24 thorized to be appropriated for electric vehicles or St. Eliz-

1 abeths campus construction for the Management Direc-
2 torate of the Department of Homeland Security.

3 (c) INTELLIGENCE, ANALYSIS, AND SITUATIONAL
4 AWARENESS.—There is authorized to be appropriated
5 \$216,000,000 for Intelligence, Analysis, and Situational
6 Awareness of the Department of Homeland Security.

7 (d) U.S. CUSTOMS AND BORDER PROTECTION.—No
8 funds are authorized to be appropriated for the Shelter
9 Services Program for U.S. Customs and Border Protec-
10 tion.

11 **SEC. 127. REPORT TO CONGRESS ON FOREIGN TERRORIST**
12 **ORGANIZATIONS.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of the enactment of this Act and annually thereafter
15 for five years, the Secretary of Homeland Security shall
16 submit to the Committee on Homeland Security of the
17 House of Representatives and the Committee on Home-
18 land Security and Governmental Affairs of the Senate an
19 assessment of foreign terrorist organizations attempting
20 to move their members or affiliates into the United States
21 through the southern, northern, or maritime border.

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

1 **SEC. 128. ASSESSMENT BY INSPECTOR GENERAL OF THE**
2 **DEPARTMENT OF HOMELAND SECURITY ON**
3 **THE MITIGATION OF UNMANNED AIRCRAFT**
4 **SYSTEMS AT THE SOUTHWEST BORDER.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Inspector General of the Department
7 of Homeland Security shall submit to the Committee on
8 Homeland Security of the House of Representatives and
9 the Committee on Homeland Security and Governmental
10 Affairs of the Senate an assessment of U.S. Customs and
11 Border Protection's ability to mitigate unmanned aircraft
12 systems at the southwest border. Such assessment shall
13 include information regarding any intervention between
14 January 1, 2021, and the date of the enactment of this
15 Act, by any Federal agency affecting in any manner U.S.
16 Customs and Border Protection's authority to so mitigate
17 such systems.

18 **DIVISION D—IMMIGRATION EN-**
19 **FORCEMENT AND FOREIGN**
20 **AFFAIRS**

21 **TITLE I—ASYLUM REFORM AND**
22 **BORDER PROTECTION**

23 **SEC. 101. SAFE THIRD COUNTRY.**

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

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

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

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

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

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

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

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

14 “(ii) that the alien entered, attempted to enter,
15 or arrived in the United States after transiting
16 through at least one country outside the alien’s
17 country of citizenship, nationality, or last lawful ha-
18 bitual residence en route to the United States, un-
19 less—

20 “(I) the alien demonstrates that he or she
21 applied for protection from persecution or tor-
22 ture in at least one country outside the alien’s
23 country of citizenship, nationality, or last lawful
24 habitual residence through which the alien
25 transited en route to the United States, and the

1 alien received a final judgment denying the
2 alien protection in each country;

3 “(II) the alien demonstrates that he or she
4 was a victim of a severe form of trafficking in
5 which a commercial sex act was induced by
6 force, fraud, or coercion, or in which the person
7 induced to perform such act was under the age
8 of 18 years; or in which the trafficking included
9 the recruitment, harboring, transportation, pro-
10 vision, or obtaining of a person for labor or
11 services through the use of force, fraud, or coer-
12 cion for the purpose of subjection to involuntary
13 servitude, peonage, debt bondage, or slavery,
14 and was unable to apply for protection from
15 persecution in each country through which the
16 alien transited en route to the United States as
17 a result of such severe form of trafficking; or

18 “(III) the only countries through which the
19 alien transited en route to the United States
20 were, at the time of the transit, not parties to
21 the 1951 United Nations Convention relating to
22 the Status of Refugees, the 1967 Protocol Re-
23 lating to the Status of Refugees, or the United
24 Nations Convention against Torture and Other

1 Cruel, 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(e) of the Personal Re-
12 sponsibility and Work Opportunity
13 Reconciliation Act of 1996 (8 U.S.C.
14 1611(e))), 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;

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

2 or

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

5 “(D) DEFINITIONS AND CLARIFICA-
6 TIONS.—

7 “(i) DEFINITIONS.—For purposes of
8 this paragraph:

9 “(I) FELONY.—The term ‘felony’
10 means—

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

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

18 “(II) MISDEMEANOR.—The term
19 ‘misdemeanor’ means—

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

1 “(bb) any crime not punish-
2 able by more than one year of
3 imprisonment.

4 “(ii) CLARIFICATIONS.—

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

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

19 “(III) EFFECT OF CERTAIN OR-
20 DERS.—

21 “(aa) IN GENERAL.—No
22 order vacating a conviction,
23 modifying a sentence, clarifying a
24 sentence, or otherwise altering a
25 conviction or sentence shall have

1 any effect under this paragraph
2 unless the Attorney General or
3 Secretary of Homeland Security
4 determines that—

5 “(AA) the court issuing
6 the order had jurisdiction
7 and authority to do so; and

8 “(BB) the order was
9 not entered for rehabilitative
10 purposes or for purposes of
11 ameliorating the immigra-
12 tion consequences of the
13 conviction or sentence.

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

20 “(AA) the order was
21 entered after the initiation
22 of any proceeding to remove
23 the alien from the United
24 States; or

1 “(BB) the alien moved
2 for the order more than one
3 year after the date of the
4 original order of conviction
5 or sentencing, whichever is
6 later.

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

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

1 “(F) NO JUDICIAL REVIEW.—There shall
2 be no judicial review of a determination of the
3 Secretary of Homeland Security or the Attorney
4 General under subparagraph (A)(xiii).”.

5 **SEC. 105. EMPLOYMENT AUTHORIZATION.**

6 Paragraph (2) 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 “(2) EMPLOYMENT AUTHORIZATION.—

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

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

1 “(i) Immediately following the denial
2 of an asylum application by an asylum offi-
3 cer, unless the case is referred to an immi-
4 gration judge.

5 “(ii) 30 days after the date on which
6 an immigration judge denies an asylum ap-
7 plication, unless the alien timely appeals to
8 the Board of Immigration Appeals.

9 “(iii) Immediately following the denial
10 by the Board of Immigration Appeals of an
11 appeal of a denial of an asylum applica-
12 tion.

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

23 “(D) INELIGIBILITY.—The Secretary of
24 Homeland Security may not grant employment

1 authorization to an alien under this paragraph
2 if the alien—

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

5 “(ii) entered or attempted to enter the
6 United States at a place and time other
7 than lawfully through a United States port
8 of entry.”.

9 **SEC. 106. ASYLUM FEES.**

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

13 “(3) FEES.—

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

21 “(B) EMPLOYMENT AUTHORIZATION.—A
22 fee may also be imposed for the consideration
23 of an application for employment authorization
24 under this section and for adjustment of status

1 under section 209(b). Such a fee shall not ex-
2 ceed the cost of adjudicating the application.

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

6 “(D) RULE OF CONSTRUCTION.—Nothing
7 in this paragraph shall be construed to limit the
8 authority of the Attorney General or Secretary
9 of Homeland Security to set adjudication and
10 naturalization fees in accordance with section
11 286(m).”.

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

13 Section 208 of the Immigration and Nationality Act
14 (8 U.S.C. 1158) is amended by adding at the end the fol-
15 lowing:

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

21 “(1) PARTICULAR SOCIAL GROUP.—The Sec-
22 retary of Homeland Security or the Attorney Gen-
23 eral shall not determine that an alien is a member
24 of a particular social group unless the alien articu-
25 lates on the record, or provides a basis on the record

1 for determining, the definition and boundaries of the
2 alleged particular social group, establishes that the
3 particular social group exists independently from the
4 alleged persecution, and establishes that the alien's
5 claim of membership in a particular social group
6 does not involve—

7 “(A) past or present criminal activity or
8 association (including gang membership);

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

11 “(C) being the subject of a recruitment ef-
12 fort by criminal, terrorist, or persecutory
13 groups;

14 “(D) the targeting of the applicant for
15 criminal activity for financial gain based on per-
16 ceptions of wealth or affluence;

17 “(E) interpersonal disputes of which gov-
18 ernmental authorities in the relevant society or
19 region were unaware or uninvolved;

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

23 “(G) past or present terrorist activity or
24 association;

1 “(H) past or present persecutory activity
2 or association; or

3 “(I) status as an alien returning from the
4 United States.

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

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

23 “(A) the existence of laws or government
24 policies that are unenforced or infrequently en-
25 forced, unless there is credible evidence that

1 such a law or policy has been or would be ap-
2 plied to the applicant personally; or

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

6 “(4) DISCRETIONARY DETERMINATION.—

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

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

1 “(i) has accrued more than one year
2 of unlawful presence in the United States,
3 as defined in sections 212(a)(9)(B)(ii) and
4 (iii), prior to filing an application for asy-
5 lum;

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

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

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

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

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

1 “(iv) has withdrawn a prior asylum
2 application with prejudice or been found to
3 have abandoned a prior asylum application;

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

9 “(I) exceptional circumstances
10 prevented the alien from attending the
11 interview; or

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

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

24 “(C) EXCEPTIONS.—If one or more of the
25 adverse discretionary factors set forth in sub-

1 paragraph (B) are present, the Attorney Gen-
2 eral or the Secretary, may, notwithstanding
3 such subparagraph (B), favorably exercise dis-
4 cretion under section 208—

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

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

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

1 define, or provide a basis for defining, a formulation
2 of a particular social group was both not a strategic
3 choice and constituted egregious conduct.

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

13 “(7) DEFINITIONS.—In this section:

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

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

19 “(ii) defined with particularity; and

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

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

1 “(C) The term ‘persecution’ means the in-
2 fiction 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)—

1 (A) in paragraph (1), by inserting “Sec-
2 retary of Homeland Security or the” before
3 “Attorney General” each place such term ap-
4 pears; and

5 (B) in paragraph (5)—

6 (i) in subparagraph (A), by striking
7 “Attorney General” and inserting “Sec-
8 retary of Homeland Security”; and

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

12 **SEC. 111. REQUIREMENT FOR PROCEDURES RELATING TO**
13 **CERTAIN ASYLUM APPLICATIONS.**

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

18 (1) who are subject to removal proceedings
19 under section 240 of the Immigration and Nation-
20 ality Act (8 U.S.C. 1229a); and

21 (2) who are nationals of a Western Hemisphere
22 country sanctioned by the United States, as de-
23 scribed in subsection (b), as of January 1, 2023.

24 (b) **WESTERN HEMISPHERE COUNTRY SANCTIONED**
25 **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 13692 (80 Fed. Reg.
11 12747; declaring a national emergency with respect
12 to the situation 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 inserting
24 “DETENTION, RETURN, OR RE-
25 MOVAL”; 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),
24 the Secretary of Homeland Security shall, with-
25 out exception, including pursuant to parole or

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

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

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

20 “(e) AUTHORITY TO PROHIBIT INTRODUCTION OF
21 CERTAIN ALIENS.—If the Secretary of Homeland Security
22 determines, in his discretion, that the prohibition of the
23 introduction of aliens who are inadmissible under subpara-
24 graph (A) or (C) of section 212(a)(6) or under section
25 212(a)(7) at an international land or maritime border of

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

7 **SEC. 202. OPERATIONAL DETENTION FACILITIES.**

8 (a) IN GENERAL.—Not later than September 30,
9 2023, the Secretary of Homeland Security shall take all
10 necessary actions to reopen or restore all U.S. Immigra-
11 tion and Customs Enforcement detention facilities that
12 were in operation on January 20, 2021, that subsequently
13 closed or with respect to which the use was altered, re-
14 duced, or discontinued after January 20, 2021. In car-
15 rying out the requirement under this subsection, the Sec-
16 retary may use the authority under section 103(a)(11) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1103(a)(11)).

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

- 22 (1) Irwin County Detention Center in Georgia.
- 23 (2) C. Carlos Carreiro Immigration Detention
24 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 ceeding 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 ceeding 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-

1 porting the enhancement of asylum capacity in those
2 countries; and

3 (7) the Government of the United States com-
4 mit to monitoring developments in hemispheric im-
5 migration trends and regional asylum capabilities to
6 determine whether additional asylum cooperation
7 agreements are warranted.

8 (b) NOTIFICATION IN ACCORDANCE WITH CASE-ZA-
9 BLOCKI ACT.—The Secretary of State shall, in accordance
10 with section 112b of title 1, United States Code, promptly
11 inform the relevant congressional committees of each
12 agreement entered into pursuant to subsection (a). Such
13 notifications shall be submitted not later than 48 hours
14 after such agreements are signed.

15 (c) ALIEN DEFINED.—In this section, the term
16 “alien” has the meaning given such term in section 101
17 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.**

20 (a) BRIEFING REQUIRED.—Not later than 90 days
21 after the date of the enactment of this Act, and not less
22 frequently than once every 90 days thereafter until the
23 date described in subsection (b), the Secretary of State,
24 or the designee of the Secretary of State, shall provide
25 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 235
5 of 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.

1 **TITLE V—PROTECTION OF**
2 **CHILDREN**

3 **SEC. 501. FINDINGS.**

4 Congress makes the following findings:

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

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

22 (3) The provisions of the Trafficking Victims
23 Protection Reauthorization Act of 2008 governing
24 unaccompanied alien children have enriched the car-
25 tels, 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 \$500 and not more than
25 \$1,000”; 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 (B)
24 and (C) and section 214(f), the Secretary of Homeland
25 Security, in the discretion of the Secretary, may tempo-

1 rarely parole into the United States any alien applying for
2 admission to the United States who is not present in the
3 United States, under such conditions as the Secretary may
4 prescribe, on a case-by-case basis, and not according to
5 eligibility criteria describing an entire class of potential
6 parole recipients, for urgent humanitarian reasons or sig-
7 nificant public benefit. Parole granted under this subpara-
8 graph may not be regarded as an admission of the alien.
9 When the purposes of such parole have been served in the
10 opinion of the Secretary, the alien shall immediately re-
11 turn or be returned to the custody from which the alien
12 was paroled. After such return, the case of the alien shall
13 be dealt with in the same manner as the case of any other
14 applicant for admission to the United States.

15 “(B) The Secretary of Homeland Security may grant
16 parole to any alien who—

17 “(i) is present in the United States without
18 lawful immigration status;

19 “(ii) is the beneficiary of an approved petition
20 under section 203(a);

21 “(iii) is not otherwise inadmissible or remov-
22 able; and

23 “(iv) is the spouse or child of a member of the
24 Armed Forces serving on active duty.

1 “(C) The Secretary of Homeland Security may grant
2 parole to any alien—

3 “(i) who is a national of the Republic of Cuba
4 and is living in the Republic of Cuba;

5 “(ii) who is the beneficiary of an approved peti-
6 tion under section 203(a);

7 “(iii) for whom an immigrant visa is not imme-
8 diately available;

9 “(iv) who meets all eligibility requirements for
10 an immigrant visa;

11 “(v) who is not otherwise inadmissible; and

12 “(vi) who is receiving a grant of parole in fur-
13 therance of the commitment of the United States to
14 the minimum level of annual legal migration of
15 Cuban nationals to the United States specified in
16 the U.S.-Cuba Joint Communiqué on Migration,
17 done at New York September 9, 1994, and re-
18 affirmed in the Cuba-United States: Joint Statement
19 on Normalization of Migration, Building on the
20 Agreement of September 9, 1994, done at New York
21 May 2, 1995.

22 “(D) The Secretary of Homeland Security may grant
23 parole to an alien who is returned to a contiguous country
24 under section 235(b)(3) to allow the alien to attend the
25 alien’s immigration hearing. The grant of parole shall not

1 exceed the time required for the alien to be escorted to,
2 and attend, the alien’s immigration hearing scheduled on
3 the same calendar day as the grant, and to immediately
4 thereafter be escorted back to the contiguous country. A
5 grant of parole under this subparagraph shall not be con-
6 sidered for purposes of determining whether the alien is
7 inadmissible under this Act.

8 “(E) For purposes of determining an alien’s eligi-
9 bility for parole under subparagraph (A), an urgent hu-
10 manitarian reason shall be limited to circumstances in
11 which the alien establishes that—

12 “(i)(I) the alien has a medical emergency; and

13 “(II)(aa) the alien cannot obtain necessary
14 treatment in the foreign state in which the alien is
15 residing; or

16 “(bb) the medical emergency is life-threatening
17 and there is insufficient time for the alien to be ad-
18 mitted to the United States through the normal visa
19 process;

20 “(ii) the alien is the parent or legal guardian of
21 an alien described in clause (i) and the alien de-
22 scribed in clause (i) is a minor;

23 “(iii) the alien is needed in the United States
24 in order to donate an organ or other tissue for
25 transplant and there is insufficient time for the alien

1 to be admitted to the United States through the nor-
2 mal visa process;

3 “(iv) the alien has a close family member in the
4 United States whose death is imminent and the alien
5 could not arrive in the United States in time to see
6 such family member alive if the alien were to be ad-
7 mitted to the United States through the normal visa
8 process;

9 “(v) the alien is seeking to attend the funeral
10 of a close family member and the alien could not ar-
11 rive in the United States in time to attend such fu-
12 neral if the alien were to be admitted to the United
13 States through the normal visa process;

14 “(vi) the alien is an adopted child with an ur-
15 gent medical condition who is in the legal custody of
16 the petitioner for a final adoption-related visa and
17 whose medical treatment is required before the ex-
18 pected award of a final adoption-related visa; or

19 “(vii) the alien is a lawful applicant for adjust-
20 ment of status under section 245 and is returning
21 to the United States after temporary travel abroad.

22 “(F) For purposes of determining an alien’s eligi-
23 bility for parole under subparagraph (A), a significant
24 public benefit may be determined to result from the parole
25 of an alien only if—

1 “(i) the alien has assisted (or will assist, wheth-
2 er knowingly or not) the United States Government
3 in a law enforcement matter;

4 “(ii) the alien’s presence is required by the Gov-
5 ernment in furtherance of such law enforcement
6 matter; and

7 “(iii) the alien is inadmissible, does not satisfy
8 the eligibility requirements for admission as a non-
9 immigrant, or there is insufficient time for the alien
10 to be admitted to the United States through the nor-
11 mal visa process.

12 “(G) For purposes of determining an alien’s eligi-
13 bility for parole under subparagraph (A), the term ‘case-
14 by-case basis’ means that the facts in each individual case
15 are considered and parole is not granted based on mem-
16 bership in a defined class of aliens to be granted parole.
17 The fact that aliens are considered for or granted parole
18 one-by-one and not as a group is not sufficient to establish
19 that the parole decision is made on a ‘case-by-case basis’.

20 “(H) The Secretary of Homeland Security may not
21 use the parole authority under this paragraph to parole
22 an alien into the United States for any reason or purpose
23 other than those described in subparagraphs (B), (C), (D),
24 (E), and (F).

1 “(I) An alien granted parole may not accept employ-
2 ment, except that an alien granted parole pursuant to sub-
3 paragraph (B) or (C) is authorized to accept employment
4 for the duration of the parole, as evidenced by an employ-
5 ment authorization document issued by the Secretary of
6 Homeland Security.

7 “(J) Parole granted after a departure from the
8 United States shall not be regarded as an admission of
9 the alien. An alien granted parole, whether as an initial
10 grant of parole or parole upon reentry into the United
11 States, is not eligible to adjust status to lawful permanent
12 residence or for any other immigration benefit if the immi-
13 gration status the alien had at the time of departure did
14 not authorize the alien to adjust status or to be eligible
15 for such benefit.

16 “(K)(i) Except as provided in clauses (ii) and (iii),
17 parole shall be granted to an alien under this paragraph
18 for the shorter of—

19 “(I) a period of sufficient length to accomplish
20 the activity described in subparagraph (D), (E), or
21 (F) for which the alien was granted parole; or

22 “(II) 1 year.

23 “(ii) Grants of parole pursuant to subparagraph (A)
24 may be extended once, in the discretion of the Secretary,
25 for an additional period that is the shorter of—

1 “(I) the period that is necessary to accomplish
2 the activity described in subparagraph (E) or (F) for
3 which the alien was granted parole; or

4 “(II) 1 year.

5 “(iii) Aliens who have a pending application to adjust
6 status to permanent residence under section 245 may re-
7 quest extensions of parole under this paragraph, in 1-year
8 increments, until the application for adjustment has been
9 adjudicated. Such parole shall terminate immediately upon
10 the denial of such adjustment application.

11 “(L) Not later than 90 days after the last day of each
12 fiscal year, the Secretary of Homeland Security shall sub-
13 mit to the Committee on the Judiciary of the Senate and
14 the Committee on the Judiciary of the House of Rep-
15 resentatives and make available to the public, a report—

16 “(i) identifying the total number of aliens pa-
17 roled into the United States under this paragraph
18 during the previous fiscal year; and

19 “(ii) containing information and data regarding
20 all aliens paroled during such fiscal year, includ-
21 ing—

22 “(I) the duration of parole;

23 “(II) the type of parole; and

24 “(III) the current status of the aliens so
25 paroled.”.

1 **SEC. 702. IMPLEMENTATION.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this title and the amendments made by this title shall
4 take effect on the date that is 30 days after the date of
5 the enactment of this Act.

6 (b) EXCEPTIONS.—Notwithstanding subsection (a),
7 each of the following exceptions apply:

8 (1) Any application for parole or advance parole
9 filed by an alien before the date of the enactment of
10 this Act shall be adjudicated under the law that was
11 in effect on the date on which the application was
12 properly filed and any approved advance parole shall
13 remain valid under the law that was in effect on the
14 date on which the advance parole was approved.

15 (2) Section 212(d)(5)(J) of the Immigration
16 and Nationality Act, as added by section 701 of this
17 title, shall take effect on the date of the enactment
18 of this Act.

19 (3) Aliens who were paroled into the United
20 States pursuant to section 212(d)(5)(A) of the Im-
21 migration and Nationality Act (8 U.S.C.
22 1182(d)(5)(A)) before January 1, 2023, shall con-
23 tinue to be subject to the terms of parole that were
24 in effect on the date on which their respective parole
25 was approved.

1 **SEC. 703. CAUSE OF ACTION.**

2 Any person, State, or local government that experi-
3 ences financial harm in excess of \$1,000 due to a failure
4 of the Federal Government to lawfully apply the provisions
5 of this title or the amendments made by this title shall
6 have standing to bring a civil action against the Federal
7 Government in an appropriate district court of the United
8 States for appropriate relief.

9 **SEC. 704. SEVERABILITY.**

10 If any provision of this title or any amendment by
11 this title, or the application of such provision or amend-
12 ment to any person or circumstance, is held to be uncon-
13 stitutional, the remainder of this title and the application
14 of such provision or amendment to any other person or
15 circumstance shall not be affected.

16 **DIVISION E—ESTABLISHMENT**
17 **OF FISCAL COMMISSION**

18 **SECTION 1. SHORT TITLE.**

19 This Division may be cited as the “Fiscal Commis-
20 sion Act of 2023”.

21 **SEC. 2. DEFINITIONS.**

22 In this Act:

23 (1) CO-CHAIR.—The term “co-chair” means an
24 individual appointed to serve as a co-chair of the
25 Fiscal Commission under section 3(a)(3)(C)(i).

1 (2) FISCAL COMMISSION.—The term “Fiscal
2 Commission” means the commission established
3 under section 3(a).

4 (3) FISCAL COMMISSION BILL.—The term “Fis-
5 cal Commission bill” means a bill consisting solely of
6 legislative language that the Fiscal Commission ap-
7 proves and submits under clauses (i) and (v), respec-
8 tively, of section 3(a)(2)(B).

9 (4) OUTSIDE EXPERT.—The term “outside ex-
10 pert” is an individual who is not an elected official
11 or an officer or employee of the Federal Government
12 or of any State.

13 **SEC. 3. ESTABLISHMENT OF FISCAL COMMISSION.**

14 (a) ESTABLISHMENT OF FISCAL COMMISSION.—

15 (1) ESTABLISHMENT.—No later than 60 days
16 after the date of enactment of this Act, there is es-
17 tablished in Congress a Fiscal Commission.

18 (2) DUTIES.—

19 (A) IMPROVE FISCAL SITUATION.—

20 (i) IN GENERAL.—The Fiscal Com-
21 mission shall identify policies to improve
22 the fiscal situation in the medium term
23 and to achieve a sustainable debt-to-GDP
24 ratio of the long term, and for any rec-
25 ommendations related to Federal programs

1 for which a Federal trust fund exists, to
2 improve solvency for a period of at least 75
3 years.

4 (ii) REQUIREMENTS.—In carrying out
5 clause (i), the Fiscal Commission shall—

6 (I) propose recommendations de-
7 signed to balance the budget at the
8 earliest reasonable date, including at
9 minimum stabilizing the debt-to-GDP
10 ratio at or below one hundred percent
11 by the end of the 10-year period be-
12 ginning on the date the Fiscal Com-
13 mission is established; and

14 (II) propose recommendations
15 that meaningfully improve the long-
16 term fiscal outlook, including changes
17 to address the growth of direct spend-
18 ing and the gap between the projected
19 revenues and expenditures of the Fed-
20 eral Government.

21 (iii) RECOMMENDATIONS OF COMMIT-
22 TEES.—Not later than 60 days after the
23 date described in paragraph (1), each com-
24 mittee of the Senate and the House of
25 Representatives may transmit to the Fiscal

1 Commission any recommendations of the
2 committee relating to changes in law to
3 further the duties described in clause (ii).

4 (B) REPORT, RECOMMENDATIONS, AND
5 LEGISLATIVE LANGUAGE.—

6 (i) IN GENERAL.—Notwithstanding
7 paragraph (4)(D)(ii)(II), not earlier than
8 November 6, 2024, but not later than No-
9 vember 15, 2024, the Fiscal Commission
10 shall meet to consider, and vote on—

11 (I) a report that contains a de-
12 tailed statement of the findings, con-
13 clusions, and recommendations of the
14 Fiscal Commission described in sub-
15 paragraph (A)(i) and the estimate of
16 the Congressional Budget Office re-
17 quired under paragraph (4)(D)(ii);
18 and

19 (II) legislative language to carry
20 out the recommendations of the Fiscal
21 Commission in the report described in
22 subclause (I), which shall include a
23 statement of the economic and budg-
24 etary effects of the recommendations.

1 (ii) APPROVAL OF REPORT AND LEG-
2 ISLATIVE LANGUAGE.—A report and legis-
3 lative language of the Fiscal Commission
4 under clause (i) shall require the approval
5 of a majority of the members of the Fiscal
6 Commission, provided that such majority
7 shall be required to include not less than
8 3 members of the Fiscal Commission ap-
9 pointed by members of the Republican
10 Party and 3 members appointed by mem-
11 bers of the Democratic party.

12 (iii) ADDITIONAL VIEWS.—

13 (I) IN GENERAL.—A member of
14 the Fiscal Commission who gives no-
15 tice of an intention to file supple-
16 mental, minority, or additional views
17 at the time of the final Fiscal Com-
18 mission vote on the approval of the re-
19 port and legislative language of the
20 Fiscal Commission under clause (i)
21 shall be entitled to 3 days to file those
22 views in writing with the staff director
23 of the Fiscal Commission.

24 (II) INCLUSION IN REPORT.—
25 Views filed under subclause (I) shall

1 be included in the report of the Fiscal
2 Commission under clause (i) and
3 printed in the same volume, or part
4 thereof, and such inclusion shall be
5 noted on the cover of the report, ex-
6 cept that, in the absence of timely no-
7 tice, the report may be printed and
8 transmitted immediately without such
9 views.

10 (iv) REPORT AND LEGISLATIVE LAN-
11 GUAGE TO BE MADE PUBLIC.—Upon the
12 approval or disapproval of a report and
13 legislative language under clause (i) by the
14 Fiscal Commission, the Fiscal Commission
15 shall promptly, and not more than 24
16 hours after the approval or disapproval or,
17 if timely notice is given under clause (iii),
18 not more than 24 hours after additional
19 views are filed under such clause, make the
20 report, the legislative language, and a
21 record of the vote on the report and legis-
22 lative language available to the public.

23 (v) SUBMISSION OF REPORT AND LEG-
24 ISLATIVE LANGUAGE.—If a report and leg-
25 islative language are approved by the Fis-

1 cal Commission under clause (i), not later
2 than 3 days after the date on which the re-
3 port and legislative language are made
4 available to the public under clause (iv),
5 the Fiscal Commission shall submit the re-
6 port and legislative language to the Presi-
7 dent, the Vice President, the Speaker of
8 the House of Representatives, and the ma-
9 jority and minority leaders of each House
10 of Congress.

11 (3) MEMBERSHIP.—

12 (A) IN GENERAL.—The Fiscal Commission
13 shall be composed of 16 members appointed in
14 accordance with subparagraph (B) and with
15 due consideration to chairs and ranking mem-
16 bers of the committees and subcommittees of
17 subject matter jurisdiction, if applicable.

18 (B) APPOINTMENT.—Not later than 14
19 days after the date described in paragraph
20 (1)—

21 (i) the majority leader of the Senate
22 shall appoint 3 individuals from among the
23 Members of the Senate, and 1 outside ex-
24 pert, who shall serve as members of the
25 Fiscal Commission;

1 (ii) the minority leader of the Senate
2 shall appoint 3 individuals from among the
3 Members of the Senate, and 1 outside ex-
4 pert who shall serve as members of the
5 Fiscal Commission;

6 (iii) the Speaker of the House of Rep-
7 resentatives shall appoint 3 individuals
8 from among the Members of the House of
9 Representatives, and 1 outside expert, who
10 shall serve as members of the Fiscal Com-
11 mission; and

12 (iv) the minority leader of the House
13 of Representatives shall appoint 3 individ-
14 uals from among the Members of the
15 House of Representatives, and 1 outside
16 expert, who shall serve as members of the
17 Fiscal Commission.

18 (C) CO-CHAIRS.—

19 (i) IN GENERAL.—Not later than 14
20 days after the date described in paragraph
21 (1), with respect to the Fiscal Commis-
22 sion—

23 (I) the leadership of the Senate
24 and House of Representatives of the
25 same political party as the President

1 shall appoint 1 individual from among
2 the members of the Fiscal Commis-
3 sion who shall serve as a co-chair of
4 the Fiscal Commission; and

5 (II) the leadership of the Senate
6 and House of Representatives of the
7 opposite political party as the Presi-
8 dent, shall appoint 1 individual from
9 among the members of the Fiscal
10 Commission who shall serve as a co-
11 chair of the Fiscal Commission.

12 (ii) STAFF DIRECTOR.—With respect
13 to the Fiscal Commission, the co-chairs of
14 the Fiscal Commission, acting jointly, shall
15 hire the staff director of the Fiscal Com-
16 mission.

17 (D) PERIOD OF APPOINTMENT.—

18 (i) IN GENERAL.—The members of
19 the Fiscal Commission shall be appointed
20 for the life of the Fiscal Commission.

21 (ii) VACANCY.—

22 (I) IN GENERAL.—Any vacancy
23 in the Fiscal Commission shall not af-
24 fect the powers of the Fiscal Commis-
25 sion, but shall be filled not later than

1 14 days after the date on which the
2 vacancy occurs, in the same manner
3 as the original appointment was
4 made.

5 (II) INELIGIBLE MEMBERS.—If a
6 member of the Fiscal Commission who
7 was appointed as a Member of the
8 Senate or the House Representatives
9 ceases to be a Member of the Senate
10 or the House of Representatives, as
11 applicable—

12 (aa) the member shall no
13 longer be a member of the Fiscal
14 Commission; and

15 (bb) a vacancy in the Fiscal
16 Commission exists.

17 (4) ADMINISTRATION.—

18 (A) IN GENERAL.—With respect to the
19 Fiscal Commission, to enable the Fiscal Com-
20 mission to exercise the powers, functions, and
21 duties of the Fiscal Commission, there are au-
22 thorized to be disbursed by the Senate the ac-
23 tual and necessary expenses of the Fiscal Com-
24 mission approved by the co-chairs of the Fiscal

1 Commission, subject to the rules and regula-
2 tions of the Senate.

3 (B) EXPENSES.—With respect to the Fis-
4 cal Commission, in carrying out the functions of
5 the Fiscal Commission, the Fiscal Commission
6 is authorized to incur expenses in the same
7 manner and under the same conditions as the
8 Joint Economic Committee is authorized under
9 section 11(d) of the Employment Act of 1946
10 (15 U.S.C. 1024(d)).

11 (C) QUORUM.—With respect to the Fiscal
12 Commission, 9 members of the Fiscal Commis-
13 sion shall constitute a quorum for purposes of
14 voting, meeting, and holding hearings.

15 (D) VOTING.—

16 (i) PROXY VOTING.—No proxy voting
17 shall be allowed on behalf of any member
18 of the Fiscal Commission.

19 (ii) CONGRESSIONAL BUDGET OFFICE
20 ESTIMATES.—

21 (I) IN GENERAL.—The Director
22 of the Congressional Budget Office
23 shall, with respect to the legislative
24 language of the Fiscal Commission

1 under paragraph (2)(B)(i)(II), provide
2 to the Fiscal Commission—

3 (aa) estimates of the legisla-
4 tive language in accordance with
5 sections 308(a) and 201(f) of the
6 Congressional Budget Act of
7 1974 (2 U.S.C. 639(a) and
8 601(f)); and

9 (bb) information on the
10 budgetary effect of the legislative
11 language on the long-term fiscal
12 outlook.

13 (II) LIMITATION.—The Fiscal
14 Commission may not vote on any
15 version of the report, recommenda-
16 tions, or legislative language of the
17 Fiscal Commission under paragraph
18 (2)(B)(i) unless the estimates and in-
19 formation described in subclause (I)
20 of this clause are made available for
21 consideration by all members of the
22 Fiscal Commission not later than 48
23 hours before that vote, as certified by
24 the co-chairs of the Fiscal Commis-
25 sion.

1 (E) MEETINGS.—

2 (i) INITIAL MEETING.—Not later than
3 45 days after the date described in para-
4 graph (1), the Fiscal Commission shall
5 hold the first meeting of the Fiscal Com-
6 mission.

7 (ii) AGENDA.—For each meeting of
8 the Fiscal Commission, the co-chairs of the
9 Fiscal Commission shall provide an agenda
10 to the members of the Fiscal Commission
11 not later than 48 hours before the meeting.

12 (F) HEARINGS.—

13 (i) IN GENERAL.—The Fiscal Com-
14 mission may, for the purpose of carrying
15 out this section, hold such hearings, sit
16 and act at such times and places, require
17 attendance of witnesses and production of
18 books, papers, and documents, take such
19 testimony, receive such evidence, and ad-
20 minister such oaths as the Fiscal Commis-
21 sion considers advisable.

22 (ii) HEARING PROCEDURES AND RE-
23 SPONSIBILITIES OF CO-CHAIRS.—

24 (I) ANNOUNCEMENT.—The co-
25 chairs of the Fiscal Commission shall

1 make a public announcement of the
2 date, place, time, and subject matter
3 of any hearing to be conducted under
4 this subparagraph not later than 7
5 days before the date of the hearing,
6 unless the co-chairs determine that
7 there is good cause to begin such
8 hearing on an earlier date.

9 (II) WRITTEN STATEMENT.—A
10 witness appearing before the Fiscal
11 Commission shall file a written state-
12 ment of the proposed testimony of the
13 witness not later than 2 days before
14 the date of the appearance of the wit-
15 ness, unless the co-chairs of the Fiscal
16 Commission—

17 (aa) determine that there is
18 good cause for the witness to not
19 file the written statement; and

20 (bb) waive the requirement
21 that the witness file the written
22 statement.

23 (G) TECHNICAL ASSISTANCE.—Upon writ-
24 ten request of the co-chairs of the Fiscal Com-
25 mission, the head of a Federal agency shall pro-

1 vide technical assistance to the Fiscal Commis-
2 sion in order for the Fiscal Commission to
3 carry out the duties of the Fiscal Commission.

4 (H) OUTSIDE EXPERT.—Any outside ex-
5 pert appointed to the Fiscal Commission—

6 (i) shall not be considered to be a
7 Federal employee for any purpose by rea-
8 son of service on the Fiscal Commission;
9 and

10 (ii) shall be allowed travel expenses,
11 including per diem in lieu of subsistence,
12 at rates authorized for employees of agen-
13 cies under subchapter I of chapter 57 of
14 title 5, United States Code, while away
15 from their homes or regular places of busi-
16 ness in the performance of services for the
17 Commission.

18 (b) STAFF OF FISCAL COMMISSION.—

19 (1) IN GENERAL.—The co-chairs of the Fiscal
20 Commission may jointly appoint and fix the com-
21 pensation of staff of the Fiscal Commission as the
22 co-chairs determine necessary, in accordance with
23 the guidelines, rules, and requirements relating to
24 employees of the Senate.

25 (2) ETHICAL STANDARDS.—

1 (A) SENATE.—Members appointed by
2 Members of the Senate who serve on the Fiscal
3 Commission and staff of the Fiscal Commission
4 shall adhere to the ethics rules of the Senate.

5 (B) HOUSE OF REPRESENTATIVES.—Mem-
6 bers appointed by Members of the House of
7 Representatives who serve on the Fiscal Com-
8 mission shall be governed by the ethics rules
9 and requirements of the House of Representa-
10 tives.

11 (c) TERMINATION.—The Fiscal Commission shall ter-
12minate on the date that is 30 days after the date the Fis-
13cal Commission submits the report under subsection
14 (a)(2)(B)(v).

15 **SEC. 4. EXPEDITED CONSIDERATION OF FISCAL COMMIS-**
16 **SION BILLS.**

17 (a) QUALIFYING LEGISLATION.—Only a Fiscal Com-
18 mission bill shall be entitled to expedited consideration
19 under this section.

20 (b) CONSIDERATION IN THE HOUSE OF REPRESENT-
21 ATIVES.—

22 (1) INTRODUCTION.—If the Fiscal Commission
23 approves and submits legislative language under
24 clauses (i) and (v), respectively, of section
25 3(a)(2)(B), the Fiscal Commission bill consisting

1 solely of that legislative language shall be introduced
2 in the House of Representatives (by request)—

3 (A) by the majority leader of the House of
4 Representatives, or by a Member of the House
5 of Representatives designated by the majority
6 leader of the House of Representatives, on the
7 third legislative day after the date the Fiscal
8 Commission approves and submits such legisla-
9 tive language; or

10 (B) if the Fiscal Commission bill is not in-
11 troduced under subparagraph (A), by any Mem-
12 ber of the House of Representatives on any leg-
13 islative day beginning on the legislative day
14 after the legislative day described in subpara-
15 graph (A).

16 (2) REFERRAL AND REPORTING.—Any com-
17 mittee of the House of Representatives to which a
18 Fiscal Commission bill is referred shall report the
19 Fiscal Commission bill to the House of Representa-
20 tives without amendment not later than 5 legislative
21 days after the date on which the Fiscal Commission
22 bill was so referred. If any committee of the House
23 of Representatives to which a Fiscal Commission bill
24 is referred fails to report the Fiscal Commission bill
25 within that period, that committee shall be auto-

1 matically discharged from consideration of the Fiscal
2 Commission bill, and the Fiscal Commission bill
3 shall be placed on the appropriate calendar.

4 (3) PROCEEDING TO CONSIDERATION.—After
5 the last committee authorized to consider a Fiscal
6 Commission bill reports it to the House of Rep-
7 resentatives or has been discharged from its consid-
8 eration, it shall be in order to move to proceed to
9 consider the Fiscal Commission bill in the House of
10 Representatives. Such a motion shall not be in order
11 after the House of Representatives has disposed of
12 a motion to proceed with respect to the Fiscal Com-
13 mission bill. The previous question shall be consid-
14 ered as ordered on the motion to its adoption with-
15 out intervening motion.

16 (4) CONSIDERATION.—The Fiscal Commission
17 bill shall be considered as read. All points of order
18 against the Fiscal Commission bill and against its
19 consideration are waived. The previous question
20 shall be considered as ordered on the Fiscal Com-
21 mission bill to its passage without intervening mo-
22 tion except 2 hours of debate equally divided and
23 controlled by the proponent and an opponent.

24 (5) VOTE ON PASSAGE.—The vote on passage
25 of the Fiscal Commission bill shall occur pursuant to

1 the constraints under clause 8 of rule XX of the
2 Rules of the House of Representatives.

3 (c) EXPEDITED PROCEDURE IN THE SENATE.—

4 (1) INTRODUCTION IN THE SENATE.—If the
5 Fiscal Commission approves and submits legislative
6 language under clauses (i) and (v), respectively, of
7 section 3(a)(2)(B), a Fiscal Commission bill con-
8 sisting solely of that legislative language may be in-
9 troduced in the Senate (by request)—

10 (A) by the majority leader of the Senate,
11 or by a Member of the Senate designated by the
12 majority leader of the Senate, on the next day
13 on which the Senate is in session; or

14 (B) if the Fiscal Commission bill is not in-
15 troduced under subparagraph (A), by any Mem-
16 ber of the Senate on any day on which the Sen-
17 ate is in session beginning on the day after the
18 day described in subparagraph (A).

19 (2) COMMITTEE CONSIDERATION.—A Fiscal
20 Commission bill introduced in the Senate under
21 paragraph (1) shall be jointly referred to the com-
22 mittee or committees of jurisdiction, which commit-
23 tees shall report the Fiscal Commission bill without
24 any revision and with a favorable recommendation,
25 an unfavorable recommendation, or without rec-

1 ommendation, not later than 5 session days after the
2 date on which the Fiscal Commission bill was so re-
3 ferred. If any committee to which a Fiscal Commis-
4 sion bill is referred fails to report the Fiscal Com-
5 mission bill within that period, that committee shall
6 be automatically discharged from consideration of
7 the Fiscal Commission bill, and the Fiscal Commis-
8 sion bill shall be placed on the appropriate calendar.

9 (3) PROCEEDING.—Notwithstanding rule XXII
10 of the Standing Rules of the Senate, it is in order,
11 not later than 2 days of session after the date on
12 which a Fiscal Commission bill is reported or dis-
13 charged from all committees to which the Fiscal
14 Commission bill was referred, for the majority leader
15 of the Senate or the designee of the majority leader
16 to move to proceed to the consideration of the Fiscal
17 Commission bill. It shall also be in order for any
18 Member of the Senate to move to proceed to the
19 consideration of the Fiscal Commission bill at any
20 time after the conclusion of such 2-day period. A
21 motion to proceed is in order even though a previous
22 motion to the same effect has been disagreed to. All
23 points of order against the motion to proceed to the
24 Fiscal Commission bill are waived. The motion to
25 proceed is not debatable. The motion is not subject

1 to a motion to postpone. A motion to reconsider the
2 vote by which the motion is agreed to or disagreed
3 to shall not be in order. If a motion to proceed to
4 the consideration of the Fiscal Commission bill is
5 agreed to, the Fiscal Commission bill shall remain
6 the unfinished business until disposed of. All points
7 of order against a Fiscal Commission bill and
8 against consideration of the Fiscal Commission bill
9 are waived.

10 (4) NO AMENDMENTS.—An amendment to a
11 Fiscal Commission bill, or a motion to postpone, or
12 a motion to proceed to the consideration of other
13 business, or a motion to recommit the Fiscal Com-
14 mission bill, is not in order.

15 (5) RULINGS OF THE CHAIR ON PROCEDURE.—
16 Appeals from the decisions of the Chair relating to
17 the application of the rules of the Senate, as the
18 case may be, to the procedure relating to a Fiscal
19 Commission bill shall be decided without debate.

20 (d) AMENDMENT.—A Fiscal Commission bill shall
21 not be subject to amendment in either the Senate or the
22 House of Representatives.

23 (e) CONSIDERATION BY THE OTHER HOUSE.—

24 (1) IN GENERAL.—If, before passing a Fiscal
25 Commission bill, a House receives from the other

1 House a Fiscal Commission bill consisting of legisla-
2 tive language approved by the same Fiscal Commis-
3 sion as the Fiscal Commission bill in the receiving
4 House—

5 (A) the Fiscal Commission bill of the other
6 House shall not be referred to a committee; and

7 (B) the procedure in the receiving House
8 shall be the same as if no Fiscal Commission
9 bill had been received from the other House
10 until the vote on passage, when the Fiscal Com-
11 mission bill received from the other House shall
12 supplant the Fiscal Commission bill of the re-
13 ceiving House.

14 (2) REVENUE MEASURES.—This subsection
15 shall not apply to the House of Representatives if a
16 Fiscal Commission bill received from the Senate is
17 a revenue measure.

18 (f) RULES TO COORDINATE ACTION WITH OTHER
19 HOUSE.—

20 (1) TREATMENT OF FISCAL COMMISSION BILL
21 OF OTHER HOUSE.—If a Fiscal Commission bill is
22 not introduced in the Senate or the Senate fails to
23 consider a Fiscal Commission bill under this section,
24 the Fiscal Commission bill of the House of Rep-
25 resentatives consisting of legislative language ap-

1 proved by the same Fiscal Commission as the Fiscal
2 Commission bill in the Senate shall be entitled to ex-
3 pedited floor procedures under this section.

4 (2) TREATMENT OF COMPANION MEASURES IN
5 THE SENATE.—If, following passage of a Fiscal
6 Commission bill in the Senate, the Senate then re-
7 ceives from the House of Representatives a Fiscal
8 Commission bill approved by the same Fiscal Com-
9 mission and consisting of the same legislative lan-
10 guage as the Senate-passed Fiscal Commission bill,
11 the House-passed Fiscal Commission bill shall not
12 be debatable. The vote on passage of the Fiscal
13 Commission bill in the Senate shall be considered to
14 be the vote on passage of the Fiscal Commission bill
15 received from the House of Representatives.

16 (3) VETOES.—If the President vetoes a Fiscal
17 Commission bill, consideration of a veto message in
18 the Senate under this paragraph shall be 10 hours
19 equally divided between the majority and minority
20 leaders of the Senate or the designees of the major-
21 ity and minority leaders of the Senate.

22 **SEC. 5. FUNDING.**

23 Funding for the Fiscal Commission shall be derived
24 in equal portions from—

1 (1) the contingent fund of the Senate from the
2 appropriations account “Miscellaneous Items”, sub-
3 ject to the rules and regulations of the Senate; and

4 (2) the applicable accounts of the House of
5 Representatives.

6 **SEC. 6. RULEMAKING.**

7 The provisions of this Act are enacted by Congress—

8 (1) as an exercise of the rulemaking power of
9 the Senate and the House of Representatives, re-
10 spectively, and, as such, the provisions—

11 (A) shall be considered as part of the rules
12 of each House, respectively, or of that House to
13 which they specifically apply; and

14 (B) shall supersede other rules only to the
15 extent that they are inconsistent therewith; and

16 (2) with full recognition of the constitutional
17 right of either House to change such rules (so far
18 as relating to such House) at any time, in the same
19 manner, and to the same extent as in the case of
20 any other rule of such House.