

118TH CONGRESS  
2D SESSION

# H. R. 10034

To secure the border and reform the immigration laws, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2024

Mr. DUARTE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, Foreign Affairs, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To secure the border and reform the immigration laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Border Security and Immigration Reform Act”.

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

Sec. 1. Short title; table of contents.

DIVISION A—BORDER SECURITY

- Sec. 101. Definitions.
- Sec. 102. Border wall construction.
- Sec. 103. Strengthening the requirements for barriers along the southern border.
- Sec. 104. Border and port security technology investment plan.
- Sec. 105. Border security technology program management.
- Sec. 106. U.S. Customs and Border Protection technology upgrades.
- Sec. 107. U.S. Customs and Border Protection personnel.
- Sec. 108. Anti-Border Corruption Act reauthorization.
- Sec. 109. Establishment of workload staffing models for U.S. Border Patrol and Air and Marine Operations of CBP.
- Sec. 110. Operation Stonegarden.
- Sec. 111. Air and Marine Operations flight hours.
- Sec. 112. Border patrol strategic plan.
- Sec. 113. U.S. Customs and Border Protection spiritual readiness.
- Sec. 114. Restrictions on funding.
- Sec. 115. Collection of DNA and biometric information at the border.
- Sec. 116. 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. 117. Publication by U.S. Customs and Border Protection of operational statistics.
- Sec. 118. Alien criminal background checks.
- Sec. 119. Prohibited identification documents at airport security checkpoints; notification to immigration agencies.
- Sec. 120. Prohibition against any COVID–19 vaccine mandate or adverse action against DHS employees.
- Sec. 121. CBP One app limitation.
- Sec. 122. Report on Mexican drug cartels.
- Sec. 123. GAO study on costs incurred by States to secure the southwest border.
- Sec. 124. Report by Inspector General of the Department of Homeland Security.
- Sec. 125. Offsetting authorizations of appropriations.
- Sec. 126. Report to Congress on foreign terrorist organizations.
- Sec. 127. Assessment by Inspector General of the Department of Homeland Security on the mitigation of unmanned aircraft systems at the southwest border.

## DIVISION B—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS

### TITLE I—ASYLUM REFORM AND BORDER PROTECTION

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

## TITLE II—BORDER SAFETY AND MIGRANT PROTECTION

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

## TITLE III—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

- Sec. 301. United States policy regarding Western Hemisphere cooperation on immigration and asylum.
- Sec. 302. Negotiations by Secretary of State.
- Sec. 303. Mandatory briefings on United States efforts to address the border crisis.

## TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER

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

## TITLE V—PROTECTION OF CHILDREN

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

## TITLE VI—VISA OVERSTAYS PENALTIES

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

## TITLE VII—IMMIGRATION PAROLE REFORM

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

## TITLE VIII—DIGNITY PROGRAM

- Sec. 801. Establishment.
- Sec. 802. Eligibility.
- Sec. 803. Registration; departure.
- Sec. 804. Program participation.
- Sec. 805. Completion.

## DIVISION C—AGRICULTURAL WORKER PROGRAM

## TITLE I—PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

- Sec. 101. Short title.
- Sec. 102. Blue card status.
- Sec. 103. Adjustment to permanent resident status.
- Sec. 104. Use of information.
- Sec. 105. Reports on blue cards.
- Sec. 106. Authorization of appropriations.

## TITLE II—CORRECTION OF SOCIAL SECURITY RECORDS

Sec. 201. Correction of Social Security records.

### TITLE III—DEFINITIONS

Sec. 301. Definitions.

#### DIVISION D—SAVE ACT

Sec. 101. Short title.

Sec. 102. Ensuring only citizens are registered to vote in elections for Federal office.

Sec. 103. Election Assistance Commission guidance.

Sec. 104. Inapplicability of Paperwork Reduction Act.

Sec. 105. Duty of Secretary of Homeland Security to notify election officials of naturalization.

Sec. 106. Rule of construction regarding provisional ballots.

Sec. 107. Rule of construction regarding effect on State exemptions from other Federal laws.

Sec. 108. Effective date.

## 1 **DIVISION A—BORDER SECURITY**

### 2 **SEC. 101. DEFINITIONS.**

3 In this division:

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

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

9 (3) **DEPARTMENT.**—The term “Department”  
10 means the Department of Homeland Security.

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

15 (5) **SECRETARY.**—The term “Secretary” means  
16 the Secretary of Homeland Security.

1           (6) SITUATIONAL AWARENESS.—The term “sit-  
2           uational awareness” has the meaning given such  
3           term in section 1092(a)(7) of the National Defense  
4           Authorization Act for Fiscal Year 2017 (Public Law  
5           114–328; 6 U.S.C. 223(a)(7)).

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

10 **SEC. 102. BORDER WALL CONSTRUCTION.**

11           (a) IN GENERAL.—

12           (1) IMMEDIATE RESUMPTION OF BORDER WALL  
13           CONSTRUCTION.—Not later than seven days after  
14           the date of the enactment of this Act, the Secretary  
15           shall resume all activities related to the construction  
16           of the border wall along the border between the  
17           United States and Mexico that were underway or  
18           being planned for prior to January 20, 2021.

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

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

6           (b) PLAN TO COMPLETE TACTICAL INFRASTRUC-  
7           TURE AND TECHNOLOGY.—Not later than 90 days after  
8           the date of the enactment of this Act and annually there-  
9           after until construction of the border wall has been com-  
10          pleted, the Secretary shall submit to the appropriate con-  
11          gressional committees an implementation plan, including  
12          annual benchmarks for the construction of 200 miles of  
13          such wall and associated cost estimates for satisfying all  
14          requirements of the construction of the border wall, in-  
15          cluding installation and deployment of tactical infrastruc-  
16          ture, technology, and other elements as identified by the  
17          Department prior to January 20, 2021, through the ex-  
18          penditure of funds appropriated or explicitly obligated, as  
19          the case may be, for use, as well as any future funds ap-  
20          propriated or otherwise made available by Congress.

21          (c) DEFINITIONS.—In this section:

22               (1) APPROPRIATE CONGRESSIONAL COMMIT-  
23               TEES.—The term “appropriate congressional com-  
24               mittees” means the Committee on Homeland Secu-  
25               rity and the Committee on Appropriations of the

1 House of Representatives and the Committee on  
2 Homeland Security and Governmental Affairs and  
3 the Committee on Appropriations of the Senate.

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

8 (3) TECHNOLOGY.—The term “technology” in-  
9 cludes border surveillance and detection technology,  
10 including linear ground detection systems, associated  
11 with a border wall.

12 **SEC. 103. STRENGTHENING THE REQUIREMENTS FOR BAR-**  
13 **RIERS ALONG THE SOUTHERN BORDER.**

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

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

19 “(a) IN GENERAL.—The Secretary of Homeland Se-  
20 curity shall take such actions as may be necessary (includ-  
21 ing the removal of obstacles to detection of illegal en-  
22 trants) to design, test, construct, install, deploy, integrate,  
23 and operate physical barriers, tactical infrastructure, and  
24 technology in the vicinity of the southwest border to  
25 achieve situational awareness and operational control of

1 the southwest border and deter, impede, and detect unlaw-  
2 ful activity.”;

3 (2) in subsection (b)—

4 (A) in the subsection heading, by striking  
5 “FENCING AND ROAD IMPROVEMENTS” and in-  
6 serting “PHYSICAL BARRIERS”;

7 (B) in paragraph (1)—

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

10 (ii) by amending subparagraph (A) to  
11 read as follows:

12 “(A) REINFORCED BARRIERS.—In carrying  
13 out this section, the Secretary of Homeland Se-  
14 curity shall construct a border wall, including  
15 physical barriers, tactical infrastructure, and  
16 technology, along not fewer than 900 miles of  
17 the southwest border until situational aware-  
18 ness and operational control of the southwest  
19 border is achieved.”;

20 (iii) by amending subparagraph (B) to  
21 read as follows:

22 “(B) PHYSICAL BARRIERS AND TACTICAL  
23 INFRASTRUCTURE.—In carrying out this sec-  
24 tion, the Secretary of Homeland Security shall  
25 deploy along the southwest border the most



1 practical and effective physical barriers, tactical  
2 infrastructure, and technology available for  
3 achieving situational awareness and operational  
4 control of the southwest border.”;

5 (iv) in subparagraph (C)—

6 (I) by amending clause (i) to  
7 read as follows:

8 “(i) IN GENERAL.—In carrying out  
9 this section, the Secretary of Homeland  
10 Security shall consult with the Secretary of  
11 the Interior, the Secretary of Agriculture,  
12 appropriate representatives of State, Trib-  
13 al, and local governments, and appropriate  
14 private property owners in the United  
15 States to minimize the impact on natural  
16 resources, commerce, and sites of historical  
17 or cultural significance for the commu-  
18 nities and residents located near the sites  
19 at which physical barriers, tactical infra-  
20 structure, and technology are to be con-  
21 structed. Such consultation may not delay  
22 such construction for longer than seven  
23 days.”; and

24 (II) in clause (ii)—

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

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

6 “(II) delay the transfer to the  
7 United States of the possession of  
8 property or affect the validity of any  
9 property acquisition by the United  
10 States by purchase or eminent do-  
11 main, or to otherwise affect the emi-  
12 nent domain laws of the United States  
13 or of any State; or”; and

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

16 “(III) create any right or liability  
17 for any party.”; and

18 (v) by striking subparagraph (D);

19 (C) in paragraph (2)—

20 (i) by striking “Attorney General”  
21 and inserting “Secretary of Homeland Se-  
22 curity”;

23 (ii) by striking “this subsection” and  
24 inserting “this section”; and

1 (iii) by striking “construction of  
2 fences” and inserting “the construction of  
3 physical barriers, tactical infrastructure,  
4 and technology”;

5 (D) by amending paragraph (3) to read as  
6 follows:

7 “(3) AGENT SAFETY.—In carrying out this sec-  
8 tion, the Secretary of Homeland Security, when de-  
9 signing, testing, constructing, installing, deploying,  
10 integrating, and operating physical barriers, tactical  
11 infrastructure, or technology, shall incorporate such  
12 safety features into such design, test, construction,  
13 installation, deployment, integration, or operation of  
14 such physical barriers, tactical infrastructure, or  
15 technology, as the case may be, that the Secretary  
16 determines are necessary to maximize the safety and  
17 effectiveness of officers and agents of the Depart-  
18 ment of Homeland Security or of any other Federal  
19 agency deployed in the vicinity of such physical bar-  
20 riers, tactical infrastructure, or technology.”; and

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

23 (3) in subsection (c)—

24 (A) by amending paragraph (1) to read as  
25 follows:

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

13           (B) by redesignating paragraph (2) as  
14 paragraph (3); and

15           (C) by inserting after paragraph (1) the  
16 following new paragraph:

17           “(2) NOTIFICATION.—Not later than seven  
18 days after the date on which the Secretary of Home-  
19 land Security exercises a waiver pursuant to para-  
20 graph (1), the Secretary shall notify the Committee  
21 on Homeland Security of the House of Representa-  
22 tives and the Committee on Homeland Security and  
23 Governmental Affairs of the Senate of such waiver.”;  
24 and

1           (4) by adding at the end the following new sub-  
2 sections:

3           “(e) TECHNOLOGY.—In carrying out this section, the  
4 Secretary of Homeland Security shall deploy along the  
5 southwest border the most practical and effective tech-  
6 nology available for achieving situational awareness and  
7 operational control.

8           “(f) DEFINITIONS.—In this section:

9           “(1) ADVANCED UNATTENDED SURVEILLANCE  
10 SENSORS.—The term ‘advanced unattended surveil-  
11 lance sensors’ means sensors that utilize an onboard  
12 computer to analyze detections in an effort to dis-  
13 cern between vehicles, humans, and animals, and ul-  
14 timately filter false positives prior to transmission.

15           “(2) OPERATIONAL CONTROL.—The term ‘oper-  
16 ational control’ has the meaning given such term in  
17 section 2(b) of the Secure Fence Act of 2006 (Public  
18 Law 109–367; 8 U.S.C. 1701 note).

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

22           “(4) SITUATIONAL AWARENESS.—The term ‘sit-  
23 uational awareness’ has the meaning given such  
24 term in section 1092(a)(7) of the National Defense

1 Authorization Act for Fiscal Year 2017 (Public Law  
2 114–328; 6 U.S.C. 223(a)(7)).

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

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

9 “(A) Tower-based surveillance technology.

10 “(B) Deployable, lighter-than-air ground  
11 surveillance equipment.

12 “(C) Vehicle and Dismount Exploitation  
13 Radars (VADER).

14 “(D) 3-dimensional, seismic acoustic detec-  
15 tion and ranging border tunneling detection  
16 technology.

17 “(E) Advanced unattended surveillance  
18 sensors.

19 “(F) Mobile vehicle-mounted and man-  
20 portable surveillance capabilities.

21 “(G) Unmanned aircraft systems.

22 “(H) Tunnel detection systems and other  
23 seismic technology.

24 “(I) Fiber-optic cable.

1           “(J) Other border detection, communica-  
2           tion, and surveillance technology.

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

7   **SEC. 104. BORDER AND PORT SECURITY TECHNOLOGY IN-**  
8           **VESTMENT PLAN.**

9           (a) IN GENERAL.—Not later than 180 days after the  
10          date of the enactment of this Act, the Commissioner, in  
11          consultation with covered officials and border and port se-  
12          curity technology stakeholders, shall submit to the appro-  
13          priate congressional committees a strategic 5-year tech-  
14          nology investment plan (in this section referred to as the  
15          “plan”). The plan may include a classified annex, if appro-  
16          priate.

17          (b) CONTENTS OF PLAN.—The plan shall include the  
18          following:

19                 (1) An analysis of security risks at and between  
20                 ports of entry along the northern and southern bor-  
21                 ders of the United States.

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

1 (A) prevent terrorists and instruments of  
2 terror from entering the United States;

3 (B) combat and reduce cross-border crimi-  
4 nal activity, including—

5 (i) the transport of illegal goods, such  
6 as illicit drugs; and

7 (ii) human smuggling and human  
8 trafficking; and

9 (C) facilitate the flow of legal trade across  
10 the southwest border.

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

13 (A) unlawfully entered the United States  
14 by crossing the northern or southern border of  
15 the United States; or

16 (B) are unlawfully present in the United  
17 States.

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

23 (5) A description of each planned security-re-  
24 lated technology program, including objectives, goals,  
25 and timelines for each such program.



1           (6) An identification of each deployed security-  
2 related technology that is at or near the end of the  
3 life cycle of such technology.

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

9           (8) An identification and assessment of ways to  
10 increase opportunities for communication and col-  
11 laboration with the private sector, small and dis-  
12 advantaged businesses, intragovernment entities,  
13 university centers of excellence, and Federal labora-  
14 tories to ensure CBP is able to engage with the mar-  
15 ket for security-related technologies that are avail-  
16 able to satisfy its mission needs before engaging in  
17 an acquisition of a security-related technology.

18           (9) An assessment of the management of  
19 planned security-related technology programs by the  
20 acquisition workforce of CBP.

21           (10) An identification of ways to leverage al-  
22 ready-existing acquisition expertise within the Fed-  
23 eral Government.

24           (11) A description of the security resources, in-  
25 cluding information security resources, required to

1 protect security-related technology from physical or  
2 cyber theft, diversion, sabotage, or attack.

3 (12) A description of initiatives to—

4 (A) streamline the acquisition process of  
5 CBP; and

6 (B) provide to the private sector greater  
7 predictability and transparency with respect to  
8 such process, including information relating to  
9 the timeline for testing and evaluation of secu-  
10 rity-related technology.

11 (13) An assessment of the privacy and security  
12 impact on border communities of security-related  
13 technology.

14 (14) In the case of a new acquisition leading to  
15 the removal of equipment from a port of entry along  
16 the northern or southern border of the United  
17 States, a strategy to consult with the private sector  
18 and community stakeholders affected by such re-  
19 moval.

20 (15) A strategy to consult with the private sec-  
21 tor and community stakeholders with respect to se-  
22 curity impacts at a port of entry described in para-  
23 graph (14).

24 (16) An identification of recent technological  
25 advancements in the following:

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

3 (B) Unmanned aerial systems and related  
4 technology, including counter-unmanned aerial  
5 system technology.

6 (C) Surveillance technology, including the  
7 following:

8 (i) Mobile surveillance vehicles.

9 (ii) Associated electronics, including  
10 cameras, sensor technology, and radar.

11 (iii) Tower-based surveillance tech-  
12 nology.

13 (iv) Advanced unattended surveillance  
14 sensors.

15 (v) Deployable, lighter-than-air,  
16 ground surveillance equipment.

17 (D) Nonintrusive inspection technology, in-  
18 cluding non-x-ray devices utilizing muon tomog-  
19 raphy and other advanced detection technology.

20 (E) Tunnel detection technology.

21 (F) Communications equipment, including  
22 the following:

23 (i) Radios.

24 (ii) Long-term evolution broadband.

25 (iii) Miniature satellites.

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

3           (1) leverage emerging technological capabilities,  
4 and research and development trends, within the  
5 public and private sectors;

6           (2) incorporate input from the private sector,  
7 including from border and port security stake-  
8 holders, through requests for information, industry  
9 day events, and other innovative means consistent  
10 with the Federal Acquisition Regulation; and

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

14           (d) FORM.—To the extent practicable, the plan shall  
15 be published in unclassified form on the website of the  
16 Department.

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

21           (f) UPDATE AND REPORT.—Not later than the date  
22 that is two years after the date on which the plan is sub-  
23 mitted to the appropriate congressional committees pursu-  
24 ant to subsection (a) and biennially thereafter for ten

1 years, the Commissioner shall submit to the appropriate  
2 congressional committees—

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

4 (2) a report that includes—

5 (A) the extent to which each security-re-  
6 lated technology acquired by CBP since the ini-  
7 tial submission of the plan or most recent up-  
8 date of the plan, as the case may be, is con-  
9 sistent with the planned technology programs  
10 and projects described pursuant to subsection  
11 (b)(5); and

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

14 (g) DEFINITIONS.—In this section:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
16 TEES.—The term “appropriate congressional com-  
17 mittees” means—

18 (A) the Committee on Homeland Security  
19 and the Committee on Appropriations of the  
20 House of Representatives; and

21 (B) the Committee on Homeland Security  
22 and Governmental Affairs and the Committee  
23 on Appropriations of the Senate.

24 (2) COVERED OFFICIALS.—The term “covered  
25 officials” means—

1 (A) the Under Secretary for Management  
2 of the Department;

3 (B) the Under Secretary for Science and  
4 Technology of the Department; and

5 (C) the Chief Information Officer of the  
6 Department.

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

11 **SEC. 105. BORDER SECURITY TECHNOLOGY PROGRAM**  
12 **MANAGEMENT.**

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

16 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**  
17 **MANAGEMENT.**

18 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In  
19 this section, the term ‘major acquisition program’ means  
20 an acquisition program of the Department that is esti-  
21 mated by the Secretary to require an eventual total ex-  
22 penditure of at least \$100,000,000 (based on fiscal year  
23 2023 constant dollars) over its life-cycle cost.

24 “(b) PLANNING DOCUMENTATION.—For each border  
25 security technology acquisition program of the Depart-

1 ment that is determined to be a major acquisition pro-  
2 gram, the Secretary shall—

3           “(1) ensure that each such program has a writ-  
4 ten acquisition program baseline approved by the  
5 relevant acquisition decision authority;

6           “(2) document that each such program is satis-  
7 fying cost, schedule, and performance thresholds as  
8 specified in such baseline, in compliance with rel-  
9 evant departmental acquisition policies and the Fed-  
10 eral Acquisition Regulation; and

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

14           “(c) ADHERENCE TO STANDARDS.—The Secretary,  
15 acting through the Under Secretary for Management and  
16 the Commissioner of U.S. Customs and Border Protection,  
17 shall ensure border security technology acquisition pro-  
18 gram managers who are responsible for carrying out this  
19 section adhere to relevant internal control standards iden-  
20 tified by the Comptroller General of the United States.  
21 The Commissioner shall provide information, as needed,  
22 to assist the Under Secretary in monitoring management  
23 of border security technology acquisition programs under  
24 this section.

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

14               “(1) compliance with relevant departmental ac-  
15       quisition policies and the Federal Acquisition Regu-  
16       lation; and

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

18       (b) CLERICAL AMENDMENT.—The table of contents  
19 in section 1(b) of the Homeland Security Act of 2002 is  
20 amended by inserting after the item relating to section  
21 436 the following new item:

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

22       (c) PROHIBITION ON ADDITIONAL AUTHORIZATION  
23 OF APPROPRIATIONS.—No additional funds are author-  
24 ized to be appropriated to carry out section 437 of the



1 Homeland Security Act of 2002, as added by subsection  
2 (a).

3 **SEC. 106. U.S. CUSTOMS AND BORDER PROTECTION TECH-**  
4 **NOLOGY UPGRADES.**

5 (a) SECURE COMMUNICATIONS.—The Commissioner  
6 shall ensure that each CBP officer or agent, as appro-  
7 priate, is equipped with a secure radio or other two-way  
8 communication device that allows each such officer or  
9 agent to communicate—

10 (1) between ports of entry and inspection sta-  
11 tions; and

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

14 (b) BORDER SECURITY DEPLOYMENT PROGRAM.—

15 (1) EXPANSION.—Not later than September 30,  
16 2025, the Commissioner shall—

17 (A) fully implement the Border Security  
18 Deployment Program of CBP; and

19 (B) expand the integrated surveillance and  
20 intrusion detection system at land ports of  
21 entry along the northern and southern borders  
22 of the United States.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—In  
24 addition to amounts otherwise authorized to be ap-  
25 propriated for such purpose, there is authorized to

1 be appropriated \$33,000,000 for fiscal years 2024  
2 and 2025 to carry out paragraph (1).

3 (c) UPGRADE OF LICENSE PLATE READERS AT  
4 PORTS OF ENTRY.—

5 (1) UPGRADE.—Not later than two years after  
6 the date of the enactment of this Act, the Commis-  
7 sioner shall upgrade all existing license plate readers  
8 in need of upgrade, as determined by the Commis-  
9 sioner, on the northern and southern borders of the  
10 United States.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—In  
12 addition to amounts otherwise authorized to be ap-  
13 propriated for such purpose, there is authorized to  
14 be appropriated \$125,000,000 for fiscal years 2025  
15 and 2026 to carry out paragraph (1).

16 **SEC. 107. U.S. CUSTOMS AND BORDER PROTECTION PER-**  
17 **SONNEL.**

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

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

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

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

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

10          (c) PROHIBITION AGAINST ALIEN TRAVEL.—No per-  
11          sonnel or equipment of Air and Marine Operations may  
12          be used for the transportation of non-detained aliens, or  
13          detained aliens expected to be administratively released  
14          upon arrival, from the southwest border to destinations  
15          within the United States.

16          (d) GAO REPORT.—If the staffing level required  
17          under this section is not achieved by the date associated  
18          with such level, the Comptroller General of the United  
19          States shall—

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

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

1 **SEC. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**  
2 **TION.**

3 (a) **HIRING FLEXIBILITY.**—Section 3 of the Anti-  
4 Border Corruption Act of 2010 (6 U.S.C. 221; Public Law  
5 111–376) is amended by striking subsection (b) and in-  
6 serting the following new subsections:

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

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

13 “(A) has continuously served as a law en-  
14 forcement officer for not fewer than three  
15 years;

16 “(B) is authorized by law to engage in or  
17 supervise the prevention, detection, investiga-  
18 tion, or prosecution of, or the incarceration of  
19 any person for, any violation of law, and has  
20 statutory powers for arrest or apprehension;  
21 and

22 “(C) is not currently under investigation,  
23 has not been found to have engaged in criminal  
24 activity or serious misconduct, has not resigned  
25 from a law enforcement officer position under  
26 investigation or in lieu of termination, and has

1 not been dismissed from a law enforcement offi-  
2 cer position;

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

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

8 “(B) is authorized to make arrests, con-  
9 duct investigations, conduct searches, make sei-  
10 zures, carry firearms, and serve orders, war-  
11 rants, and other processes;

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

19 “(D) holds a current Tier 4 background  
20 investigation or current Tier 5 background in-  
21 vestigation; or

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

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

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

6           “(C) holds, or has undergone within the  
7 past five years, a current Tier 4 background in-  
8 vestigation or current Tier 5 background inves-  
9 tigation;

10           “(D) received, or is eligible to receive, an  
11 honorable discharge from service in the Armed  
12 Forces and has not engaged in criminal activity  
13 or committed a serious military or civil offense  
14 under the Uniform Code of Military Justice;  
15 and

16           “(E) was not granted any waivers to ob-  
17 tain the clearance referred to in subparagraph  
18 (B).

19           “(c) TERMINATION OF WAIVER REQUIREMENT;  
20 SNAP-BACK.—The requirement to issue a waiver under  
21 subsection (b) shall terminate if the Commissioner of U.S.  
22 Customs and Border Protection (CBP) certifies to the  
23 Committee on Homeland Security of the House of Rep-  
24 resentatives and the Committee on Homeland Security  
25 and Governmental Affairs of the Senate that CBP has met

1 all requirements pursuant to section 107 of the Border  
2 Security and Immigration Reform Act relating to per-  
3 sonnel levels. If at any time after such certification per-  
4 sonnel levels fall below such requirements, the Commis-  
5 sioner shall waive the application of subsection (a)(1) until  
6 such time as the Commissioner re-certifies to such Com-  
7 mittees that CBP has so met all such requirements.”.

8 (b) SUPPLEMENTAL COMMISSIONER AUTHORITY;  
9 REPORTING; DEFINITIONS.—The Anti-Border Corruption  
10 Act of 2010 is amended by adding at the end the following  
11 new sections:

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

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

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

23 “(c) ADMINISTRATION OF POLYGRAPH EXAMINA-  
24 TION.—The Commissioner of U.S. Customs and Border  
25 Protection is authorized to administer a polygraph exam-

1 ination to an applicant or employee who is eligible for or  
2 receives a waiver under section 3(b) if information is dis-  
3 covered before the completion of a background investiga-  
4 tion that results in a determination that a polygraph ex-  
5 amination is necessary to make a final determination re-  
6 garding suitability for employment or continued employ-  
7 ment, as the case may be.

8 **“SEC. 6. REPORTING.**

9       “(a) ANNUAL REPORT.—Not later than one year  
10 after the date of the enactment of this section and annu-  
11 ally thereafter while the waiver authority under section  
12 3(b) is in effect, the Commissioner of U.S. Customs and  
13 Border Protection shall submit to Congress a report that  
14 includes, with respect to each such reporting period, the  
15 following:

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

18           “(2) Information relating to the percentage of  
19 applicants who were hired after receiving such a  
20 waiver.

21           “(3) Information relating to the number of in-  
22 stances that a polygraph was administered to an ap-  
23 plicant who initially received such a waiver and the  
24 results of such polygraph.



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

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

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

10           “(1) An analysis of other methods of employ-  
11 ment suitability tests that detect deception and could  
12 be used in conjunction with traditional background  
13 investigations to evaluate potential applicants or em-  
14 ployees for suitability for employment or continued  
15 employment, as the case may be.

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

21 **“SEC. 7. DEFINITIONS.**

22           “‘In this Act:

23           “(1) FEDERAL LAW ENFORCEMENT OFFICER.—  
24 The term ‘Federal law enforcement officer’ means a  
25 ‘law enforcement officer’, as such term is defined in

1 section 8331(20) or 8401(17) of title 5, United  
2 States Code.

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

6 “(A) a member of the Armed Forces may  
7 be discharged or separated from service in the  
8 Armed Forces; and

9 “(B) a punitive discharge is, or would be,  
10 authorized for the same or a closely related of-  
11 fense under the Manual for Court-Martial, as  
12 pursuant to Army Regulation 635–200, chapter  
13 14–12.

14 “(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and  
15 ‘Tier 5’, with respect to background investigations,  
16 have the meaning given such terms under the 2012  
17 Federal Investigative Standards.

18 “(4) VETERAN.—The term ‘veteran’ has the  
19 meaning given such term in section 101(2) of title  
20 38, United States Code.”.

21 (c) POLYGRAPH EXAMINERS.—Not later than Sep-  
22 tember 30, 2025, the Secretary shall increase to not fewer  
23 than 150 the number of trained full-time equivalent poly-  
24 graph examiners for administering polygraphs under the

1 Anti-Border Corruption Act of 2010, as amended by this  
2 section.

3 **SEC. 109. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**  
4 **ELS FOR U.S. BORDER PATROL AND AIR AND**  
5 **MARINE OPERATIONS OF CBP.**

6 (a) IN GENERAL.—Not later than one year after the  
7 date of the enactment of this Act, the Commissioner, in  
8 coordination with the Under Secretary for Management,  
9 the Chief Human Capital Officer, and the Chief Financial  
10 Officer of the Department, shall implement a workload  
11 staffing model for each of the following:

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

13 (2) Air and Marine Operations of CBP.

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

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

19 (2) by inserting after paragraph (17) the fol-  
20 lowing new paragraphs:

21 “(18) implement a staffing model for the U.S.  
22 Border Patrol, Air and Marine Operations, and the  
23 Office of Field Operations that includes consider-  
24 ation for essential frontline operator activities and  
25 functions, variations in operating environments,

1 present and planned infrastructure, present and  
2 planned technology, and required operations support  
3 levels to enable such entities to manage and assign  
4 personnel of such entities to ensure field and sup-  
5 port posts possess adequate resources to carry out  
6 duties specified in this section;

7 “(19) develop standard operating procedures  
8 for a workforce tracking system within the U.S.  
9 Border Patrol, Air and Marine Operations, and the  
10 Office of Field Operations, train the workforce of  
11 each of such entities on the use, capabilities, and  
12 purpose of such system, and implement internal con-  
13 trols to ensure timely and accurate scheduling and  
14 reporting of actual completed work hours and activi-  
15 ties;”.

16 (c) REPORT.—

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

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

3 (B) Each relevant workload staffing model.

4 (2) DATA SOURCES AND METHODOLOGY RE-  
5 QUIRED.—Each report required under paragraph (1)  
6 shall include information relating to the data sources  
7 and methodology used to generate each relevant  
8 staffing model.

9 (d) INSPECTOR GENERAL REVIEW.—Not later than  
10 90 days after the Commissioner develops the workload  
11 staffing models pursuant to subsection (a), the Inspector  
12 General of the Department shall review such models and  
13 provide feedback to the Secretary and the appropriate con-  
14 gressional committees with respect to the degree to which  
15 such models are responsive to the recommendations of the  
16 Inspector General, including the following:

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

19 (2) Any further recommendations to improve  
20 such models.

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

24 (1) the Committee on Homeland Security of the  
25 House of Representatives; and

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

3 **SEC. 110. OPERATION STONEGARDEN.**

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

7 **“SEC. 2010. OPERATION STONEGARDEN.**

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

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

18                   “(1) be located in—

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

20                   or

21                           “(B) a State or territory with a maritime  
22 border;

23                   “(2) be involved in an active, ongoing, U.S.  
24 Customs and Border Protection operation coordi-

1 nated through a U.S. Border Patrol sector office;  
2 and

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

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

9 “(1) Equipment, including maintenance and  
10 sustainment.

11 “(2) Personnel, including overtime and backfill,  
12 in support of enhanced border law enforcement ac-  
13 tivities.

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

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

21 “(e) NOTIFICATION.—Upon denial of a grant to a law  
22 enforcement agency, the Administrator shall provide writ-  
23 ten notice to the Committee on Homeland Security of the  
24 House of Representatives and the Committee on Home-

1 land Security and Governmental Affairs of the Senate, in-  
2 cluding the reasoning for such denial.

3 “(f) REPORT.—For each of fiscal years 2024 through  
4 2028 the Administrator shall submit to the Committee on  
5 Homeland Security of the House of Representatives and  
6 the Committee on Homeland Security and Governmental  
7 Affairs of the Senate a report that contains—

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

10 “(2) recommendations for other uses of such  
11 grants to further support eligible law enforcement  
12 agencies.

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

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

20 “(a) GRANTS AUTHORIZED.—The Secretary, through  
21 the Administrator, may award grants under sections 2003,  
22 2004, 2009, and 2010 to State, local, and Tribal govern-  
23 ments, as appropriate.”.

24 (c) CLERICAL AMENDMENT.—The table of contents  
25 in section 1(b) of the Homeland Security Act of 2002 is



1 amended by inserting after the item relating to section  
2 2009 the following new item:

“Sec. 2010. Operation Stonegarden.”.

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

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

9 (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-  
10 retary, after coordination with the Administrator of the  
11 Federal Aviation Administration, shall ensure that Air and  
12 Marine Operations operate unmanned aircraft systems on  
13 the southern border of the United States for not less than  
14 24 hours per day.

15 (c) PRIMARY MISSIONS.—The Commissioner shall  
16 ensure the following:

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

19 (A) U.S. Border Patrol activities along the  
20 borders of the United States.

21 (B) Joint Interagency Task Force South  
22 and Joint Task Force East operations in the  
23 transit zone.

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

4           (d) HIGH DEMAND FLIGHT HOUR REQUIRE-  
5 MENTS.—The Commissioner shall—

6           (1) ensure that U.S. Border Patrol Sector  
7 Chiefs identify air support mission-critical hours;  
8 and

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

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

17           (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

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

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

1 (B) Achieving situational awareness and  
2 operational control of the borders of the United  
3 States.

4 (2) COORDINATION.—In carrying out para-  
5 graph (1), the Chief of the U.S. Border Patrol shall  
6 coordinate—

7 (A) flight operations with the Adminis-  
8 trator of the Federal Aviation Administration to  
9 ensure the safe and efficient operation of the  
10 national airspace system; and

11 (B) with the Executive Assistant Commis-  
12 sioner for Air and Marine Operations of CBP  
13 to—

14 (i) ensure the safety of other CBP  
15 aircraft flying in the vicinity of small un-  
16 manned aircraft operated by the U.S. Bor-  
17 der Patrol; and

18 (ii) establish a process to include data  
19 from flight hours in the calculation of got  
20 away statistics.

21 (3) CONFORMING AMENDMENT.—Paragraph (3)  
22 of section 411(e) of the Homeland Security Act of  
23 2002 (6 U.S.C. 211(e)) is amended—

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

1 (B) by redesignating subparagraph (C) as  
2 subparagraph (D); and

3 (C) by inserting after subparagraph (B)  
4 the following new subparagraph:

5 “(C) carry out the small unmanned air-  
6 craft (as such term is defined in section 44801  
7 of title 49, United States Code) requirements  
8 pursuant to subsection (f) of section 111 of the  
9 Border Security and Immigration Reform Act;  
10 and”.

11 (g) SAVINGS CLAUSE.—Nothing in this section may  
12 be construed as conferring, transferring, or delegating to  
13 the Secretary, the Commissioner, the Executive Assistant  
14 Commissioner for Air and Marine Operations of CBP, or  
15 the Chief of the U.S. Border Patrol any authority of the  
16 Secretary of Transportation or the Administrator of the  
17 Federal Aviation Administration relating to the use of air-  
18 space or aviation safety.

19 (h) DEFINITIONS.—In this section:

20 (1) GOT AWAY.—The term “got away” has the  
21 meaning given such term in section 1092(a)(3) of  
22 the National Defense Authorization Act for Fiscal  
23 Year 2017 (Public Law 114–328; 6 U.S.C.  
24 223(a)(3)).

1           (2) TRANSIT ZONE.—The term “transit zone”  
2           has the meaning given such term in section  
3           1092(a)(8) of the National Defense Authorization  
4           Act for Fiscal Year 2017 (Public Law 114–328; 6  
5           U.S.C. 223(a)(8)).

6 **SEC. 112. BORDER PATROL STRATEGIC PLAN.**

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

13          (b) ELEMENTS.—The plan shall include the fol-  
14          lowing:

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

22               (2) Information relating to the dissemination of  
23               information relating to border security or border  
24               threats with respect to the efforts of the Department  
25               and other appropriate Federal agencies.

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

3           (A) increase situational awareness, includ-  
4       ing—

5           (i) surveillance capabilities, such as  
6       capabilities developed or utilized by the  
7       Department of Defense, and any appro-  
8       priate technology determined to be excess  
9       by the Department of Defense; and

10          (ii) the use of manned aircraft and  
11       unmanned aircraft;

12          (B) detect and prevent terrorists and in-  
13       struments of terrorism from entering the  
14       United States;

15          (C) detect, interdict, and disrupt between  
16       ports of entry aliens unlawfully present in the  
17       United States;

18          (D) detect, interdict, and disrupt human  
19       smuggling, human trafficking, drug trafficking,  
20       and other illicit cross-border activity;

21          (E) focus intelligence collection to disrupt  
22       transnational criminal organizations outside of  
23       the international and maritime borders of the  
24       United States; and

1 (F) ensure that any new border security  
2 technology can be operationally integrated with  
3 existing technologies in use by the Department.

4 (4) Information relating to initiatives of the De-  
5 partment with respect to operational coordination,  
6 including any relevant task forces of the Depart-  
7 ment.

8 (5) Information gathered from the lessons  
9 learned by the deployments of the National Guard to  
10 the southern border of the United States.

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

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

18 (A) State, local, Tribal, territorial, and  
19 other Federal law enforcement agencies that  
20 have jurisdiction on the borders of the United  
21 States or in the maritime environment.

22 (B) Border community stakeholders, in-  
23 cluding representatives from the following:

24 (i) Border agricultural and ranching  
25 organizations.

1 (ii) Business and civic organizations.

2 (iii) Hospitals and rural clinics within  
3 150 miles of the borders of the United  
4 States.

5 (iv) Victims of crime committed by  
6 aliens unlawfully present in the United  
7 States.

8 (v) Victims impacted by drugs,  
9 transnational criminal organizations, car-  
10 tels, gangs, or other criminal activity.

11 (vi) Farmers, ranchers, and property  
12 owners along the border.

13 (vii) Other individuals negatively im-  
14 pacted by illegal immigration.

15 (8) Information relating to the staffing require-  
16 ments with respect to border security for the De-  
17 partment.

18 (9) A prioritized list of Department research  
19 and development objectives to enhance the security  
20 of the borders of the United States.

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

23 (A) Identifying and detecting fraudulent  
24 documents.



1           (B) Understanding the scope of CBP en-  
2           forcement authorities and appropriate use of  
3           force policies.

4           (C) Screening, identifying, and addressing  
5           vulnerable populations, such as children and  
6           victims of human trafficking.

7 **SEC. 113. U.S. CUSTOMS AND BORDER PROTECTION SPIR-**  
8 **ITUAL READINESS.**

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

23 **SEC. 114. RESTRICTIONS ON FUNDING.**

24           (a) ARRIVING ALIENS.—No funds are authorized to  
25 be appropriated to the Department to process the entry

1 into the United States of aliens arriving in between ports  
2 of entry.

3 (b) RESTRICTION ON NONGOVERNMENTAL ORGANI-  
4 ZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds  
5 are authorized to be appropriated to the Department for  
6 disbursement to any nongovernmental organization that  
7 facilitates or encourages unlawful activity, including un-  
8 lawful entry, human trafficking, human smuggling, drug  
9 trafficking, and drug smuggling.

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

18 **SEC. 115. COLLECTION OF DNA AND BIOMETRIC INFORMA-**  
19 **TION AT THE BORDER.**

20 Not later than 14 days after the date of the enact-  
21 ment of this Act, the Secretary shall ensure and certify  
22 to the Committee on Homeland Security of the House of  
23 Representatives and the Committee on Homeland Security  
24 and Governmental Affairs of the Senate that CBP is fully

1 compliant with Federal DNA and biometric collection re-  
2 quirements at United States land borders.

3 **SEC. 116. ERADICATION OF NARCOTIC DRUGS AND FORMU-**  
4 **LATING EFFECTIVE NEW TOOLS TO ADDRESS**  
5 **YEARLY LOSSES OF LIFE; ENSURING TIMELY**  
6 **UPDATES TO U.S. CUSTOMS AND BORDER**  
7 **PROTECTION FIELD MANUALS.**

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

20 (b) REPORTING REQUIREMENT.—Not later than 90  
21 days after each update required under subsection (a), the  
22 Commissioner of U.S. Customs and Border Protection  
23 shall submit to the Committee on Homeland Security and  
24 the Committee on the Judiciary of the House of Rep-  
25 resentatives and the Committee on Homeland Security

1 and Governmental Affairs and the Committee on the Judi-  
2 ciary of the Senate a report that summarizes any policy  
3 and manual changes pursuant to subsection (a).

4 **SEC. 117. PUBLICATION BY U.S. CUSTOMS AND BORDER**  
5 **PROTECTION OF OPERATIONAL STATISTICS.**

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

22 (1) The aggregate such number, and such num-  
23 ber disaggregated by geographic regions, of such re-  
24 cordings and encounters, including specifications re-

1       lating to whether such recordings and encounters  
2       were at the southwest, northern, or maritime border.

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

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

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

13              (5) Information relating to the nationality of  
14      each alien who is the subject of each recording or  
15      encounter.

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

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

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

11           (c) DEFINITIONS.—In this section:

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

16           (2) GOT AWAY.—The term “got away” has the  
17 meaning given such term in section 1092(a) of the  
18 National Defense Authorization Act for Fiscal Year  
19 2017 (6 U.S.C. 223(a)).

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

24           (4) UNACCOMPANIED ALIEN CHILD.—The term  
25 “unaccompanied alien child” has the meaning given

1 such term in section 462(g) of the Homeland Secu-  
2 rity Act of 2002 (6 U.S.C. 279(g)).

3 **SEC. 118. ALIEN CRIMINAL BACKGROUND CHECKS.**

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

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

21 (c) CERTIFICATION.—The Secretary shall annually  
22 submit to the Committee on Homeland Security and the  
23 Committee on the Judiciary of the House of Representa-  
24 tives and the Committee on Homeland Security and Gov-  
25 ernmental Affairs and the Committee on the Judiciary of

1 the Senate a certification that each database referred to  
2 in subsection (b) which the Secretary accessed or sought  
3 to access pursuant to this section met the standards de-  
4 scribed in subsection (b).

5 **SEC. 119. PROHIBITED IDENTIFICATION DOCUMENTS AT**  
6 **AIRPORT SECURITY CHECKPOINTS; NOTIFI-**  
7 **CATION TO IMMIGRATION AGENCIES.**

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

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

21 (c) ENTRY INTO STERILE AREAS.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), if an individual is found to be in violation  
24 of any term of release under subsection (b), the Ad-



1 administrator may not permit such individual to enter  
2 a sterile area.

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

6 (A) is leaving the United States for the  
7 purposes of removal or deportation; or

8 (B) presents a covered identification docu-  
9 ment.

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

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

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

21 (2) does not present a covered identification  
22 document; and

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

1 (f) PARTICIPATION IN IDENT.—Beginning not later  
2 than 120 days after the date of the enactment of this Act,  
3 the Administrator, in coordination with the Secretary,  
4 shall submit biometric data collected under this section to  
5 the Automated Biometric Identification System (IDENT).

6 (g) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-  
8 trator” means the Administrator of the Transpor-  
9 tation Security Administration.

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

12 (A) A fingerprint.

13 (B) A palm print.

14 (C) A photograph, including—

15 (i) a photograph of an individual’s  
16 face for use with facial recognition tech-  
17 nology; and

18 (ii) a photograph of any physical or  
19 anatomical feature, such as a scar, skin  
20 mark, or tattoo.

21 (D) A signature.

22 (E) A voice print.

23 (F) An iris image.

24 (3) COVERED IDENTIFICATION DOCUMENT.—

25 The term “covered identification document” means

1 any of the following, if the document is valid and  
2 unexpired:

3 (A) A United States passport or passport  
4 card.

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

8 (i) Global Entry;

9 (ii) Nexus;

10 (iii) Secure Electronic Network for  
11 Travelers Rapid Inspection (SENTRI);

12 and

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

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

17 (D) Any document required for admission  
18 to the United States under section 211(a) of  
19 the Immigration and Nationality Act (8 U.S.C.  
20 1181(a)).

21 (E) An enhanced driver's license issued by  
22 a State.

23 (F) A photo identification card issued by a  
24 federally recognized Indian Tribe.

1 (G) A personal identity verification creden-  
2 tial issued in accordance with Homeland Secu-  
3 rity Presidential Directive 12.

4 (H) A driver's license issued by a province  
5 of Canada.

6 (I) A Secure Certificate of Indian Status  
7 issued by the Government of Canada.

8 (J) A Transportation Worker Identifica-  
9 tion Credential.

10 (K) A Merchant Mariner Credential issued  
11 by the Coast Guard.

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

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

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

24 (5) PROHIBITED IDENTIFICATION DOCU-  
25 MENT.—The term “prohibited identification docu-

1 ment” means any of the following (or any applicable  
2 successor form):

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

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

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

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

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

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

19 (G) Department of Homeland Security  
20 Form I–385, Notice to Report.

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

1 (I) Any Department of Homeland Security  
2 work authorization or employment verification  
3 document.

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

8 **SEC. 120. PROHIBITION AGAINST ANY COVID-19 VACCINE**  
9 **MANDATE OR ADVERSE ACTION AGAINST**  
10 **DHS EMPLOYEES.**

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

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

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

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

4           (2) An estimate of the cost to reinstate such  
5           employees.

6           (3) How the Department would effectuate rein-  
7           statement of such employees.

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

15   **SEC. 121. CBP ONE APP LIMITATION.**

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

20           (b) REPORT.—Not later than 60 days after the date  
21   of the enactment of this Act, the Commissioner shall re-  
22   port to the Committee on Homeland Security of the House  
23   of Representatives and the Committee on Homeland Secu-  
24   rity and Governmental Affairs of the Senate the date on  
25   which CBP began using CBP One to allow aliens to sched-

1 rule interviews at land ports of entry, how many aliens have  
2 scheduled interviews at land ports of entry using CBP  
3 One, the nationalities of such aliens, and the stated final  
4 destinations of such aliens within the United States, if  
5 any.

6 **SEC. 122. REPORT ON MEXICAN DRUG CARTELS.**

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

10 (1) A national strategy to address Mexican  
11 drug cartels, and a determination regarding whether  
12 there should be a designation established to address  
13 such cartels.

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

16 **SEC. 123. GAO STUDY ON COSTS INCURRED BY STATES TO**  
17 **SECURE THE SOUTHWEST BORDER.**

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



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

3 (1) Actions taken by the Department of Home-  
4 land Security that have contributed to costs de-  
5 scribed in such subsection incurred by States to se-  
6 cure the border in the absence of Federal action, in-  
7 cluding the termination of the Migrant Protection  
8 Protocols and cancellation of border wall construc-  
9 tion.

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

13 (3) The feasibility of a program within the De-  
14 partment of Homeland Security to reimburse States  
15 for the costs incurred in support of the Federal mis-  
16 sion to secure the southwest border.

17 **SEC. 124. REPORT BY INSPECTOR GENERAL OF THE DE-**  
18 **PARTMENT OF HOMELAND SECURITY.**

19 (a) REPORT.—Not later than one year after the date  
20 of the enactment of this Act and annually thereafter for  
21 five years, the Inspector General of the Department of  
22 Homeland Security shall submit to the Committee on  
23 Homeland Security of the House of Representatives and  
24 the Committee on Homeland Security and Governmental  
25 Affairs of the Senate a report examining the economic and

1 security impact of mass migration to municipalities and  
2 States along the southwest border. Such report shall in-  
3 clude information regarding costs incurred by the fol-  
4 lowing:

5 (1) State and local law enforcement to secure  
6 the southwest border.

7 (2) Public school districts to educate students  
8 who are aliens unlawfully present in the United  
9 States.

10 (3) Healthcare providers to provide care to  
11 aliens unlawfully present in the United States who  
12 have not paid for such care.

13 (4) Farmers and ranchers due to migration im-  
14 pacts to their properties.

15 (b) CONSULTATION.—To produce the report required  
16 under subsection (a), the Inspector General of the Depart-  
17 ment of Homeland Security shall consult with the individ-  
18 uals and representatives of the entities described in para-  
19 graphs (1) through (4) of such subsection.

20 **SEC. 125. OFFSETTING AUTHORIZATIONS OF APPROPRIA-**  
21 **TIONS.**

22 (a) OFFICE OF THE SECRETARY AND EMERGENCY  
23 MANAGEMENT.—No funds are authorized to be appro-  
24 priated for the Alternatives to Detention Case Manage-  
25 ment Pilot Program or the Office of the Immigration De-

1    tention Ombudsman for the Office of the Secretary and  
2    Emergency Management of the Department of Homeland  
3    Security.

4           (b) **MANAGEMENT DIRECTORATE.**—No funds are au-  
5    thorized to be appropriated for electric vehicles or St. Eliz-  
6    abeths campus construction for the Management Direc-  
7    torate of the Department of Homeland Security.

8           (c) **INTELLIGENCE, ANALYSIS, AND SITUATIONAL**  
9    **AWARENESS.**—There is authorized to be appropriated  
10   \$216,000,000 for Intelligence, Analysis, and Situational  
11   Awareness of the Department of Homeland Security.

12          (d) **U.S. CUSTOMS AND BORDER PROTECTION.**—No  
13   funds are authorized to be appropriated for the Shelter  
14   Services Program for U.S. Customs and Border Protec-  
15   tion.

16   **SEC. 126. REPORT TO CONGRESS ON FOREIGN TERRORIST**  
17                                   **ORGANIZATIONS.**

18          (a) **IN GENERAL.**—Not later than 90 days after the  
19   date of the enactment of this Act and annually thereafter  
20   for five years, the Secretary of Homeland Security shall  
21   submit to the Committee on Homeland Security of the  
22   House of Representatives and the Committee on Home-  
23   land Security and Governmental Affairs of the Senate an  
24   assessment of foreign terrorist organizations attempting

1 to move their members or affiliates into the United States  
2 through the southern, northern, or maritime border.

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

7 **SEC. 127. ASSESSMENT BY INSPECTOR GENERAL OF THE**  
8 **DEPARTMENT OF HOMELAND SECURITY ON**  
9 **THE MITIGATION OF UNMANNED AIRCRAFT**  
10 **SYSTEMS AT THE SOUTHWEST BORDER.**

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

1 **DIVISION B—IMMIGRATION EN-**  
2 **FORCEMENT AND FOREIGN**  
3 **AFFAIRS**

4 **TITLE I—ASYLUM REFORM AND**  
5 **BORDER PROTECTION**

6 **SEC. 101. SAFE THIRD COUNTRY.**

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

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

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

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

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

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

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

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

22 “(ii) that the alien entered, attempted to enter,  
23 or arrived in the United States after transiting  
24 through at least one country outside the alien’s  
25 country of citizenship, nationality, or last lawful ha-

1       bitual residence en route to the United States, un-  
2       less—

3               “(I) the alien demonstrates that he or she  
4               applied for protection from persecution or tor-  
5               ture in at least one country outside the alien’s  
6               country of citizenship, nationality, or last lawful  
7               habitual residence through which the alien  
8               transited en route to the United States, and the  
9               alien received a final judgment denying the  
10              alien protection in each country;

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

1           “(III) the only countries through which the  
2           alien transited en route to the United States  
3           were, at the time of the transit, not parties to  
4           the 1951 United Nations Convention relating to  
5           the Status of Refugees, the 1967 Protocol Re-  
6           lating to the Status of Refugees, or the United  
7           Nations Convention against Torture and Other  
8           Cruel, Inhuman or Degrading Treatment or  
9           Punishment.”.

10 **SEC. 102. CREDIBLE FEAR INTERVIEWS.**

11           Section 235(b)(1)(B)(v) of the Immigration and Na-  
12           tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by  
13           striking “there is a significant possibility” and all that fol-  
14           lows, and inserting “, taking into account the credibility  
15           of the statements made by the alien in support of the  
16           alien’s claim, as determined pursuant to section  
17           208(b)(1)(B)(iii), and such other facts as are known to  
18           the officer, the alien more likely than not could establish  
19           eligibility for asylum under section 208, and it is more  
20           likely than not that the statements made by, and on behalf  
21           of, the alien in support of the alien’s claim are true.”.

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

23           (a) IN GENERAL.—Section 208(b)(1)(A) of the Im-  
24           migration and Nationality Act (8 U.S.C. 1158(b)(1)(A))  
25           is amended by inserting after “section 101(a)(42)(A)” the

1 following: “(in accordance with the rules set forth in this  
2 section), and is eligible to apply for asylum under sub-  
3 section (a)”.

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

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

12 (2) by inserting after “United States” the fol-  
13 lowing: “and has arrived in the United States at a  
14 port of entry (including an alien who is brought to  
15 the United States after having been interdicted in  
16 international or United States waters),”.

17 **SEC. 104. EXCEPTIONS.**

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

21 “(2) EXCEPTIONS.—

22 “(A) IN GENERAL.—Paragraph (1) shall  
23 not apply to an alien if the Secretary of Home-  
24 land Security or the Attorney General deter-  
25 mines that—



1           “(i) the alien ordered, incited, as-  
2           sisted, or otherwise participated in the per-  
3           secution of any person on account of race,  
4           religion, nationality, membership in a par-  
5           ticular social group, or political opinion;

6           “(ii) the alien has been convicted of  
7           any felony under Federal, State, Tribal, or  
8           local law;

9           “(iii) the alien has been convicted of  
10          any misdemeanor offense under Federal,  
11          State, Tribal, or local law involving—

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

21                         “(aa) the document or fea-  
22                         ture was presented before board-  
23                         ing a common carrier;

1           “(bb) the document or fea-  
2           ture related to the alien’s eligi-  
3           bility to enter the United States;

4           “(cc) the alien used the doc-  
5           ument or feature to depart a  
6           country wherein the alien has  
7           claimed a fear of persecution;  
8           and

9           “(dd) the alien claimed a  
10          fear of persecution without delay  
11          upon presenting himself or her-  
12          self to an immigration officer  
13          upon arrival at a United States  
14          port of entry;

15          “(II) the unlawful receipt of a  
16          Federal public benefit (as defined in  
17          section 401(e) of the Personal Re-  
18          sponsibility and Work Opportunity  
19          Reconciliation Act of 1996 (8 U.S.C.  
20          1611(e))), from a Federal entity, or  
21          the unlawful receipt of similar public  
22          benefits from a State, tribal, or local  
23          entity; or

24          “(III) possession or trafficking of  
25          a controlled substance or controlled

1 substance paraphernalia, as those  
2 phrases are defined under the law of  
3 the jurisdiction where the conviction  
4 occurred, other than a single offense  
5 involving possession for one's own use  
6 of 30 grams or less of marijuana (as  
7 marijuana is defined under the law of  
8 the jurisdiction where the conviction  
9 occurred);

10 “(iv) the alien has been convicted of  
11 an offense arising under paragraph (1)(A)  
12 or (2) of section 274(a), or under section  
13 276;

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

24 “(vi) the alien has been convicted of  
25 an offense for driving while intoxicated or

1           impaired, as those terms are defined under  
2           the law of the jurisdiction where the con-  
3           viction occurred (including a conviction for  
4           driving while under the influence of or im-  
5           paired by alcohol or drugs), without regard  
6           to whether the conviction is classified as a  
7           misdemeanor or felony under Federal,  
8           State, Tribal, or local law, in which such  
9           intoxicated or impaired driving was a cause  
10          of serious bodily injury or death of another  
11          person;

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

22           “(viii) the alien has been convicted of  
23          a crime—

24                   “(I) that involves conduct  
25                   amounting to a crime of stalking;

1 “(II) of child abuse, child ne-  
2 glect, or child abandonment; or

3 “(III) that involves conduct  
4 amounting to a domestic assault or  
5 battery offense, including—

6 “(aa) a misdemeanor crime  
7 of domestic violence, as described  
8 in section 921(a)(33) of title 18,  
9 United States Code;

10 “(bb) a crime of domestic vi-  
11 olence, as described in section  
12 40002(a)(12) of the Violence  
13 Against Women Act of 1994 (34  
14 U.S.C. 12291(a)(12)); or

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

23 “(AA) who is a current  
24 or former spouse of the  
25 alien;

1                   “(BB) with whom the  
2                   alien shares a child;

3                   “(CC) who is cohabi-  
4                   tating with, or who has  
5                   cohabitated with, the alien  
6                   as a spouse;

7                   “(DD) who is similarly  
8                   situated to a spouse of the  
9                   alien under the domestic or  
10                  family violence laws of the  
11                  jurisdiction where the of-  
12                  fense occurred; or

13                  “(EE) who is protected  
14                  from that alien’s acts under  
15                  the domestic or family vio-  
16                  lence laws of the United  
17                  States or of any State, Trib-  
18                  al government, or unit of  
19                  local government;

20                  “(ix) the alien has engaged in acts of  
21                  battery or extreme cruelty upon a person  
22                  and the person—

23                  “(I) is a current or former  
24                  spouse of the alien;

1                   “(II) shares a child with the  
2                   alien;

3                   “(III) cohabitates or has  
4                   cohabitated with the alien as a spouse;

5                   “(IV) is similarly situated to a  
6                   spouse of the alien under the domestic  
7                   or family violence laws of the jurisdic-  
8                   tion where the offense occurred; or

9                   “(V) is protected from that  
10                  alien’s acts under the domestic or  
11                  family violence laws of the United  
12                  States or of any State, Tribal govern-  
13                  ment, or unit of local government;

14                  “(x) the alien, having been convicted  
15                  by a final judgment of a particularly seri-  
16                  ous crime, constitutes a danger to the com-  
17                  munity of the United States;

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

23                  “(xii) there are reasonable grounds  
24                  for regarding the alien as a danger to the  
25                  security of the United States;

1           “(xiii) the alien is described in sub-  
2           clause (I), (II), (III), (IV), or (VI) of sec-  
3           tion 212(a)(3)(B)(i) or section  
4           237(a)(4)(B) (relating to terrorist activ-  
5           ity), unless, in the case only of an alien in-  
6           admissible under subclause (IV) of section  
7           212(a)(3)(B)(i), the Secretary of Home-  
8           land Security or the Attorney General de-  
9           termines, in the Secretary’s or the Attor-  
10          ney General’s discretion, that there are not  
11          reasonable grounds for regarding the alien  
12          as a danger to the security of the United  
13          States;

14          “(xiv) the alien was firmly resettled in  
15          another country prior to arriving in the  
16          United States; or

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

24          “(B) SPECIAL RULES.—



1           “(i) PARTICULARLY SERIOUS CRIME;  
2           SERIOUS NONPOLITICAL CRIME OUTSIDE  
3           THE UNITED STATES.—

4           “(I) IN GENERAL.—For purposes  
5           of subparagraph (A)(x), the Attorney  
6           General or Secretary of Homeland Se-  
7           curity, in their discretion, may deter-  
8           mine that a conviction constitutes a  
9           particularly serious crime based on—

10           “(aa) the nature of the con-  
11           viction;

12           “(bb) the type of sentence  
13           imposed; or

14           “(cc) the circumstances and  
15           underlying facts of the convic-  
16           tion.

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

1                   “(III) TREATMENT OF FELO-  
2                   NIES.—In making a determination  
3                   under subclause (I), an alien who has  
4                   been convicted of a felony (as defined  
5                   under this section) or an aggravated  
6                   felony (as defined under section  
7                   101(a)(43)), shall be considered to  
8                   have been convicted of a particularly  
9                   serious crime.

10                   “(IV) INTERPOL RED NOTICE.—  
11                   In making a determination under sub-  
12                   paragraph (A)(xi), an Interpol Red  
13                   Notice may constitute reliable evi-  
14                   dence that the alien has committed a  
15                   serious nonpolitical crime outside the  
16                   United States.

17                   “(ii) CRIMES AND EXCEPTIONS.—

18                   “(I) DRIVING WHILE INTOXI-  
19                   CATED OR IMPAIRED.—A finding  
20                   under subparagraph (A)(vi) does not  
21                   require the Attorney General or Sec-  
22                   retary of Homeland Security to find  
23                   the first conviction for driving while  
24                   intoxicated or impaired (including a  
25                   conviction for driving while under the

1 influence of or impaired by alcohol or  
2 drugs) as a predicate offense. The At-  
3 torney General or Secretary of Home-  
4 land Security need only make a fac-  
5 tual determination that the alien pre-  
6 viously was convicted for driving while  
7 intoxicated or impaired as those terms  
8 are defined under the jurisdiction  
9 where the conviction occurred (includ-  
10 ing a conviction for driving while  
11 under the influence of or impaired by  
12 alcohol or drugs).

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

1                   “(III) BATTERY OR EXTREME  
2 CRUELTY.—In making a determina-  
3 tion under subparagraph (A)(ix), the  
4 phrase ‘battery or extreme cruelty’ in-  
5 cludes—

6                   “(aa) any act or threatened  
7 act of violence, including any  
8 forceful detention, which results  
9 or threatens to result in physical  
10 or mental injury;

11                   “(bb) psychological or sexual  
12 abuse or exploitation, including  
13 rape, molestation, incest, or  
14 forced prostitution, shall be con-  
15 sidered acts of violence; and

16                   “(cc) other abusive acts, in-  
17 cluding acts that, in and of them-  
18 selves, may not initially appear  
19 violent, but that are a part of an  
20 overall pattern of violence.

21                   “(IV) EXCEPTION FOR VICTIMS  
22 OF DOMESTIC VIOLENCE.—An alien  
23 who was convicted of an offense de-  
24 scribed in clause (viii) or (ix) of sub-  
25 paragraph (A) is not ineligible for

1                   asylum on that basis if the alien satis-  
2                   fies the criteria under section  
3                   237(a)(7)(A).

4                   “(C) SPECIFIC CIRCUMSTANCES.—Para-  
5                   graph (1) shall not apply to an alien whose  
6                   claim is based on—

7                   “(i) personal animus or retribution,  
8                   including personal animus in which the al-  
9                   leged persecutor has not targeted, or mani-  
10                  fested an animus against, other members  
11                  of an alleged particular social group in ad-  
12                  dition to the member who has raised the  
13                  claim at issue;

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

23                  “(iii) the applicant’s resistance to re-  
24                  cruitment or coercion by guerrilla, crimi-

1           nal, gang, terrorist, or other non-state or-  
2           ganizations;

3           “(iv) the targeting of the applicant for  
4           criminal activity for financial gain based  
5           on wealth or affluence or perceptions of  
6           wealth or affluence;

7           “(v) the applicant’s criminal activity;  
8           or

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

11          “(D)   DEFINITIONS   AND   CLARIFICA-  
12          TIONS.—

13               “(i)   DEFINITIONS.—For purposes of  
14               this paragraph:

15                       “(I)   FELONY.—The term ‘felony’  
16                       means—

17                               “(aa) any crime defined as a  
18                               felony by the relevant jurisdiction  
19                               (Federal, State, Tribal, or local)  
20                               of conviction; or

21                               “(bb) any crime punishable  
22                               by more than one year of impris-  
23                               onment.

24                       “(II)   MISDEMEANOR.—The term  
25                       ‘misdemeanor’ means—

1                   “(aa) any crime defined as a  
2                   misdemeanor by the relevant ju-  
3                   risdiction (Federal, State, Tribal,  
4                   or local) of conviction; or

5                   “(bb) any crime not punish-  
6                   able by more than one year of  
7                   imprisonment.

8                   “(ii) CLARIFICATIONS.—

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

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

23                  “(III) EFFECT OF CERTAIN OR-  
24                  DERS.—

1           “(aa) IN GENERAL.—No  
2 order vacating a conviction,  
3 modifying a sentence, clarifying a  
4 sentence, or otherwise altering a  
5 conviction or sentence shall have  
6 any effect under this paragraph  
7 unless the Attorney General or  
8 Secretary of Homeland Security  
9 determines that—

10                   “(AA) the court issuing  
11 the order had jurisdiction  
12 and authority to do so; and

13                   “(BB) the order was  
14 not entered for rehabilitative  
15 purposes or for purposes of  
16 ameliorating the immigra-  
17 tion consequences of the  
18 conviction or sentence.

19           “(bb) AMELIORATING IMMI-  
20 GRATION CONSEQUENCES.—For  
21 purposes of item (aa)(BB), the  
22 order shall be presumed to be for  
23 the purpose of ameliorating im-  
24 migration consequences if—



1                   “(AA) the order was  
2 entered after the initiation  
3 of any proceeding to remove  
4 the alien from the United  
5 States; or

6                   “(BB) the alien moved  
7 for the order more than one  
8 year after the date of the  
9 original order of conviction  
10 or sentencing, whichever is  
11 later.

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

1           “(E) ADDITIONAL LIMITATIONS.—The  
2 Secretary of Homeland Security or the Attorney  
3 General may by regulation establish additional  
4 limitations and conditions, consistent with this  
5 section, under which an alien shall be ineligible  
6 for asylum under paragraph (1).

7           “(F) NO JUDICIAL REVIEW.—There shall  
8 be no judicial review of a determination of the  
9 Secretary of Homeland Security or the Attorney  
10 General under subparagraph (A)(xiii).”.

11 **SEC. 105. EMPLOYMENT AUTHORIZATION.**

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

15           “(2) EMPLOYMENT AUTHORIZATION.—

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

1           “(B) TERMINATION.—Each grant of em-  
2           ployment authorization under subparagraph  
3           (A), and any renewal or extension thereof, shall  
4           be valid for a period of 6 months, except that  
5           such authorization, renewal, or extension shall  
6           terminate prior to the end of such 6 month pe-  
7           riod as follows:

8                   “(i) Immediately following the denial  
9                   of an asylum application by an asylum offi-  
10                  cer, unless the case is referred to an immi-  
11                  gration judge.

12                  “(ii) 30 days after the date on which  
13                  an immigration judge denies an asylum ap-  
14                  plication, unless the alien timely appeals to  
15                  the Board of Immigration Appeals.

16                  “(iii) Immediately following the denial  
17                  by the Board of Immigration Appeals of an  
18                  appeal of a denial of an asylum applica-  
19                  tion.

20           “(C) RENEWAL.—The Secretary of Home-  
21           land Security may not grant, renew, or extend  
22           employment authorization to an alien if the  
23           alien was previously granted employment au-  
24           thorization under subparagraph (A), and the  
25           employment authorization was terminated pur-

1           suant to a circumstance described in subpara-  
2           graph (B)(i), (ii), or (iii), unless a Federal  
3           court of appeals remands the alien’s case to the  
4           Board of Immigration Appeals.

5           “(D) INELIGIBILITY.—The Secretary of  
6           Homeland Security may not grant employment  
7           authorization to an alien under this paragraph  
8           if the alien—

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

11                   “(ii) entered or attempted to enter the  
12                   United States at a place and time other  
13                   than lawfully through a United States port  
14                   of entry.”.

15 **SEC. 106. ASYLUM FEES.**

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

19           “(3) FEES.—

20                   “(A) APPLICATION FEE.—A fee of not less  
21                   than \$50 for each application for asylum shall  
22                   be imposed. Such fee shall not exceed the cost  
23                   of adjudicating the application. Such fee shall  
24                   not apply to an unaccompanied alien child who

1 files an asylum application in proceedings under  
2 section 240.

3 “(B) EMPLOYMENT AUTHORIZATION.—A  
4 fee may also be imposed for the consideration  
5 of an application for employment authorization  
6 under this section and for adjustment of status  
7 under section 209(b). Such a fee shall not ex-  
8 ceed the cost of adjudicating the application.

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

12 “(D) RULE OF CONSTRUCTION.—Nothing  
13 in this paragraph shall be construed to limit the  
14 authority of the Attorney General or Secretary  
15 of Homeland Security to set adjudication and  
16 naturalization fees in accordance with section  
17 286(m).”.

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

19 Section 208 of the Immigration and Nationality Act  
20 (8 U.S.C. 1158) is amended by adding at the end the fol-  
21 lowing:

22 “(f) RULES FOR DETERMINING ASYLUM ELIGI-  
23 BILITY.—In making a determination under subsection  
24 (b)(1)(A) with respect to whether an alien is a refugee

1 within the meaning of section 101(a)(42)(A), the following  
2 shall apply:

3           “(1) PARTICULAR SOCIAL GROUP.—The Sec-  
4           retary of Homeland Security or the Attorney Gen-  
5           eral shall not determine that an alien is a member  
6           of a particular social group unless the alien articu-  
7           lates on the record, or provides a basis on the record  
8           for determining, the definition and boundaries of the  
9           alleged particular social group, establishes that the  
10          particular social group exists independently from the  
11          alleged persecution, and establishes that the alien’s  
12          claim of membership in a particular social group  
13          does not involve—

14                 “(A) past or present criminal activity or  
15                 association (including gang membership);

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

18                 “(C) being the subject of a recruitment ef-  
19                 fort by criminal, terrorist, or persecutory  
20                 groups;

21                 “(D) the targeting of the applicant for  
22                 criminal activity for financial gain based on per-  
23                 ceptions of wealth or affluence;

1           “(E) interpersonal disputes of which gov-  
2           ernmental authorities in the relevant society or  
3           region were unaware or uninvolved;

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

7           “(G) past or present terrorist activity or  
8           association;

9           “(H) past or present persecutory activity  
10          or association; or

11          “(I) status as an alien returning from the  
12          United States.

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

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

6                   “(A) the existence of laws or government  
7                   policies that are unenforced or infrequently en-  
8                   forced, unless there is credible evidence that  
9                   such a law or policy has been or would be ap-  
10                  plied to the applicant personally; or

11                   “(B) the conduct of rogue foreign govern-  
12                   ment officials acting outside the scope of their  
13                   official capacity.

14           “(4) DISCRETIONARY DETERMINATION.—

15                   “(A) ADVERSE DISCRETIONARY FAC-  
16                   TORS.—The Secretary of Homeland Security or  
17                   the Attorney General may only grant asylum to  
18                   an alien if the alien establishes that he or she  
19                   warrants a favorable exercise of discretion. In  
20                   making such a determination, the Attorney  
21                   General or Secretary of Homeland Security  
22                   shall consider, if applicable, an alien’s use of  
23                   fraudulent documents to enter the United  
24                   States, unless the alien arrived in the United  
25                   States by air, sea, or land directly from the ap-



1           plicant’s home country without transiting  
2           through any other country.

3           “(B) FAVORABLE EXERCISE OF DISCRE-  
4           TION NOT PERMITTED.—Except as provided in  
5           subparagraph (C), the Attorney General or Sec-  
6           retary of Homeland Security shall not favorably  
7           exercise discretion under this section for any  
8           alien who—

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

14                   “(ii) at the time the asylum applica-  
15                   tion is filed with the immigration court or  
16                   is referred from the Department of Home-  
17                   land Security, has—

18                           “(I) failed to timely file (or time-  
19                           ly file a request for an extension of  
20                           time to file) any required Federal,  
21                           State, or local income tax returns;

22                           “(II) failed to satisfy any out-  
23                           standing Federal, State, or local tax  
24                           obligations; or

1                   “(III) income that would result  
2                   in tax liability under section 1 of the  
3                   Internal Revenue Code of 1986 and  
4                   that was not reported to the Internal  
5                   Revenue Service;

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

8                   “(iv) has withdrawn a prior asylum  
9                   application with prejudice or been found to  
10                  have abandoned a prior asylum application;

11                  “(v) failed to attend an interview re-  
12                  garding his or her asylum application with  
13                  the Department of Homeland Security, un-  
14                  less the alien shows by a preponderance of  
15                  the evidence that—

16                         “(I) exceptional circumstances  
17                         prevented the alien from attending the  
18                         interview; or

19                         “(II) the interview notice was not  
20                         mailed to the last address provided by  
21                         the alien or the alien’s representative  
22                         and neither the alien nor the alien’s  
23                         representative received notice of the  
24                         interview; or

1           “(vi) was subject to a final order of  
2           removal, deportation, or exclusion and did  
3           not file a motion to reopen to seek asylum  
4           based on changed country conditions with-  
5           in one year of the change in country condi-  
6           tions.

7           “(C) EXCEPTIONS.—If one or more of the  
8           adverse discretionary factors set forth in sub-  
9           paragraph (B) are present, the Attorney Gen-  
10          eral or the Secretary, may, notwithstanding  
11          such subparagraph (B), favorably exercise dis-  
12          cretion under section 208—

13                 “(i) in extraordinary circumstances,  
14                 such as those involving national security or  
15                 foreign policy considerations; or

16                 “(ii) if the alien, by clear and con-  
17                 vincing evidence, demonstrates that the de-  
18                 nial of the application for asylum would re-  
19                 sult in exceptional and extremely unusual  
20                 hardship to the alien.

21           “(5) LIMITATION.—If the Secretary or the At-  
22          torney General determines that an alien fails to sat-  
23          isfy the requirement under paragraph (1), the alien  
24          may not be granted asylum based on membership in  
25          a particular social group, and may not appeal the

1 determination of the Secretary or Attorney General,  
2 as applicable. A determination under this paragraph  
3 shall not serve as the basis for any motion to reopen  
4 or reconsider an application for asylum or with-  
5 holding of removal for any reason, including a claim  
6 of ineffective assistance of counsel, unless the alien  
7 complies with the procedural requirements for such  
8 a motion and demonstrates that counsel’s failure to  
9 define, or provide a basis for defining, a formulation  
10 of a particular social group was both not a strategic  
11 choice and constituted egregious conduct.

12 “(6) STEREOTYPES.—Evidence offered in sup-  
13 port of an application for asylum that promotes cul-  
14 tural stereotypes about a country, its inhabitants, or  
15 an alleged persecutor, including stereotypes based on  
16 race, religion, nationality, or gender, shall not be ad-  
17 missible in adjudicating that application, except that  
18 evidence that an alleged persecutor holds  
19 stereotypical views of the applicant shall be admis-  
20 sible.

21 “(7) DEFINITIONS.—In this section:

22 “(A) The term ‘membership in a particular  
23 social group’ means membership in a group  
24 that is—

1           “(i) composed of members who share  
2           a common immutable characteristic;

3           “(ii) defined with particularity; and

4           “(iii) socially distinct within the soci-  
5           ety in question.

6           “(B) The term ‘political opinion’ means an  
7           ideal or conviction in support of the furtherance  
8           of a discrete cause related to political control of  
9           a state or a unit thereof.

10          “(C) The term ‘persecution’ means the in-  
11          fliction of a severe level of harm constituting an  
12          exigent threat by the government of a country  
13          or by persons or an organization that the gov-  
14          ernment was unable or unwilling to control.  
15          Such term does not include—

16               “(i) generalized harm or violence that  
17               arises out of civil, criminal, or military  
18               strife in a country;

19               “(ii) all treatment that the United  
20               States regards as unfair, offensive, unjust,  
21               unlawful, or unconstitutional;

22               “(iii) intermittent harassment, includ-  
23               ing brief detentions;

24               “(iv) threats with no actual effort to  
25               carry out the threats, except that particu-

1 larized threats of severe harm of an imme-  
2 diate and menacing nature made by an  
3 identified entity may constitute persecu-  
4 tion; or

5 “(v) non-severe economic harm or  
6 property damage.”.

7 **SEC. 108. FIRM RESETTLEMENT.**

8 Section 208 of the Immigration and Nationality Act  
9 (8 U.S.C. 1158), as amended by this title, is further  
10 amended by adding at the end the following:

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

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

19 “(A) the alien resided in a country through  
20 which the alien transited prior to arriving in or  
21 entering the United States and—

22 “(i) received or was eligible for any  
23 permanent legal immigration status in that  
24 country;

1           “(ii) resided in such a country with  
2           any non-permanent but indefinitely renew-  
3           able legal immigration status (including  
4           asylee, refugee, or similar status, but ex-  
5           cluding status of a tourist); or

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

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

20          “(C) the alien is a citizen of a country  
21          other than the country in which the alien al-  
22          leges a fear of persecution, or was a citizen of  
23          such a country in the case of an alien who re-  
24          nounces such citizenship, and the alien was  
25          present in that country after departing his

1 country of nationality or last habitual residence  
2 and prior to arrival in or entry into the United  
3 States.

4 “(2) BURDEN OF PROOF.—If an immigration  
5 judge determines that an alien has firmly resettled  
6 in another country under paragraph (1), the alien  
7 shall bear the burden of proving the bar does not  
8 apply.

9 “(3) FIRM RESETTLEMENT OF PARENT.—An  
10 alien shall be presumed to have been firmly resettled  
11 in another country if the alien’s parent was firmly  
12 resettled in another country, the parent’s settle-  
13 ment occurred before the alien turned 18 years of  
14 age, and the alien resided with such parent at the  
15 time of the firm resettlement, unless the alien estab-  
16 lishes that he or she could not have derived any per-  
17 manent legal immigration status or any non-perma-  
18 nent but indefinitely renewable legal immigration  
19 status (including asylum, refugee, or similar status,  
20 but excluding status of a tourist) from the alien’s  
21 parent.”.



1 **SEC. 109. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**  
2 **PLICATIONS.**

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

6 (1) in the matter preceding subparagraph (A),  
7 by inserting “the Secretary of Homeland Security  
8 or” before “the Attorney General”;

9 (2) in subparagraph (A), by striking “and of  
10 the consequences, under paragraph (6), of knowingly  
11 filing a frivolous application for asylum; and” and  
12 inserting a semicolon;

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

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

16 “(C) ensure that a written warning ap-  
17 pears on the asylum application advising the  
18 alien of the consequences of filing a frivolous  
19 application and serving as notice to the alien of  
20 the consequence of filing a frivolous applica-  
21 tion.”.

22 (b) CONFORMING AMENDMENT.—Section 208(d)(6)  
23 of the Immigration and Nationality Act (8 U.S.C.  
24 1158(d)(6)) is amended by striking “If the” and all that  
25 follows and inserting:

1           “(A) IN GENERAL.—If the Secretary of  
2 Homeland Security or the Attorney General de-  
3 termines that an alien has knowingly made a  
4 frivolous application for asylum and the alien  
5 has received the notice under paragraph (4)(C),  
6 the alien shall be permanently ineligible for any  
7 benefits under this chapter, effective as the date  
8 of the final determination of such an applica-  
9 tion.

10           “(B) CRITERIA.—An application is frivo-  
11 lous if the Secretary of Homeland Security or  
12 the Attorney General determines, consistent  
13 with subparagraph (C), that—

14           “(i) it is so insufficient in substance  
15 that it is clear that the applicant know-  
16 ingly filed the application solely or in part  
17 to delay removal from the United States,  
18 to seek employment authorization as an  
19 applicant for asylum pursuant to regula-  
20 tions issued pursuant to paragraph (2), or  
21 to seek issuance of a Notice to Appear in  
22 order to pursue Cancellation of Removal  
23 under section 240A(b); or

24           “(ii) any of the material elements are  
25 knowingly fabricated.

1           “(C) SUFFICIENT OPPORTUNITY TO CLAR-  
2           IFY.—In determining that an application is friv-  
3           olous, the Secretary or the Attorney General,  
4           must be satisfied that the applicant, during the  
5           course of the proceedings, has had sufficient op-  
6           portunity to clarify any discrepancies or implau-  
7           sible aspects of the claim.

8           “(D) WITHHOLDING OF REMOVAL NOT  
9           PRECLUDED.—For purposes of this section, a  
10          finding that an alien filed a frivolous asylum  
11          application shall not preclude the alien from  
12          seeking withholding of removal under section  
13          241(b)(3) or protection pursuant to the Con-  
14          vention Against Torture.”.

15 **SEC. 110. TECHNICAL AMENDMENTS.**

16          Section 208 of the Immigration and Nationality Act  
17          (8 U.S.C. 1158) is amended—

18                 (1) in subsection (a)—

19                         (A) in paragraph (2)(D), by inserting  
20                         “Secretary of Homeland Security or the” before  
21                         “Attorney General”; and

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

25                 (2) in subsection (c)—

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

4 (B) in paragraph (2), in the matter pre-  
5 ceeding subparagraph (A), by inserting “Sec-  
6 retary of Homeland Security or the” before  
7 “Attorney General”; and

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

11 (3) in subsection (d)—

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

16 (B) in paragraph (5)—

17 (i) in subparagraph (A), by striking  
18 “Attorney General” and inserting “Sec-  
19 retary of Homeland Security”; and

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

1 **SEC. 111. REQUIREMENT FOR PROCEDURES RELATING TO**  
2 **CERTAIN ASYLUM APPLICATIONS.**

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

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

10 (2) who are nationals of a Western Hemisphere  
11 country sanctioned by the United States, as de-  
12 scribed in subsection (b), as of January 1, 2024.

13 (b) WESTERN HEMISPHERE COUNTRY SANCTIONED  
14 BY THE UNITED STATES DESCRIBED.—Subsection (a)  
15 shall apply only to an asylum application filed by an alien  
16 who is a national of a Western Hemisphere country sub-  
17 ject to sanctions pursuant to—

18 (1) the Cuban Liberty and Democratic Soli-  
19 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6021  
20 note);

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

24 (3) Executive Order 13692 (80 Fed. Reg.  
25 12747; declaring a national emergency with respect  
26 to the situation in Venezuela).

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

4 **TITLE II—BORDER SAFETY AND**  
5 **MIGRANT PROTECTION**

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

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

9 (1) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A)—

12 (I) in clauses (i) and (ii), by  
13 striking “section 212(a)(6)(C)” in-  
14 serting “subparagraph (A) or (C) of  
15 section 212(a)(6)”;

16 (II) by adding at the end the fol-  
17 lowing:

18 “(iv) INELIGIBILITY FOR PAROLE.—  
19 An alien described in clause (i) or (ii) shall  
20 not be eligible for parole except as ex-  
21 pressly authorized pursuant to section  
22 212(d)(5), or for parole or release pursu-  
23 ant to section 236(a).”;

24 (ii) in subparagraph (B)—

1 (I) in clause (ii), by striking  
2 “asylum.” and inserting “asylum and  
3 shall not be released (including pursu-  
4 ant to parole or release pursuant to  
5 section 236(a) but excluding as ex-  
6 pressly authorized pursuant to section  
7 212(d)(5)) other than to be removed  
8 or returned to a country as described  
9 in paragraph (3).”; and

10 (II) in clause (iii)(IV)—

11 (aa) in the header by strik-  
12 ing “DETENTION” and inserting  
13 “DETENTION, RETURN, OR RE-  
14 MOVAL”; and

15 (bb) by adding at the end  
16 the following: “The alien shall  
17 not be released (including pursu-  
18 ant to parole or release pursuant  
19 to section 236(a) but excluding  
20 as expressly authorized pursuant  
21 to section 212(d)(5)) other than  
22 to be removed or returned to a  
23 country as described in para-  
24 graph (3).”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) by striking “Subject to sub-  
3 paragraphs (B) and (C),” and insert-  
4 ing “Subject to subparagraph (B) and  
5 paragraph (3),”; and

6 (II) by adding at the end the fol-  
7 lowing: “The alien shall not be re-  
8 leased (including pursuant to parole  
9 or release pursuant to section 236(a)  
10 but excluding as expressly authorized  
11 pursuant to section 212(d)(5)) other  
12 than to be removed or returned to a  
13 country as described in paragraph  
14 (3).”; and

15 (ii) by striking subparagraph (C);

16 (C) by redesignating paragraph (3) as  
17 paragraph (5); and

18 (D) by inserting after paragraph (2) the  
19 following:

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

22 “(A) IN GENERAL.—The Secretary of  
23 Homeland Security may return to a foreign ter-  
24 ritory contiguous to the United States any alien  
25 arriving on land from that territory (whether or



1 not at a designated port of entry) pending a  
2 proceeding under section 240 or review of a de-  
3 termination under subsection (b)(1)(B)(iii)(III).

4 “(B) MANDATORY RETURN.—If at any  
5 time the Secretary of Homeland Security can-  
6 not—

7 “(i) comply with its obligations to de-  
8 tain an alien as required under clauses (ii)  
9 and (iii)(IV) of subsection (b)(1)(B) and  
10 subsection (b)(2)(A); or

11 “(ii) remove an alien to a country de-  
12 scribed in section 208(a)(2)(A),

13 the Secretary of Homeland Security shall, with-  
14 out exception, including pursuant to parole or  
15 release pursuant to section 236(a) but exclud-  
16 ing as expressly authorized pursuant to section  
17 212(d)(5), return to a foreign territory contig-  
18 uous to the United States any alien arriving on  
19 land from that territory (whether or not at a  
20 designated port of entry) pending a proceeding  
21 under section 240 or review of a determination  
22 under subsection (b)(1)(B)(iii)(III).

23 “(4) ENFORCEMENT BY STATE ATTORNEYS  
24 GENERAL.—The attorney general of a State, or  
25 other authorized State officer, alleging a violation of

1 the detention, return, or removal requirements under  
2 paragraph (1), (2), or (3) that affects such State or  
3 its residents, may bring an action against the Sec-  
4 retary of Homeland Security on behalf of the resi-  
5 dents of the State in an appropriate United States  
6 district court to obtain appropriate injunctive re-  
7 lief.”; and

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

9 “(e) **AUTHORITY TO PROHIBIT INTRODUCTION OF**  
10 **CERTAIN ALIENS.**—If the Secretary of Homeland Security  
11 determines, in his discretion, that the prohibition of the  
12 introduction of aliens who are inadmissible under subpara-  
13 graph (A) or (C) of section 212(a)(6) or under section  
14 212(a)(7) at an international land or maritime border of  
15 the United States is necessary to achieve operational con-  
16 trol (as defined in section 2 of the Secure Fence Act of  
17 2006 (8 U.S.C. 1701 note)) of such border, the Secretary  
18 may prohibit, in whole or in part, the introduction of such  
19 aliens at such border for such period of time as the Sec-  
20 retary determines is necessary for such purpose.”.

21 **SEC. 202. OPERATIONAL DETENTION FACILITIES.**

22 (a) **IN GENERAL.**—Not later than September 30,  
23 2025, the Secretary of Homeland Security shall take all  
24 necessary actions to reopen or restore all U.S. Immigra-  
25 tion and Customs Enforcement detention facilities that

1 were in operation on January 20, 2021, that subsequently  
2 closed or with respect to which the use was altered, re-  
3 duced, or discontinued after January 20, 2021. In car-  
4 rying out the requirement under this subsection, the Sec-  
5 retary may use the authority under section 103(a)(11) of  
6 the Immigration and Nationality Act (8 U.S.C.  
7 1103(a)(11)).

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

11 (1) Irwin County Detention Center in Georgia.

12 (2) C. Carlos Carreiro Immigration Detention  
13 Center in Bristol County, Massachusetts.

14 (3) Etowah County Detention Center in Gads-  
15 den, Alabama.

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

18 (5) South Texas Family Residential Center.

19 (c) EXCEPTION.—

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

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

6           (3) SOUTH TEXAS FAMILY RESIDENTIAL CEN-  
7           TER.—The exception under paragraph (1) shall not  
8           apply to the South Texas Family Residential Center.  
9           The Secretary shall take all necessary steps to mod-  
10          ify and operate the South Texas Family Residential  
11          Center in the same manner and capability it was op-  
12          erating on January 20, 2021.

13          (d) PERIODIC REPORT.—Not later than 90 days after  
14          the date of the enactment of this Act, and every 90 days  
15          thereafter until September 30, 2027, the Secretary of  
16          Homeland Security shall submit to the appropriate con-  
17          gressional committees a detailed plan for and a status re-  
18          port on—

19                 (1) compliance with the deadline under sub-  
20                 section (a);

21                 (2) the increase in detention capabilities re-  
22                 quired by this section—

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

1 (B) for the period beginning on the first  
2 day of the fiscal year during which the report  
3 is submitted, and ending on the date such re-  
4 port is submitted;

5 (3) the number of detention beds that were  
6 used and the number of available detention beds  
7 that were not used during—

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

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

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

16 (5) the resources the Department of Homeland  
17 Security needs in order to comply with the require-  
18 ments under this section.

19 (e) NOTIFICATION.—The Secretary of Homeland Se-  
20 curity shall notify Congress, and include with such notifi-  
21 cation a detailed description of the resources the Depart-  
22 ment of Homeland Security needs in order to detain all  
23 aliens whose detention is mandatory or nondiscretionary  
24 under the Immigration and Nationality Act (8 U.S.C.  
25 1101 et seq.)—

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

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

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

10          (f) APPROPRIATE CONGRESSIONAL COMMITTEES.—

11         In this section, the term “appropriate congressional com-  
12         mittees” means—

13           (1) the Committee on the Judiciary of the  
14           House of Representatives;

15           (2) the Committee on Appropriations of the  
16           House of Representatives;

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

19           (4) the Committee on Appropriations of the  
20           Senate.

1 **TITLE III—PREVENTING UNCON-**  
2 **TROLLED MIGRATION FLOWS**  
3 **IN THE WESTERN HEMI-**  
4 **SPHERE**

5 **SEC. 301. UNITED STATES POLICY REGARDING WESTERN**  
6 **HEMISPHERE COOPERATION ON IMMIGRA-**  
7 **TION AND ASYLUM.**

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

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

21 (a) **AUTHORIZATION TO NEGOTIATE.**—The Secretary  
22 of State shall seek to negotiate agreements, accords, and  
23 memoranda of understanding between the United States,  
24 Mexico, Honduras, El Salvador, Guatemala, and other  
25 countries in the Western Hemisphere with respect to co-

1 operation and burden sharing required for effective re-  
2 gional immigration enforcement, expediting legal claims by  
3 aliens for asylum, and the processing, detention, and repa-  
4 triation of foreign nationals seeking to enter the United  
5 States unlawfully. Such agreements shall be designed to  
6 facilitate a regional approach to immigration enforcement  
7 and shall, at a minimum, provide that—

8           (1) the Government of Mexico authorize and ac-  
9           cept the rapid entrance into Mexico of nationals of  
10          countries other than Mexico who seek asylum in  
11          Mexico, and process the asylum claims of such na-  
12          tionals inside Mexico, in accordance with both do-  
13          mestic law and international treaties and conven-  
14          tions governing the processing of asylum claims;

15          (2) the Government of Mexico authorize and ac-  
16          cept both the rapid entrance into Mexico of all na-  
17          tionals of countries other than Mexico who are ineli-  
18          gible for asylum in Mexico and wish to apply for  
19          asylum in the United States, whether or not at a  
20          port of entry, and the continued presence of such  
21          nationals in Mexico while they wait for the adjudica-  
22          tion of their asylum claims to conclude in the United  
23          States;



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

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

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

17          (6) the Government of the United States com-  
18          mit to continue to assist the governments of coun-  
19          tries in the Western Hemisphere, such as the Gov-  
20          ernment of Honduras, the Government of El Sal-  
21          vador, and the Government of Guatemala, by sup-  
22          porting the enhancement of asylum capacity in those  
23          countries; and

24          (7) the Government of the United States com-  
25          mit to monitoring developments in hemispheric im-

1 migration trends and regional asylum capabilities to  
2 determine whether additional asylum cooperation  
3 agreements are warranted.

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

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

14 **SEC. 303. MANDATORY BRIEFINGS ON UNITED STATES EF-**  
15 **FORTS TO ADDRESS THE BORDER CRISIS.**

16 (a) BRIEFING REQUIRED.—Not later than 90 days  
17 after the date of the enactment of this Act, and not less  
18 frequently than once every 90 days thereafter until the  
19 date described in subsection (b), the Secretary of State,  
20 or the designee of the Secretary of State, shall provide  
21 to the appropriate congressional committees an in-person  
22 briefing on efforts undertaken pursuant to the negotiation  
23 authority provided by section 302 of this title to monitor,  
24 deter, and prevent illegal immigration to the United  
25 States, including by entering into agreements, accords,

1 and memoranda of understanding with foreign countries  
2 and by using United States foreign assistance to stem the  
3 root causes of migration in the Western Hemisphere.

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

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

## 16 **TITLE IV—ENSURING UNITED** 17 **FAMILIES AT THE BORDER**

### 18 **SEC. 401. CLARIFICATION OF STANDARDS FOR FAMILY DE-** 19 **TENTION.**

20 (a) IN GENERAL.—Section 235 of the William Wil-  
21 berforce Trafficking Victims Protection Reauthorization  
22 Act of 2008 (8 U.S.C. 1232) is amended by adding at  
23 the end the following:

24 “(j) CONSTRUCTION.—

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

10           “(2) FAMILY DETENTION.—The Secretary of  
11 Homeland Security shall—

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

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

20           “(ii) entered the United States with  
21 the alien’s child who has not attained 18  
22 years of age; and

23           “(B) detain the alien with the alien’s  
24 child.”.

1           (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that the amendments in this section to section 235  
3 of the William Wilberforce Trafficking Victims Protection  
4 Reauthorization Act of 2008 (8 U.S.C. 1232) are intended  
5 to satisfy the requirements of the Settlement Agreement  
6 in *Flores v. Meese*, No. 85–4544 (C.D. Cal), as approved  
7 by the court on January 28, 1997, with respect to its in-  
8 terpretation in *Flores v. Johnson*, 212 F. Supp. 3d 864  
9 (C.D. Cal. 2015), that the agreement applies to accom-  
10 panied minors.

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

15           (d) PREEMPTION OF STATE LICENSING REQUIRE-  
16 MENTS.—Notwithstanding any other provision of law, ju-  
17 dicial determination, consent decree, or settlement agree-  
18 ment, no State may require that an immigration detention  
19 facility used to detain children who have not attained 18  
20 years of age, or families consisting of one or more of such  
21 children and the parents or legal guardians of such chil-  
22 dren, that is located in that State, be licensed by the State  
23 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 **THIER 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, 2024, 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 **TITLE VIII—DIGNITY PROGRAM**

17 **SEC. 801. ESTABLISHMENT.**

18 (a) IN GENERAL.—There is established a program,  
19 to be known as the “Dignity Program” under this subtitle,  
20 which shall provide for deferred action on removal and the  
21 provision of employment and travel authorization in the  
22 case of eligible applicants, in accordance with the provi-  
23 sions of this subtitle.

24 (b) ABOLITION OF 3- AND 10-YEAR BARS.—For pur-  
25 poses of this subtitle, section 212(a)(9) of the Immigration  
26 and Nationality Act shall not apply for purposes of any

1 person who applies and thereafter participates in the Dig-  
2 nity Program.

3 **SEC. 802. ELIGIBILITY.**

4 The Secretary of Homeland Security shall approve an  
5 application to participate in the Dignity Program from an  
6 eligible alien subject to the following:

7 (1) APPLICATION.—The applicant shall submit  
8 such information that the Secretary determines suf-  
9 ficient to prove the following:

10 (A) That the alien—

11 (i) has been continually physically  
12 present in the United States for a period  
13 of not less than 5 years prior to the date  
14 of enactment of this Act;

15 (ii) was granted deferred action pur-  
16 suant to the Deferred Action for Childhood  
17 Arrivals policy announced by the Secretary  
18 of Homeland Security on June 15, 2012;  
19 or

20 (iii) has completed or is enrolled in  
21 post-secondary schooling, including trade  
22 school or community college.

23 (B) That the alien is not inadmissible  
24 under section 212(a) of the Immigration and

1 Nationality Act (except that paragraph (9) shall  
2 not apply for purposes of this section).

3 (2) SUBMISSION OF BIOMETRIC AND BIO-  
4 GRAPHIC DATA; BACKGROUND CHECKS.—

5 (A) SUBMISSION OF BIOMETRIC AND BIO-  
6 GRAPHIC DATA.—The Secretary may not ap-  
7 prove such an application, unless the alien sub-  
8 mits biometric and biographic data, in accord-  
9 ance with procedures established by the Sec-  
10 retary. The Secretary shall provide an alter-  
11 native procedure for aliens who are unable to  
12 provide such biometric or biographic data be-  
13 cause of a physical impairment.

14 (B) BACKGROUND CHECKS.—The Sec-  
15 retary shall use biometric, biographic, and other  
16 data that the Secretary determines appropriate  
17 to conduct security and law enforcement back-  
18 ground checks and to determine whether there  
19 is any criminal, national security, or other fac-  
20 tor that would render the alien ineligible for  
21 participation in the Dignity Program in accord-  
22 ance with paragraph (3). The application for  
23 participation in the Dignity Program may not  
24 be approved unless security and law enforce-

1           ment background checks are completed to the  
2           satisfaction of the Secretary.

3           (3) GROUNDS OF INELIGIBILITY.—Except as  
4           provided in paragraph (2), an alien is ineligible for  
5           participation in the Dignity Program if, excluding  
6           any offense under State law for which an essential  
7           element is the alien’s immigration status, and any  
8           minor traffic offense, the alien has been convicted  
9           of—

10                   (A) any felony offense;

11                   (B) two or more misdemeanor offenses (ex-  
12           cluding simple possession of cannabis or can-  
13           nabis-related paraphernalia, any offense involv-  
14           ing cannabis or cannabis-related paraphernalia  
15           which is no longer prosecutable in the State in  
16           which the conviction was entered, and any of-  
17           fense involving civil disobedience without vio-  
18           lence) not occurring on the same date, and not  
19           arising out of the same act, omission, or scheme  
20           of misconduct; or

21                   (C) a misdemeanor offense of domestic vio-  
22           lence, unless the alien demonstrates that such  
23           crime is related to the alien having been—

24                           (i) a victim of domestic violence, sex-  
25           ual assault, stalking, child abuse or ne-

1 neglect, abuse or neglect in later life, or  
2 human trafficking;

3 (ii) battered or subjected to extreme  
4 cruelty; or

5 (iii) a victim of criminal activity de-  
6 scribed in section 101(a)(15)(U)(iii) of the  
7 Immigration and Nationality Act (8 U.S.C.  
8 1101(a)(15)(U)(iii)).

9 (4) WAIVERS FOR CERTAIN MISDEMEANORS.—

10 For humanitarian purposes, family unity, or if oth-  
11 erwise in the public interest, the Secretary may  
12 waive—

13 (A) the grounds of inadmissibility under  
14 subparagraphs (A), (C), and (D) of section  
15 212(a)(2) of the Immigration and Nationality  
16 Act (8 U.S.C. 1182(a)(2)); and

17 (B) consideration of—

18 (i) one misdemeanor offense if the  
19 alien has not been convicted of any offense  
20 in the 5-year period preceding the date on  
21 which the alien applies for adjustment of  
22 status; or

23 (ii) up to two misdemeanor offenses if  
24 the alien has not been convicted of any of-  
25 fense in the 10-year period preceding the

1                   date on which the alien applies for adjust-  
2                   ment of status.

3 **SEC. 803. REGISTRATION; DEPARTURE.**

4           (a) REGISTRATION.—Any alien approved to partici-  
5 pate in the Dignity Program shall—

6                   (1) register with the Secretary of Homeland Se-  
7                   curity;

8                   (2) submit biometric and biographic data to the  
9                   Secretary; and

10                   (3) submit a sworn declaration stipulating to  
11                   presence in the United States without a lawful immi-  
12                   gration status, and, as appropriate, unlawful pres-  
13                   ence, in the United States.

14           (b) DEPARTURE.—Not later than 24 months after  
15 the date of the enactment of this Act, any alien present  
16 in the United States without lawful status under the immi-  
17 gration laws shall apply for the Dignity Program or depart  
18 the United States.

19           (c) INTENTIONAL SELF-DEPORTATION.—Any alien  
20 that voluntarily departs the United States not later than  
21 24 months after the date of the enactment of this Act shall  
22 not be subject to the provisions of section 212(a)(9) of  
23 the Immigration and Nationality Act with respect to—

24                   (1) any removal ordered under section  
25                   235(b)(1) of such Act or at the end of proceedings



1 under section 240 of such Act initiated upon the  
2 alien's arrival in the United States; or

3 (2) any removal ordered under section 240 of  
4 such Act,  
5 prior to the date of the enactment of this Act.

6 (d) **LIMITATION ON REMOVAL.**—An alien who ap-  
7 pears to be prima facie eligible for status under this sub-  
8 title during the 24-month period following the date of en-  
9 actment of this Act may not be removed or fined based  
10 on their immigration status—

11 (1) during such period; and

12 (2) in the case that the alien applies for status  
13 under this subtitle, until a final decision establishing  
14 ineligibility for such status is rendered.

15 (e) **EXCEPTION.**—This section does not apply in the  
16 case of any alien with a valid Notice to Appear in immigra-  
17 tion court or with a pending determination on their immi-  
18 gration status that is not decided before this date.

19 **SEC. 804. PROGRAM PARTICIPATION.**

20 (a) **IN GENERAL.**—Any applicant who is approved to  
21 participate in the Dignity Program shall make an appoint-  
22 ment with USCIS who shall issue an order deferring fur-  
23 ther action for a period of 5 years.

24 (b) **CONDITIONS.**—Each participant in the Dignity  
25 Program shall conform to the following:

1           (1) REPORT.—The participant shall biennially  
2 report to the Secretary of Homeland Security and  
3 provide the following information:

4                   (A) Place of residence.

5                   (B) Testimony as to good standing within  
6 the community.

7           (2) LAWFUL CONDUCT.—The participant shall  
8 comply with all Federal and State laws.

9           (3) EMPLOYMENT.—The participant shall re-  
10 main, for a period of not less than 4 years during  
11 their participation in the Dignity Program, employed  
12 (including self-employment and serving as a care-  
13 giver) or enrolled in a course of study at an institute  
14 of higher education, as defined in section 102 of the  
15 Higher Education Act of 1965 (20 U.S.C. 1002), or  
16 an area career and technical education school, as de-  
17 fined in section 3 of the Carl D. Perkins Career and  
18 Technical Education Act of 2006 (20 U.S.C. 2302).  
19 The Secretary may waive the application of this  
20 paragraph in the case of any alien with dependents  
21 under the age of 12, any alien the Secretary deter-  
22 mines would be unable to reasonably comply by rea-  
23 son of a disability or other impediment, or anyone  
24 above 65 years of age.

1           (4) TAXES.—The participant shall pay any ap-  
2           plicable taxes and satisfy any tax obligations out-  
3           standing within 10 years of the date of application  
4           approval.

5           (5) SUPPORT DEPENDENTS.—The participant  
6           shall support any dependents including by providing  
7           food, shelter, clothing, education, and covering basic  
8           medical needs.

9           (6) MEDICAL COSTS.—

10           (A) IN GENERAL.—The participant shall  
11           be enrolled under qualifying health coverage.

12           (B) DEFINITION.—For purposes of this  
13           paragraph, the term “qualifying health cov-  
14           erage” means, with respect to the participant,  
15           the higher of the following levels of coverage ap-  
16           plicable to such alien:

17           (i) At a minimum, catastrophic health  
18           insurance coverage that provides coverage  
19           of such individual with respect to at least  
20           the State of employment and State of resi-  
21           dence of the alien.

22           (ii) In the case of an alien whose  
23           State of residence or State of employment  
24           requires such an alien to maintain cov-

1                   erage under health insurance, such health  
2                   insurance.

3                   (7) PUBLIC BENEFITS.—Beginning on the date  
4                   of participation in the Dignity Program, the partici-  
5                   pant shall not avail himself or herself of any Federal  
6                   means-tested benefits or entitlement programs. For  
7                   purposes of this paragraph, any benefits received by  
8                   a child or dependent that is a United States citizen  
9                   living in the same household shall not be taken into  
10                  account.

11                  (8) LEVY.—In addition to other taxes, there is  
12                  hereby imposed on the income of every participant a  
13                  tax equal to 1.5 percent of the adjusted gross in-  
14                  come (as defined in section 3121(a) of the Internal  
15                  Revenue Code of 1986) received by the individual  
16                  with respect to employment (as defined in section  
17                  3121(b) the Internal Revenue Code of 1986). The  
18                  participant shall comply with the requirements of  
19                  section 9512 of the Internal Revenue Code of 1986.

20                  (9) EXEMPTION FROM CERTAIN PAYROLL  
21                  TAXES.—A participant shall not be liable for any tax  
22                  under section 3101 or 3102 of the Internal Revenue  
23                  Code of 1986.

1 (c) AUTHORIZING PARTICIPANTS APPROVED TO PAR-  
2 TICIPATE IN THE DIGNITY PROGRAM TO ENLIST IN THE  
3 ARMED FORCES.—

4 (1) WAIVER.—Under this provision, for any in-  
5 dividual in the Dignity program that enlists in the  
6 Armed Forces, the conditions outlined in subsection  
7 (b) shall be waived during their service.

8 (2) COMPLETION OF TERM OF ENLISTMENT.—  
9 Upon completion of a term of enlistment, the re-  
10 quirements of the Dignity Program shall be satisfied  
11 for that individual, and that individual shall be eligi-  
12 ble to adjust to lawful permanent resident status  
13 through the Armed Forces.

14 (d) VIOLATIONS.—If a participant violates a condi-  
15 tion under subsection (b), the Secretary may at the Sec-  
16 retary's discretion, waive enforcement of minor violations  
17 including late fees, take extenuating circumstances into ef-  
18 fect, or consider factors of undue hardship, but in all other  
19 cases, the Secretary shall initiate removal proceedings. In  
20 such proceedings, the immigration judge may make a de-  
21 termination as to whether to order removal or to issue an  
22 order modifying the conditions of that participant's par-  
23 ticipation in the Dignity Program.

1 **SEC. 805. COMPLETION.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (c), upon satisfying the conditions set forth in subsection  
4 (b) and thereby successfully completing the Dignity Pro-  
5 gram, the participant may choose to adjust status to that  
6 of an alien lawfully admitted for permanent residence.

7 (b) COMPLETION.—The conditions set forth in this  
8 subsection for successful completion of the Dignity Pro-  
9 gram are as follows:

10 (1) Compliance with all requirements of section  
11 802(b)(1).

12 (2) Compliance with the requirement of section  
13 802(b)(3) for the entire period of the participation  
14 in the Dignity Program.

15 (c) LIMITATION ON APPLICABILITY.—No alien may  
16 adjust status to that of an alien lawfully admitted for per-  
17 manent residence under this section until the Comptroller  
18 General of the United States certifies to Congress that—

19 (1) U.S. Customs and Border Protection has  
20 achieved detection and apprehension rate of 80 per-  
21 cent or higher for individuals attempting to cross the  
22 southern border of the United States unlawfully dur-  
23 ing the previous 12-month period; and

24 (2) construction of the border wall along the  
25 border between the United States and Mexico that  
26 were underway or being planned for prior to Janu-

1 ary 20, 2021, has resumed in accordance with sec-  
 2 tion 102(a)(1) of division A.

3 **DIVISION C—AGRICULTURAL**  
 4 **WORKER PROGRAM**  
 5 **TITLE I—PROGRAM FOR**  
 6 **EARNED STATUS ADJUST-**  
 7 **MENT OF AGRICULTURAL**  
 8 **WORKERS**

9 **SEC. 101. SHORT TITLE.**

10 This division may be cited as the “Agricultural Work-  
 11 er Program Act of 2024”.

12 **SEC. 102. BLUE CARD STATUS.**

13 (a) **REQUIREMENTS FOR BLUE CARD STATUS.**—Not-  
 14 withstanding any other provision of law, the Secretary  
 15 may grant blue card status to an alien who—

16 (1)(A) has completed qualified work;

17 (B)(i) is the spouse or child of an alien de-  
 18 scribed in subparagraph (A);

19 (ii) was physically present in the United States  
 20 on or before the date of the enactment of this Act;  
 21 and

22 (iii) has maintained continuous presence in the  
 23 United States from that date until the date on which  
 24 the alien is granted blue card status; or

1 (C) is, or has been, a nonimmigrant alien ad-  
2 mitted to the United States for agricultural employ-  
3 ment described in section 101(a)(15)(H)(ii)(a) of  
4 such Act who has completed qualified work;

5 (2) is not ineligible under subsection (d)(2);

6 (3) submits a completed application before the  
7 end of the period set forth in subsection (b)(3);

8 (4) passes the national security and law en-  
9 forcement clearances required under subsection  
10 (d)(1) to the satisfactory of the Secretary; and

11 (5) pays the required processing fees and pen-  
12 alties in accordance with subsection (e).

13 (b) APPLICATION.—

14 (1) SUBMISSION REQUIREMENTS.—An alien de-  
15 scribed in subsection (a)(1) who is seeking blue card  
16 status shall submit an application—

17 (A) to the Secretary, with the assistance of  
18 an attorney or a nonprofit religious, charitable,  
19 social service, or similar organization recognized  
20 by the Board of Immigration Appeals under  
21 section 292.2 of title 8, Code of Federal Regu-  
22 lations; or

23 (B) to a qualified entity if the applicant  
24 consents to the forwarding of the application to  
25 the Secretary.



1           (2) EVIDENCE OF APPLICATION FILING.—As  
2 soon as practicable after receiving each application  
3 for blue card status under paragraph (1), the Sec-  
4 retary shall provide the applicant with a document  
5 acknowledging the receipt of such application.

6           (3) APPLICATION PERIOD.—

7           (A) INITIAL PERIOD.—Except as provided  
8 in subparagraphs (B) and (C), the Secretary  
9 shall accept applications for blue card status  
10 from aliens in the United States during the 18-  
11 month period beginning on the date on which  
12 the final rule is published in the Federal Reg-  
13 ister pursuant to subsection (j).

14           (B) EXCEPTION.—Aliens described in sub-  
15 section (a)(1)(C) may apply for blue card status  
16 from outside of the United States.

17           (C) EXTENSION.—If the Secretary deter-  
18 mines, during the initial period described in  
19 subparagraph (A), that additional time is re-  
20 quired to process applications for blue card sta-  
21 tus or for other good cause, the Secretary may  
22 extend the period for accepting applications for  
23 an additional 18 months.

24           (4) APPLICATION.—

1 (A) IN GENERAL.—The application form  
2 referred to in paragraph (1) shall collect such  
3 information as the Secretary determines nec-  
4 essary and appropriate.

5 (B) FAMILY APPLICATION.—The Secretary  
6 shall establish a process through which an alien  
7 may submit a single application under this sec-  
8 tion on behalf of the alien and his or her spouse  
9 and children who meet the requirements set  
10 forth in subsection (a)(1)(B).

11 (5) ADJUDICATION.—

12 (A) INTERVIEW.—The Secretary may  
13 interview applicants for blue card status to de-  
14 termine whether they meet the eligibility re-  
15 quirements set forth in this section.

16 (B) FAILURE TO SUBMIT SUFFICIENT EVI-  
17 DENCE.—The Secretary may deny an applica-  
18 tion for blue card status submitted by an alien  
19 who fails to submit evidence of the alien's eligi-  
20 bility for such status.

21 (C) NOTICE.—If the Secretary denies an  
22 application for blue card status, the Secretary  
23 shall—

1 (i) send a written notice to the appli-  
2 cant that provides the applicant with the  
3 basis for denial; and

4 (ii) provide the alien with an oppor-  
5 tunity to cure the denial within a reason-  
6 able time.

7 (D) AMENDED APPLICATION.—An alien  
8 whose application for blue card status is denied  
9 under subparagraph (B) may submit an amend-  
10 ed application for such status to the Secretary  
11 if the amended application—

12 (i) is submitted within the application  
13 period described in paragraph (3); and

14 (ii) contains all the required informa-  
15 tion and fees that were missing from the  
16 initial application.

17 (E) ADDITIONAL PROCEDURES.—The Sec-  
18 retary may utilize the procedures set forth in  
19 sections 103.2 and 103.3 of title 8, Code of  
20 Federal Regulations, as in effect on the date of  
21 the enactment of this Act, to adjudicate re-  
22 quests for blue card status to the extent such  
23 procedures are consistent with the requirements  
24 under this section.

25 (6) EVIDENCE OF BLUE CARD STATUS.—

1           (A) IN GENERAL.—The Secretary shall  
2 issue documentary evidence of blue card status  
3 to each alien whose application for such status  
4 has been approved.

5           (B) DOCUMENTATION FEATURES.—Docu-  
6 mentary evidence provided under subparagraph  
7 (A)—

8                   (i) shall be machine-readable and tam-  
9 per-resistant;

10                   (ii) shall contain a digitized photo-  
11 graph;

12                   (iii) shall, during the alien’s author-  
13 ized period of admission, and any exten-  
14 sion of such authorized admission, serve as  
15 a valid travel and entry document for the  
16 purpose of applying for admission to the  
17 United States;

18                   (iv) may be accepted during the pe-  
19 riod of its validity by an employer as evi-  
20 dence of employment authorization and  
21 identity under section 274A(b)(1)(B) of  
22 the Immigration and Nationality Act (8  
23 U.S.C. 1324a(b)(1)(B)); and

1                   (v) shall include such other features  
2                   and information as the Secretary may pre-  
3                   scribe.

4           (c) SPECIAL RULES FOR BLUE CARD APPLICANTS  
5 AND ALIENS ELIGIBLE FOR BLUE CARD STATUS.—

6           (1) ALIENS APPREHENDED BEFORE OR DURING  
7           THE APPLICATION PERIOD.—If an alien, who is ap-  
8           prehended during the period beginning on the date  
9           of the enactment of this Act and ending on the last  
10          day of the application period described in paragraph  
11          (3), appears prima facie eligible for blue card status,  
12          the Secretary—

13                   (A) shall provide the alien with a reason-  
14                   able opportunity to submit an application for  
15                   such status under this section during such ap-  
16                   plication period; and

17                   (B) may not remove the individual until a  
18                   final administrative determination is made on  
19                   the application.

20          (2) ALIENS IN REMOVAL PROCEEDINGS.—Not-  
21          withstanding any other provision of the Immigration  
22          and Nationality Act (8 U.S.C. 1101 et seq.) if an  
23          alien is in removal, deportation, or exclusion pro-  
24          ceedings during the period beginning on the date of  
25          the enactment of this Act and ending on the last day

1 of the application period described in subsection  
2 (b)(3) and is prima facie eligible for blue card status  
3 under this section, upon motion by the Secretary  
4 and with the consent of the alien or upon motion by  
5 the alien, the Executive Office for Immigration Re-  
6 view shall—

7 (A) terminate such proceedings without  
8 prejudice to future proceedings; and

9 (B) permit the alien a reasonable oppor-  
10 tunity to apply for such status.

11 (3) TREATMENT OF ALIENS PREVIOUSLY OR-  
12 DERED REMOVED.—

13 (A) IN GENERAL.—If an alien who meets  
14 the eligibility requirements set forth in sub-  
15 section (a) is present in the United States and  
16 has been ordered excluded, deported, or re-  
17 moved, or ordered to depart voluntarily from  
18 the United States under any provision of the  
19 Immigration and Nationality Act—

20 (i) notwithstanding such order or sec-  
21 tion 241(a)(5) of the Immigration and Na-  
22 tionality Act (8 U.S.C. 1231(a)(5)), the  
23 alien may apply for blue card status under  
24 this section; and

1 (ii) if the alien is granted such status,  
2 the alien may file a motion to reopen the  
3 exclusion, deportation, removal, or vol-  
4 untary departure order, which motion shall  
5 be granted.

6 (B) LIMITATIONS ON MOTIONS TO RE-  
7 OPEN.—The limitations on motions to reopen  
8 set forth in section 240(c)(7) of the Immigra-  
9 tion and Nationality Act (8 U.S.C. 1229a(c)(7))  
10 shall not apply to motions filed under subpara-  
11 graph (A)(ii).

12 (4) PERIOD PENDING ADJUDICATION OF APPLI-  
13 CATION.—During the period beginning on the date  
14 on which an alien applies for blue card status under  
15 this section and ending on the date on which the  
16 Secretary makes a final decision regarding such ap-  
17 plication, the alien—

18 (A) is eligible to apply for advance parole;

19 (B) may not be detained by the Secretary  
20 or removed from the United States unless the  
21 Secretary makes a prima facie determination  
22 that such alien is, or has become, ineligible for  
23 blue card status under subsection (d)(2);

24 (C) shall not be considered unlawfully  
25 present under section 212(a)(9)(B) of the Im-

1 migration and Nationality Act (8 U.S.C.  
2 1182(a)(9)(B)); and

3 (D) shall not be considered an unauthor-  
4 ized alien (as defined in section 274A(h)(3) of  
5 the Immigration and Nationality Act (8 U.S.C.  
6 1324a(h)(3))).

7 (5) EFFECT OF DEPARTURE.—Section 101(g)  
8 of the Immigration and Nationality Act (8 U.S.C.  
9 1101(g)) shall not apply to an alien granted—

10 (A) advance parole under paragraph (4)(A)  
11 to reenter the United States; or

12 (B) blue card status.

13 (6) PROTECTION FROM DETENTION OR RE-  
14 MOVAL DURING BLUE CARD STATUS.—An alien  
15 granted blue card status under this section may not  
16 be detained by the Secretary or removed from the  
17 United States unless—

18 (A) the alien is removable under section  
19 237 of the Immigration and Nationality Act (8  
20 U.S.C. 1227); or

21 (B) the alien's blue card status has been  
22 revoked.

23 (7) DURATION OF STATUS.—Beginning on the  
24 date that is eight years after the date on which reg-



1           ulations are published under subsection (j), no alien  
2           may remain in blue card status.

3           (d) REQUIRED BACKGROUND INVESTIGATIONS AND  
4 INELIGIBILITY.—

5           (1) IN GENERAL.—

6           (A) BIOMETRIC AND BIOGRAPHIC DATA.—

7           The Secretary may not grant blue card status  
8           to an alien or an alien dependent spouse or  
9           child under this section unless such alien sub-  
10          mits biometric and biographic data in accord-  
11          ance with procedures established by the Sec-  
12          retary.

13          (B) ALTERNATIVE PROCEDURES.—The  
14          Secretary shall provide an alternative procedure  
15          for applicants who cannot provide the standard  
16          biometric data required under subparagraph  
17          (A) because of a physical impairment.

18          (C) DATA COLLECTION.—The Secretary  
19          shall collect, from each alien applying for status  
20          under this section, biometric, biographic, and  
21          other data that the Secretary determines to be  
22          appropriate in order to conduct a background  
23          investigation and determine the alien's eligi-  
24          bility for blue card status.

25          (2) GROUNDS FOR INELIGIBILITY.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), an alien is ineligible for blue  
3 card status if the Secretary determines that the  
4 alien—

5 (i) has a conviction for—

6 (I) an offense classified as a fel-  
7 ony in the convicting jurisdiction  
8 (other than a State or local offense  
9 for which an essential element was the  
10 alien’s immigration status, or a viola-  
11 tion of the Immigration and Nation-  
12 ality Act (8 U.S.C. 1101 et seq.));

13 (II) an aggravated felony (as de-  
14 fined in section 101(a)(43) of the Im-  
15 migration and Nationality Act (8  
16 U.S.C. 1101(a)(43)) at the time of  
17 the conviction);

18 (III) 3 or more misdemeanor of-  
19 fenses (other than minor traffic of-  
20 fenses or State or local offenses for  
21 which an essential element was the  
22 alien’s immigration status, or viola-  
23 tions of the Immigration and Nation-  
24 ality Act) if the alien was convicted on

1 different dates for each of the 3 of-  
2 fenses;

3 (IV) any offense under foreign  
4 law, except for a purely political of-  
5 fense, which, if the offense had been  
6 committed in the United States,  
7 would render the alien inadmissible  
8 under section 212(a) of the Immigra-  
9 tion and Nationality Act (8 U.S.C.  
10 1182(a)), excluding the paragraphs  
11 set forth in clause (ii), or removable  
12 under section 237(a) of such Act (8  
13 U.S.C. 1227(a)), except as provided in  
14 paragraph (3) of such section 237(a);  
15 or

16 (V) unlawful voting (as defined  
17 in section 237(a)(6) of the Immigra-  
18 tion and Nationality Act (8 U.S.C.  
19 1227(a)(6)));

20 (ii) is inadmissible under section  
21 212(a) of the Immigration and Nationality  
22 Act (8 U.S.C. 1182(a)), except that in de-  
23 termining an alien's inadmissibility—

1 (I) paragraphs (4), (5), (7), and  
2 (9)(B) of such section 212(a) shall  
3 not apply;

4 (II) subparagraphs (A), (C), (D),  
5 (F), and (G) of such section 212(a)(6)  
6 and paragraphs (9)(C) and (10)(B) of  
7 such section 212(a) shall not apply  
8 unless based on the act of unlawfully  
9 entering the United States after the  
10 date of the enactment of this Act; and

11 (III) paragraphs (6)(B) and  
12 (9)(A) of such section 212(a) shall  
13 not apply unless the relevant conduct  
14 began on or after the date on which  
15 the alien files an application for reg-  
16 istered provisional immigrant status  
17 under this section;

18 (iii) is an alien who the Secretary  
19 knows or has reasonable grounds to be-  
20 lieve, is engaged in or is likely to engage  
21 after entry in any terrorist activity (as de-  
22 fined in section 212(a)(3)(B)(iv) of such  
23 Act); or

24 (iv) was, on the date of the enactment  
25 of this Act—

1 (I) an alien lawfully admitted for  
2 permanent residence; or

3 (II) an alien admitted as a ref-  
4 ugee under section 207 of the Immi-  
5 gration and Nationality Act (8 U.S.C.  
6 1157) or granted asylum under sec-  
7 tion 208 of such Act (8 U.S.C. 1158).

8 (B) WAIVER.—

9 (i) IN GENERAL.—The Secretary may  
10 waive the application of subparagraph  
11 (A)(i)(III) or any provision of section  
12 212(a) of the Immigration and Nationality  
13 Act (8 U.S.C. 1182(a)) that is not listed in  
14 clause (ii) on behalf of an alien for human-  
15 itarian purposes, to ensure family unity, or  
16 if such a waiver is otherwise in the public  
17 interest. Any discretionary authority to  
18 waive grounds of inadmissibility under  
19 such section 212(a) conferred under any  
20 other provision of the Immigration and  
21 Nationality Act shall apply equally to  
22 aliens seeking blue card status under this  
23 section.

1 (ii) EXCEPTIONS.—The discretionary  
2 authority under clause (i) may not be used  
3 to waive—

4 (I) subparagraph (B), (C),  
5 (D)(ii), (E), (G), (H), or (I) of section  
6 212(a)(2) of such Act;

7 (II) section 212(a)(3) of such  
8 Act; or

9 (III) subparagraph (A), (C), (D),  
10 or (E) of section 212(a)(10) of such  
11 Act.

12 (C) CONVICTION EXPLAINED.—For pur-  
13 poses of this paragraph, the term “conviction”  
14 does not include a judgment that has been ex-  
15 punged, set aside, or the equivalent.

16 (D) RULE OF CONSTRUCTION.—Nothing in  
17 this paragraph may be construed to require the  
18 Secretary to commence removal proceedings  
19 against an alien.

20 (e) FEES AND PENALTIES.—

21 (1) STANDARD PROCESSING FEE.—Aliens 16  
22 years of age or older who are applying for blue card  
23 status under this subsection, or for an extension of  
24 such status, shall pay a processing fee to the De-

1       partment of Homeland Security in an amount deter-  
2       mined by the Secretary.

3           (2) RECOVERY OF COSTS.—The processing fee  
4       authorized under paragraph (1) shall be set at a  
5       level that is sufficient to recover the full costs of  
6       processing the application, including any costs in-  
7       curred—

8           (A) to adjudicate the application;

9           (B) to take and process biometric data;

10          (C) to perform national security and crimi-  
11       nal checks, including adjudication;

12          (D) to prevent and investigate fraud; and

13          (E) to administer the collection of such  
14       fee.

15          (3) AUTHORITY TO LIMIT FEES.—The Sec-  
16       retary may issue regulations—

17          (A) to limit the maximum processing fee  
18       payable under this subsection by a family, in-  
19       cluding spouses and unmarried children young-  
20       er than 21 years of age; and

21          (B) to exempt defined classes of individ-  
22       uals from the payment of the fee required  
23       under paragraph (1).

24          (4) PENALTY.—In addition to the processing  
25       fee required under paragraph (1), aliens applying for

1 blue card status under this subsection who are 21  
2 years of age or older shall pay a \$100 penalty to the  
3 Department of Homeland Security.

4 (5) DEPOSIT AND USE OF PROCESSING FEES  
5 AND PENALTIES.—Fees and penalties authorized  
6 under this subsection—

7 (A) shall be deposited into the Immigration  
8 Examinations Fee Account pursuant to section  
9 286(m) of the Immigration and Nationality Act  
10 (8 U.S.C. 1356(m)); and

11 (B) shall remain available until expended  
12 pursuant to section 286(n) of such Act.

13 (f) TERMS AND CONDITIONS OF BLUE CARD STA-  
14 TUS.—

15 (1) CONDITIONS OF BLUE CARD STATUS.—

16 (A) EMPLOYMENT.—Notwithstanding any  
17 other provision of law, including section  
18 241(a)(7) of the Immigration and Nationality  
19 Act (8 U.S.C. 1231(a)(7)), an alien with blue  
20 card status shall be authorized to be employed  
21 in the United States while in such status.

22 (B) TRAVEL OUTSIDE THE UNITED  
23 STATES.—An alien with blue card status—

24 (i) may travel outside of the United  
25 States, including commuting to the United



1 States from a residence in a foreign coun-  
2 try; and

3 (ii) may be admitted upon returning  
4 to the United States without having to ob-  
5 tain a visa if—

6 (I) the alien is in possession of—

7 (aa) valid, unexpired docu-  
8 mentary evidence of blue card  
9 status that complies with sub-  
10 section (b)(6)(B); or

11 (bb) a travel document that  
12 has been approved by the Sec-  
13 retary and was issued to the  
14 alien after the alien's original  
15 documentary evidence was lost,  
16 stolen, or destroyed;

17 (II) the alien's absence from the  
18 United States did not exceed 180  
19 days, unless the alien's failure to  
20 timely return was due to extenuating  
21 circumstances beyond the alien's con-  
22 trol; and

23 (III) the alien establishes that he  
24 or she is not inadmissible under sub-  
25 paragraph (A)(i), (A)(iii), (B), or (C)

1 of section 212(a)(3) of the Immigra-  
2 tion and Nationality Act (8 U.S.C.  
3 1182(a)(3)).

4 (C) ADMISSION.—An alien granted blue  
5 card status shall be considered to have been ad-  
6 mitted in such status as of the date on which  
7 the alien’s application was submitted.

8 (D) CLARIFICATION OF STATUS.—An alien  
9 granted blue card status shall be considered  
10 lawfully admitted to the United States.

11 (2) REVOCATION.—

12 (A) IN GENERAL.—The Secretary may re-  
13 voke blue card status at any time after pro-  
14 viding appropriate notice to the alien, and after  
15 the exhaustion or waiver of all applicable ad-  
16 ministrative review procedures if the alien—

17 (i) no longer meets the eligibility re-  
18 quirements for blue card status;

19 (ii) knowingly used documentation  
20 issued under this section for an unlawful  
21 or fraudulent purpose; or

22 (iii) was absent from the United  
23 States for—

24 (I) any single period longer than  
25 180 days in violation of the require-

1                   ment under paragraph (1)(B)(ii)(II);

2                   or

3                   (II) for more than 180 days in  
4                   the aggregate during any calendar  
5                   year, unless the alien's failure to time-  
6                   ly return was due to extenuating cir-  
7                   cumstances beyond the alien's control.

8                   (B) ADDITIONAL EVIDENCE.—

9                   (i) IN GENERAL.—In determining  
10                  whether to revoke an alien's status under  
11                  subparagraph (A), the Secretary may re-  
12                  quire the alien—

13                  (I) to submit additional evidence;

14                  and

15                  (II) to appear for an interview.

16                  (ii) EFFECT OF NONCOMPLIANCE.—

17                  The blue card status of an alien who fails  
18                  to comply with any requirement imposed  
19                  by the Secretary under clause (i) shall be  
20                  revoked unless the alien demonstrates to  
21                  the Secretary's satisfaction that such fail-  
22                  ure was reasonably excusable.

23                  (C) INVALIDATION OF DOCUMENTATION.—

24                  If an alien's blue card status is revoked pursu-  
25                  ant to subparagraph (A), any documentation

1 issued by the Secretary to such alien under sub-  
2 section (b)(6) shall automatically be rendered  
3 invalid for any purpose except for departure  
4 from the United States.

5 (3) INELIGIBILITY FOR PUBLIC BENEFITS.—An  
6 alien who has been granted blue card status is not  
7 eligible for the Federal means-tested public benefits  
8 unavailable to qualified aliens under section 403 of  
9 the Personal Responsibility and Work Opportunity  
10 Reconciliation Act of 1996 (8 U.S.C. 1613)).

11 (4) TREATMENT OF BLUE CARD STATUS.—An  
12 alien granted blue card status shall be considered  
13 lawfully present in the United States for all pur-  
14 poses while such alien remains in such status, except  
15 that the alien—

16 (A) is not entitled to the premium assist-  
17 ance tax credit authorized under section 36B of  
18 the Internal Revenue Code of 1986 (26 U.S.C.  
19 36B) for his or her coverage;

20 (B) shall be subject to the rules applicable  
21 to individuals who are not lawfully present set  
22 forth in subsection (e) of such section;

23 (C) shall be subject to the rules applicable  
24 to individuals who are not lawfully present set  
25 forth in section 1402(e) of the Patient Protec-

1 tion and Affordable Care Act (42 U.S.C.  
2 18071(e)); and

3 (D) shall be subject to the rules applicable  
4 to individuals not lawfully present set forth in  
5 section 5000A(d)(3) of the Internal Revenue  
6 Code of 1986 (26 U.S.C. 5000A(d)(3)).

7 (g) PROVISIONS INVOLVING EMPLOYERS.—

8 (1) RECORD OF EMPLOYMENT.—Employers of  
9 aliens granted blue card status shall provide the  
10 alien and the Secretary with a written record of em-  
11 ployment each year the alien remains in such status.

12 (2) CIVIL PENALTIES.—

13 (A) IN GENERAL.—If the Secretary deter-  
14 mines, after notice and an opportunity for a  
15 hearing, that an employer of an alien granted  
16 blue card status has knowingly failed to provide  
17 the record of employment required under para-  
18 graph (1) or has provided a false statement of  
19 material fact in such a record, the employer  
20 shall be subject to a civil penalty in an amount  
21 not to exceed \$500 per violation.

22 (B) LIMITATION.—The penalty under sub-  
23 paragraph (A) for failure to provide employ-  
24 ment records shall not apply unless the alien  
25 has provided the employer with evidence of em-

1           employment authorization described in subsection  
2           (b)(11).

3           (C) DEPOSIT OF CIVIL PENALTIES.—Civil  
4           penalties collected under this paragraph shall be  
5           deposited into the Immigration Examinations  
6           Fee Account pursuant to section 286(m) of the  
7           Immigration and Nationality Act (8 U.S.C.  
8           1356(m)).

9           (3) CONTINUING EMPLOYMENT.—An employer  
10          that knows an alien employee is an applicant for  
11          blue card status or will apply for such status once  
12          the application period commences is not in violation  
13          of section 274A(a)(2) of the Immigration and Na-  
14          tionality Act (8 U.S.C. 1324a(a)(2)) if the employer  
15          continues to employ the alien pending the adjudica-  
16          tion of the alien employee’s application.

17          (4) EMPLOYER PROTECTIONS.—

18                (A) USE OF EMPLOYMENT RECORDS.—  
19                Copies of employment records or other evidence  
20                of employment provided by an alien or by an  
21                alien’s employer in support of an alien’s appli-  
22                cation for blue card status may not be used in  
23                a civil or criminal prosecution or investigation  
24                of that employer under section 274A of the Im-  
25                migration and Nationality Act (8 U.S.C.

1           1324a) or the Internal Revenue Code of 1986  
2           for the prior unlawful employment of that alien  
3           regardless of the adjudication of such applica-  
4           tion or reconsideration by the Secretary of such  
5           alien's prima facie eligibility determination.  
6           Employers that provide unauthorized aliens  
7           with copies of employment records or other evi-  
8           dence of employment pursuant to an application  
9           for blue card status shall not be subject to civil  
10          and criminal liability pursuant to such section  
11          274A for employing such unauthorized aliens.

12                 (B) LIMIT ON APPLICABILITY.—The pro-  
13                 tections for employers and aliens under sub-  
14                 paragraph (A) shall not apply if the aliens or  
15                 employers submit employment records that are  
16                 determined to be fraudulent.

17           (h) ADMINISTRATIVE AND JUDICIAL REVIEW.—

18                 (1) IN GENERAL.—Any administrative or judi-  
19                 cial review of a determination regarding an applica-  
20                 tion for blue card status shall comply with the re-  
21                 quirements under this subsection.

22                 (2) ADMINISTRATIVE REVIEW.—

23                         (A) SINGLE LEVEL OF APPELLATE RE-  
24                         VIEW.—The Secretary shall establish an appel-  
25                         late authority to provide for a single level of ad-

1           ministration appellate review of a final agency  
2           determination.

3                   (B) STANDARD FOR REVIEW.—An admin-  
4           istrative appellate review established under sub-  
5           paragraph (A) shall be based solely upon—

6                           (i) the administrative record estab-  
7                           lished at the time of the determination re-  
8                           garding the application; and

9                           (ii) any additional or newly discovered  
10                          evidence that was not available at the time  
11                          of a final agency determination.

12                   (3) JUDICIAL REVIEW.—Judicial review of a de-  
13           termination under this section shall be limited to the  
14           review of an order of removal under section 242 of  
15           the Immigration and Nationality Act (8 U.S.C.  
16           1252).

17           (i) DISCLOSURES AND PRIVACY.—

18                   (1) PROHIBITED DISCLOSURES.—Except as oth-  
19           erwise provided in this subsection, no officer or em-  
20           ployee of any Federal agency may—

21                           (A) use the information furnished in an  
22                           application for lawful status under this section  
23                           or section 245B of the Immigration and Na-  
24                           tionality Act, for any purpose other than to



1           make a determination on any application by the  
2           alien for any immigration benefit or protection;

3           (B) make any publication through which  
4           information furnished by any particular appli-  
5           cant can be identified; or

6           (C) permit anyone other than the sworn of-  
7           ficers, employees, and contractors of such agen-  
8           cy or of another entity approved by the Sec-  
9           retary to examine any individual application for  
10          lawful status under this section or such section  
11          245B.

12          (2) REQUIRED DISCLOSURES.—The Secretary  
13          shall provide the information furnished in an appli-  
14          cation filed under this section or section 245B of the  
15          Immigration and Nationality Act and any other in-  
16          formation derived from such furnished information  
17          to—

18                 (A) a law enforcement agency, intelligence  
19                 agency, national security agency, a component  
20                 of the Department of Homeland Security,  
21                 court, or grand jury, consistent with law, in  
22                 connection with—

23                         (i) a criminal investigation or prosecu-  
24                         tion of any felony not related to the appli-  
25                         cant's immigration status; or

1 (ii) a national security investigation or  
2 prosecution; and

3 (B) an official coroner for purposes of af-  
4 firmatively identifying a deceased individual,  
5 whether or not the death of such individual re-  
6 sulted from a crime.

7 (3) AUDITING AND EVALUATION OF INFORMA-  
8 TION.—The Secretary may—

9 (A) audit and evaluate information fur-  
10 nished as part of any application filed under  
11 this section or section 245B of the Immigration  
12 and Nationality Act for purposes of identifying  
13 immigration fraud or fraud schemes; and

14 (B) use any evidence detected by means of  
15 audits and evaluations for purposes of inves-  
16 tigating, prosecuting, referring for prosecution,  
17 or denying or terminating immigration benefits.

18 (4) PRIVACY AND CIVIL LIBERTIES.—

19 (A) IN GENERAL.—The Secretary, in ac-  
20 cordance with paragraph (1), shall require ap-  
21 propriate administrative and physical safe-  
22 guards to protect the security, confidentiality,  
23 and integrity of personally identifiable informa-  
24 tion collected, maintained, and disseminated



1 the Secretary shall adjust the status of an alien granted  
2 blue card status to that of an alien lawfully admitted for  
3 permanent residence if the Secretary determines that the  
4 following requirements are satisfied:

5           “(1) QUALIFYING EMPLOYMENT.—Except as  
6 provided in paragraph (3), the alien—

7                   “(A) during the 8-year period beginning on  
8 the date of the enactment of the Agricultural  
9 Worker Program Act of 2024, performed not  
10 less than 100 work days of agricultural employ-  
11 ment during each of 5 years; or

12                   “(B) during the 5-year period beginning on  
13 such date of enactment, performed not less  
14 than 150 work days of agricultural employment  
15 during each of 3 years.

16           “(2) EVIDENCE.—An alien may demonstrate  
17 compliance with the requirement under paragraph  
18 (1) by submitting to the Secretary—

19                   “(A) the alien’s record of employment (as  
20 described in section 101(d) of the Agricultural  
21 Worker Program Act of 2024);

22                   “(B) documentation that may be submitted  
23 under subsection (e)(4); or

24                   “(C) any other documentation designated  
25 by the Secretary for such purpose.

1           “(3) EXTRAORDINARY CIRCUMSTANCES.—

2           “(A) IN GENERAL.—In determining wheth-  
3 er an alien has met the requirement under  
4 paragraph (1), the Secretary may credit the  
5 alien with not more than 12 additional months  
6 of agricultural employment in the United States  
7 to meet such requirement if the alien was un-  
8 able to work in agricultural employment due  
9 to—

10           “(i) pregnancy, disabling injury, or  
11 disease established by the alien through  
12 medical records;

13           “(ii) illness, disease, or other special  
14 needs of the alien’s child established by the  
15 alien through medical records;

16           “(iii) severe weather conditions that  
17 prevented the alien from engaging in agri-  
18 cultural employment for a significant pe-  
19 riod; or

20           “(iv) termination from agricultural  
21 employment, if the Secretary determines  
22 that—

23           “(I) the termination was without  
24 just cause; and

1                   “(II) the alien was unable to find  
2                   alternative agricultural employment  
3                   after a reasonable job search.

4                   “(B) EFFECT OF DETERMINATION.—A de-  
5                   termination under subparagraph (A)(iv), with  
6                   respect to an alien, shall not be conclusive,  
7                   binding, or admissible in a separate or subse-  
8                   quent judicial or administrative action or pro-  
9                   ceeding between the alien and a current or  
10                  prior employer of the alien or any other party.

11                  “(4) APPLICATION PERIOD.—The alien applies  
12                  for adjustment of status before the expiration of the  
13                  alien’s blue card status.

14                  “(5) FINE.—The alien pays a fine of \$400 to  
15                  the Secretary, which shall be deposited into the Im-  
16                  migration Examinations Fee Account pursuant to  
17                  section 286(m).

18                  “(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF  
19 STATUS.—

20                  “(1) IN GENERAL.—The Secretary may not ad-  
21                  just the status of an alien granted blue card status  
22                  if the alien—

23                          “(A) is no longer eligible for blue card sta-  
24                          tus; or

1           “(B) failed to perform the qualifying em-  
2           ployment required under subsection (a)(1),  
3           after considering any amount credited by the  
4           Secretary under subsection (a)(3).

5           “(2) MAINTENANCE OF WAIVERS OF INADMIS-  
6           SIBILITY.—The grounds of inadmissibility set forth  
7           in section 212(a) that were previously waived for the  
8           alien or made inapplicable shall not apply for pur-  
9           poses of the alien’s adjustment of status under this  
10          section.

11          “(3) PENDING REVOCATION PROCEEDINGS.—If  
12          the Secretary has notified the applicant that the  
13          Secretary intends to revoke the applicant’s blue card  
14          status, the Secretary may not approve an application  
15          for adjustment of status under this section unless  
16          the Secretary makes a final determination not to re-  
17          voke the applicant’s status.

18          “(4) PAYMENT OF TAXES.—

19                 “(A) IN GENERAL.—An alien may not file  
20                 an application for adjustment of status under  
21                 this section unless the applicant has satisfied  
22                 any applicable Federal tax liability.

23                 “(B) DEFINITION OF APPLICABLE FED-  
24                 ERAL TAX LIABILITY.—In this paragraph, the  
25                 term ‘applicable federal tax liability’ means all

1 Federal income taxes assessed in accordance  
2 with section 6203 of the Internal Revenue Code  
3 of 1986 since the date on which the applicant  
4 was authorized to work in the United States in  
5 blue card status.

6 “(C) COMPLIANCE.—An alien may dem-  
7 onstrate compliance with subparagraph (A) by  
8 submitting such documentation as the Sec-  
9 retary, in consultation with the Secretary of the  
10 Treasury, may require by regulation.

11 “(c) SPOUSES AND CHILDREN.—Notwithstanding  
12 any other provision of law, the Secretary shall grant per-  
13 manent resident status to the spouse or child of an alien  
14 whose status was adjusted under subsection (a) if—

15 “(1) the spouse or child (including any indi-  
16 vidual who was a child on the date such alien was  
17 granted blue card status) applies for or received  
18 such status;

19 “(2) the principal alien includes the spouse and  
20 children in an application for adjustment of status  
21 to that of a lawful permanent resident; and

22 “(3) the spouse or child is not ineligible for  
23 such status.

24 “(d) NUMERICAL LIMITATIONS.—The numerical lim-  
25 itations under sections 201 and 202 shall not apply to the



1 adjustment of aliens to lawful permanent resident status  
2 under this section.

3 “(e) SUBMISSION OF APPLICATIONS.—

4 “(1) INTERVIEW.—The Secretary may interview  
5 applicants for adjustment of status under this sec-  
6 tion to determine whether the alien meets the eligi-  
7 bility requirements set forth in this section.

8 “(2) FEES.—

9 “(A) IN GENERAL.—Applicants for adjust-  
10 ment of status under this section shall pay a  
11 processing fee to the Secretary in an amount  
12 that will ensure the recovery of the full costs of  
13 adjudicating such applications, including—

14 “(i) the cost of taking and processing  
15 biometric data;

16 “(ii) expenses relating to prevention  
17 and investigation of fraud; and

18 “(iii) costs relating to the collection of  
19 such fee.

20 “(B) AUTHORITY TO LIMIT FEES.—The  
21 Secretary, by regulation—

22 “(i) may limit the maximum proc-  
23 essing fee payable under this paragraph by  
24 a family, including spouses and children;  
25 and

1                   “(ii) may exempt defined classes of in-  
2                   dividuals from the payment of the fee  
3                   under subparagraph (A).

4                   “(3) DISPOSITION OF FEES.—All fees collected  
5                   under paragraph (2)(A)—

6                   “(A) shall be deposited into the Immigra-  
7                   tion Examinations Fee Account pursuant to  
8                   section 286(m); and

9                   “(B) shall remain available until expended  
10                  pursuant to section 286(n).

11                  “(4) DOCUMENTATION OF WORK HISTORY.—

12                  “(A) BURDEN OF PROOF.—An alien apply-  
13                  ing for blue card status under section 102 of  
14                  the Agricultural Worker Program Act of 2024  
15                  or for adjustment of status under subsection (a)  
16                  shall provide evidence that the alien has worked  
17                  the requisite number of hours or days required  
18                  under subsection (a)(1) of such section 102 or  
19                  subsection (a)(1) of this section, as applicable.

20                  “(B) TIMELY PRODUCTION OF RECORDS.—  
21                  If an employer or farm labor contractor employ-  
22                  ing such an alien has kept proper and adequate  
23                  records respecting such employment, the alien’s  
24                  burden of proof under subparagraph (A) may  
25                  be met by securing timely production of those

1 records under regulations to be promulgated by  
2 the Secretary.

3 “(C) SUFFICIENT EVIDENCE.—An alien  
4 may meet the burden of proof under subpara-  
5 graph (A) to establish that the alien has per-  
6 formed the days or hours of work referred to in  
7 subparagraph (A) by producing sufficient evi-  
8 dence to show the extent of that employment as  
9 a matter of just and reasonable inference.

10 “(f) PENALTIES FOR FALSE STATEMENTS IN APPLI-  
11 CATIONS.—

12 “(1) CRIMINAL PENALTY.—Any person who—

13 “(A) files an application for blue card sta-  
14 tus under section 102 of the Agricultural Work-  
15 er Program Act of 2024 or for an adjustment  
16 of status under this section and knowingly and  
17 willfully falsifies, conceals, or covers up a mate-  
18 rial fact or makes any false, fictitious, or fraud-  
19 ulent statements or representations, or makes  
20 or uses any false writing or document knowing  
21 the same to contain any false, fictitious, or  
22 fraudulent statement or entry; or

23 “(B) creates or supplies a false writing or  
24 document for use in making such an applica-  
25 tion,

1 shall be fined in accordance with title 18, United  
2 States Code, imprisoned not more than 5 years, or  
3 both.

4 “(2) INADMISSIBILITY.—An alien who is con-  
5 victed of a crime described in paragraph (1) shall be  
6 deemed inadmissible to the United States on the  
7 ground described in section 212(a)(6)(C)(i).

8 “(3) DEPOSIT.—Fines collected under para-  
9 graph (1) shall be deposited into the Immigration  
10 Examinations Fee Account pursuant to section  
11 286(m).

12 “(g) ELIGIBILITY FOR LEGAL SERVICES.—Section  
13 504(a)(11) of the Departments of Commerce, Justice, and  
14 State, the Judiciary, and Related Agencies Appropriations  
15 Act, 1996 (Public Law 104–134; 110 Stat. 1321–55) may  
16 not be construed to prevent a recipient of funds under the  
17 Legal Services Corporation Act (42 U.S.C. 2996 et seq.)  
18 from providing legal assistance directly related to an appli-  
19 cation for blue card status under section 41101 of the Ag-  
20 ricultural Worker Program Act of 2024, to an individual  
21 who has been granted blue card status, or for an applica-  
22 tion for an adjustment of status under this section.

23 “(h) ADMINISTRATIVE AND JUDICIAL REVIEW.—  
24 Aliens applying for blue card status under section 102 of  
25 the Agricultural Worker Program Act of 2024 or for ad-

1 justment to permanent resident status under this section  
2 shall be entitled to the rights and subject to the conditions  
3 applicable to other classes of aliens under section 242.”.

4 (b) CONFORMING AMENDMENT.—Section 201(b)(1)  
5 of the Immigration and Nationality Act (8 U.S.C.  
6 1151(b)(1)) is amended—

7 (1) by redesignating subparagraph (E) as sub-  
8 paragraph (F); and

9 (2) by inserting after subparagraph (D) the fol-  
10 lowing:

11 “(E) Aliens granted lawful permanent resi-  
12 dent status under section 245B.”.

13 (c) CLERICAL AMENDMENT.—The table of contents  
14 of the Immigration and Nationality Act (8 U.S.C. 1101  
15 note) is amended by inserting after the item relating to  
16 section 245A the following:

“Sec. 245B. Adjustment to permanent resident status for agricultural work-  
ers.”.

17 **SEC. 104. USE OF INFORMATION.**

18 Beginning not later than the first day of the applica-  
19 tion period described in section 102(b)(3), the Secretary,  
20 in cooperation with qualified designated entities, shall  
21 broadly disseminate information regarding—

22 (1) the benefits that aliens may receive under  
23 this title and the amendments made by this title;  
24 and

1           (2) the requirements that an alien is required  
2           to meet to receive such benefits.

3 **SEC. 105. REPORTS ON BLUE CARDS.**

4           Not later than six months after the publication of the  
5 final rule under section 102(j), and annually thereafter for  
6 the following eight years, the Secretary shall submit a re-  
7 port to Congress that identifies, for the previous fiscal  
8 year—

9           (1) the number of aliens who applied for blue  
10          card status;

11          (2) the number of aliens who were granted blue  
12          card status;

13          (3) the number of aliens who applied for an ad-  
14          justment of status pursuant to section 245B(a) of  
15          the Immigration and Nationality Act; and

16          (4) the number of aliens who received an ad-  
17          justment of status pursuant such section 245B(a).

18 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

19           There are authorized to be appropriated to the Sec-  
20 retary such amounts as may be necessary to implement  
21 this title, including any amounts needed for costs associ-  
22 ated with the initiation of such implementation during fis-  
23 cal years 2025 and 2026.

1           **TITLE II—CORRECTION OF**  
2           **SOCIAL SECURITY RECORDS**

3   **SEC. 201. CORRECTION OF SOCIAL SECURITY RECORDS.**

4           (a) IN GENERAL.—Section 208(e)(1) of the Social  
5 Security Act (42 U.S.C. 408(e)(1)) is amended—

6                 (1) in subparagraph (B)(ii), by striking “or” at  
7 the end;

8                 (2) in subparagraph (C), by inserting “or” at  
9 the end;

10                (3) by inserting after subparagraph (C) the fol-  
11 lowing:

12                         “(D) who is granted blue card status  
13 under section 102 of the Agricultural Worker  
14 Program Act of 2024,”; and

15                 (4) in the undesignated matter following sub-  
16 paragraph (D), as added by paragraph (3), by strik-  
17 ing “1990.” and inserting “1990, or in the case of  
18 an alien described in subparagraph (D), if such con-  
19 duct is alleged to have occurred before the date on  
20 which the alien was granted blue card status under  
21 section 102(a) of the Agricultural Worker Program  
22 Act of 2024.”.

23           (b) EFFECTIVE DATE.—The amendments made by  
24 subsection (a) shall take effect on the first day of the sev-

1 enth month that begins after the date of the enactment  
2 of this Act.

### 3 **TITLE III—DEFINITIONS**

#### 4 **SEC. 301. DEFINITIONS.**

5 In this division:

6 (1) **AGRICULTURAL EMPLOYMENT.**—The term  
7 “agricultural employment” has the meaning given  
8 such term in section 3 of the Migrant and Seasonal  
9 Agricultural Worker Protection Act (29 U.S.C.  
10 1802), without regard to whether the specific service  
11 or activity is temporary or seasonal.

12 (2) **BLUE CARD STATUS.**—The term “blue card  
13 status” means the status of an alien who has been  
14 lawfully admitted into the United States for tem-  
15 porary residence under section 41101.

16 (3) **CHILD.**—The term “child” has the meaning  
17 given such term in section 101(b)(1) of the Immi-  
18 gration and Nationality Act (8 U.S.C. 1101(b)(1)).

19 (4) **CONTINUOUS PRESENCE.**—An alien shall be  
20 deemed to have maintained “continuous presence” in  
21 the United States for purposes of section  
22 102(a)(1)(B)(iii) if any absences from the United  
23 States during the applicable period were brief, cas-  
24 ual, and innocent, whether or not such absences  
25 were authorized by the Secretary.



1           (5) EMPLOYER.—The term “employer” means  
2 any person or entity, including any farm labor con-  
3 tractor and any agricultural association, that em-  
4 ploys workers in agricultural employment.

5           (6) QUALIFIED DESIGNATED ENTITY.—The  
6 term “qualified designated entity” means—

7           (A) a qualified farm labor organization or  
8 an association of employers designated by the  
9 Secretary; or

10           (B) any other entity that the Secretary  
11 designates as having substantial experience,  
12 demonstrated competence, and a history of  
13 long-term involvement in the preparation and  
14 submission of application for adjustment of sta-  
15 tus under title II of the Immigration and Na-  
16 tionality Act (8 U.S.C. 1151 et seq.).

17           (7) QUALIFIED WORK.—The term “qualified  
18 work” means work performed in agricultural em-  
19 ployment in the United States for not fewer than  
20 575 hours or 100 work days during the 2-year pe-  
21 riod ending on the date of the enactment of this Act.

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

1           (9) WORK DAY.—The term “work day” means  
2           any day in which the individual is employed 5.75 or  
3           more hours in agricultural employment.

## 4           **DIVISION D—SAVE ACT**

### 5   **SEC. 101. SHORT TITLE.**

6           This Act may be cited as the “Safeguard American  
7   Voter Eligibility Act” or the “SAVE Act”.

### 8   **SEC. 102. ENSURING ONLY CITIZENS ARE REGISTERED TO** 9           **VOTE IN ELECTIONS FOR FEDERAL OFFICE.**

10          (a) DEFINITION OF DOCUMENTARY PROOF OF  
11   UNITED STATES CITIZENSHIP.—Section 3 of the National  
12   Voter Registration Act of 1993 (52 U.S.C. 20502) is  
13   amended—

14           (1) by striking “As used” and inserting “(a) IN  
15   GENERAL.—As used”; and

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

17          “(b) DOCUMENTARY PROOF OF UNITED STATES  
18   CITIZENSHIP.—As used in this Act, the term ‘documen-  
19   tary proof of United States citizenship’ means, with re-  
20   spect to an applicant for voter registration, any of the fol-  
21   lowing:

22           “(1) A form of identification issued consistent  
23   with the requirements of the REAL ID Act of 2005  
24   that indicates the applicant is a citizen of the United  
25   States.

1           “(2) A valid United States passport.

2           “(3) The applicant’s official United States mili-  
3           tary identification card, together with a United  
4           States military record of service showing that the  
5           applicant’s place of birth was in the United States.

6           “(4) A valid government-issued photo identifica-  
7           tion card issued by a Federal, State or Tribal gov-  
8           ernment showing that the applicant’s place of birth  
9           was in the United States.

10          “(5) A valid government-issued photo identifica-  
11          tion card issued by a Federal, State or Tribal gov-  
12          ernment other than an identification described in  
13          paragraphs (1) through (4), but only if presented to-  
14          gether with one or more of the following:

15                 “(A) A certified birth certificate issued by  
16                 a State, a unit of local government in a State,  
17                 or a Tribal government which—

18                         “(i) was issued by the State, unit of  
19                         local government, or Tribal government in  
20                         which the applicant was born;

21                         “(ii) was filed with the office respon-  
22                         sible for keeping vital records in the State;

23                         “(iii) includes the full name, date of  
24                         birth, and place of birth of the applicant;

1                   “(iv) lists the full names of one or  
2                   both of the parents of the applicant;

3                   “(v) has the signature of an individual  
4                   who is authorized to sign birth certificates  
5                   on behalf of the State, unit of local govern-  
6                   ment, or Tribal government in which the  
7                   applicant was born;

8                   “(vi) includes the date that the certifi-  
9                   cate was filed with the office responsible  
10                  for keeping vital records in the State; and

11                  “(vii) has the seal of the State, unit  
12                  of local government, or Tribal government  
13                  that issued the birth certificate.

14                  “(B) An extract from a United States hos-  
15                  pital Record of Birth created at the time of the  
16                  applicant’s birth which indicates that the appli-  
17                  cant’s place of birth was in the United States.

18                  “(C) A final adoption decree showing the  
19                  applicant’s name and that the applicant’s place  
20                  of birth was in the United States.

21                  “(D) A Consular Report of Birth Abroad  
22                  of a citizen of the United States or a certifi-  
23                  cation of the applicant’s Report of Birth of a  
24                  United States citizen issued by the Secretary of  
25                  State.

1           “(E) A Naturalization Certificate or Cer-  
2           tificate of Citizenship issued by the Secretary of  
3           Homeland Security or any other document or  
4           method of proof of United States citizenship  
5           issued by the Federal Government pursuant to  
6           the Immigration and Nationality Act.

7           “(F) An American Indian Card issued by  
8           the Department of Homeland Security with the  
9           classification ‘KIC’.”.

10          (b) IN GENERAL.—Section 4 of the National Voter  
11          Registration Act of 1993 (52 U.S.C. 20503) is amended—

12                 (1) in subsection (a), by striking “subsection  
13                 (b)” and inserting “subsection (c)”;

14                 (2) by redesignating subsection (b) as sub-  
15                 section (c); and

16                 (3) by inserting after subsection (a) the fol-  
17                 lowing new subsection:

18                 “(b) REQUIRING APPLICANTS TO PRESENT DOCU-  
19                 MENTARY PROOF OF UNITED STATES CITIZENSHIP.—  
20                 Under any method of voter registration in a State, the  
21                 State shall not accept and process an application to reg-  
22                 ister to vote in an election for Federal office unless the  
23                 applicant presents documentary proof of United States  
24                 citizenship with the application.”.

1           (c) REGISTRATION WITH APPLICATION FOR MOTOR  
2 VEHICLE DRIVER'S LICENSE.—Section 5 of the National  
3 Voter Registration Act of 1993 (52 U.S.C. 20504) is  
4 amended—

5           (1) in subsection (a)(1), by striking “Each  
6 State motor vehicle driver's license application” and  
7 inserting “Subject to the requirements under section  
8 8(j), each State motor vehicle driver's license appli-  
9 cation”;

10           (2) in subsection (c)(1), by striking “Each  
11 State shall include” and inserting “Subject to the  
12 requirements under section 8(j), each State shall in-  
13 clude”;

14           (3) in subsection (c)(2)(B)—

15           (A) in clause (i), by striking “and” at the  
16 end;

17           (B) in clause (ii), by adding “and” at the  
18 end; and

19           (C) by adding at the end the following new  
20 clause:

21           “(iii) verify that the applicant is a citizen  
22 of the United States;”;

23           (4) in subsection (c)(2)(C)(i), by striking “(in-  
24 cluding citizenship)” and inserting “, including the

1 requirement that the applicant provides documentary  
2 proof of United States citizenship”; and

3 (5) in subsection (c)(2)(D)(iii), by striking “;  
4 and” and inserting the following: “, other than as  
5 evidence in a criminal proceeding or immigration  
6 proceeding brought against an applicant who know-  
7 ingly attempts to register to vote and knowingly  
8 makes a false declaration under penalty of perjury  
9 that the applicant meets the eligibility requirements  
10 to register to vote in an election for Federal office;  
11 and”.

12 (d) REQUIRING DOCUMENTARY PROOF OF UNITED  
13 STATES CITIZENSHIP WITH NATIONAL MAIL VOTER  
14 REGISTRATION FORM.—Section 6 of the National Voter  
15 Registration Act of 1993 (52 U.S.C. 20505) is amended—

16 (1) in subsection (a)(1)—

17 (A) by striking “Each State shall accept  
18 and use” and inserting “Subject to the require-  
19 ments under section 8(j), each State shall ac-  
20 cept and use”; and

21 (B) by striking “Federal Election Commis-  
22 sion” and inserting “Election Assistance Com-  
23 mission”;

24 (2) in subsection (b), by adding at the end the  
25 following: “The chief State election official of a

1 State shall take such steps as may be necessary to  
2 ensure that residents of the State are aware of the  
3 requirement to provide documentary proof of United  
4 States citizenship to register to vote in elections for  
5 Federal office in the State.”;

6 (3) in subsection (c)(1)—

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

9 (B) in subparagraph (B) by striking the  
10 period at the end and inserting “; and”; and

11 (C) by adding at the end the following new  
12 subparagraph:

13 “(C) the person did not provide documentary  
14 proof of United States citizenship when registering  
15 to vote.”; and

16 (4) by adding at the end the following new sub-  
17 section:

18 “(e) ENSURING PROOF OF UNITED STATES CITIZEN-  
19 SHIP.—

20 “(1) PRESENTING PROOF OF UNITED STATES  
21 CITIZENSHIP TO ELECTION OFFICIAL.—An applicant  
22 who submits the mail voter registration application  
23 form prescribed by the Election Assistance Commis-  
24 sion pursuant to section 9(a)(2) or a form described  
25 in paragraph (1) or (2) of subsection (a) shall not



1 be registered to vote in an election for Federal office  
2 unless—

3 “(A) the applicant presents documentary  
4 proof of United States citizenship in person to  
5 the office of the appropriate election official not  
6 later than the deadline provided by State law  
7 for the receipt of a completed voter registration  
8 application for the election; or

9 “(B) in the case of a State which permits  
10 an individual to register to vote in an election  
11 for Federal office at a polling place on the day  
12 of the election and on any day when voting, in-  
13 cluding early voting, is permitted for the elec-  
14 tion, the applicant presents documentary proof  
15 of United States citizenship to the appropriate  
16 election official at the polling place not later  
17 than the date of the election.

18 “(2) NOTIFICATION OF REQUIREMENT.—Upon  
19 receiving an otherwise completed mail voter registra-  
20 tion application form prescribed by the Election As-  
21 sistance Commission pursuant to section 9(a)(2) or  
22 a form described in paragraph (1) or (2) of sub-  
23 section (a), the appropriate election official shall  
24 transmit a notice to the applicant of the requirement  
25 to present documentary proof of United States citi-

1 zenship under this subsection, and shall include in  
2 the notice instructions to enable the applicant to  
3 meet the requirement.

4 “(3) ACCESSIBILITY.—Each State shall, in con-  
5 sultation with the Election Assistance Commission,  
6 ensure that reasonable accommodations are made to  
7 allow an individual with a disability who submits the  
8 mail voter registration application form prescribed  
9 by the Election Assistance Commission pursuant to  
10 section 9(a)(2) or a form described in paragraph (1)  
11 or (2) of subsection (a) to present documentary  
12 proof of United States citizenship to the appropriate  
13 election official.”.

14 (e) REQUIREMENTS FOR VOTER REGISTRATION  
15 AGENCIES.—Section 7 of the National Voter Registration  
16 Act of 1993 (52 U.S.C. 20506) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (4)(A), by adding at the  
19 end the following new clause:

20 “(iv) Receipt of documentary proof of United  
21 States citizenship of each applicant to register to  
22 vote in elections for Federal office in the State.”;  
23 and

24 (B) in paragraph (6)—

1 (i) in subparagraph (A)(i)(I), by strik-  
2 ing “(including citizenship)” and inserting  
3 “, including the requirement that the ap-  
4 plicant provides documentary proof of  
5 United States citizenship”;

6 (ii) by redesignating subparagraph  
7 (B) as subparagraph (C); and

8 (iii) by inserting after subparagraph  
9 (A) the following new subparagraph:

10 “(B) ask the applicant the question, ‘Are you a  
11 citizen of the United States?’ and if the applicant  
12 answers in the affirmative require documentary  
13 proof of United States citizenship prior to providing  
14 the form under subparagraph (C);”; and

15 (2) in subsection (c)(1), by inserting “who are  
16 citizens of the United States” after “for persons”.

17 (f) REQUIREMENTS WITH RESPECT TO ADMINISTRA-  
18 TION OF VOTER REGISTRATION.—Section 8 of the Na-  
19 tional Voter Registration Act of 1993 (52 U.S.C. 20507)  
20 is amended—

21 (1) in subsection (a)—

22 (A) by striking “In the administration of  
23 voter registration” and inserting “Subject to  
24 the requirements of subsection (j), in the ad-  
25 ministration of voter registration”; and

1 (B) in paragraph (3)—

2 (i) in subparagraph (B), by striking

3 “or” at the end; and

4 (ii) by adding at the end the following  
5 new subparagraphs:

6 “(D) based on documentary proof or  
7 verified information that the registrant is not a  
8 United States citizen; or

9 “(E) the registration otherwise fails to  
10 comply with applicable State law;”;

11 (2) by redesignating subsection (j) as sub-  
12 section (l); and

13 (3) by inserting after subsection (i) the fol-  
14 lowing new subsections:

15 “(j) ENSURING ONLY CITIZENS ARE REGISTERED TO

16 VOTE.—

17 “(1) IN GENERAL.—Notwithstanding any other  
18 provision of this Act, a State may not register an in-  
19 dividual to vote in elections for Federal office held  
20 in the State unless, at the time the individual ap-  
21 plies to register to vote, the individual provides docu-  
22 mentary proof of United States citizenship.

23 “(2) ADDITIONAL PROCESSES IN CERTAIN  
24 CASES.—

1           “(A) PROCESS FOR THOSE WITHOUT DOC-  
2           UMENTARY PROOF.—

3           “(i) IN GENERAL.—Subject to any rel-  
4           evant guidance adopted by the Election As-  
5           sistance Commission, each State shall es-  
6           tablish a process under which an applicant  
7           who cannot provide documentary proof of  
8           United States citizenship under paragraph  
9           (1) may, if the applicant signs an attesta-  
10          tion under penalty of perjury that the ap-  
11          plicant is a citizen of the United States  
12          and eligible to vote in elections for Federal  
13          office, submit such other evidence to the  
14          appropriate State or local official dem-  
15          onstrating that the applicant is a citizen of  
16          the United States and such official shall  
17          make a determination as to whether the  
18          applicant has sufficiently established  
19          United States citizenship for purposes of  
20          registering to vote in elections for Federal  
21          office in the State.

22          “(ii) AFFIDAVIT REQUIREMENT.—If a  
23          State or local official makes a determina-  
24          tion under clause (i) that an applicant has  
25          sufficiently established United States citi-

1           zanship for purposes of registering to vote  
2           in elections for Federal office in the State,  
3           such determination shall be accompanied  
4           by an affidavit developed under clause (iii)  
5           signed by the official swearing or affirming  
6           the applicant sufficiently established  
7           United States citizenship for purposes of  
8           registering to vote.

9           “(iii) DEVELOPMENT OF AFFIDAVIT  
10          BY THE ELECTION ASSISTANCE COMMIS-  
11          SION.—The Election Assistance Commis-  
12          sion shall develop a uniform affidavit for  
13          use by State and local officials under  
14          clause (ii), which shall—

15                 “(I) include an explanation of the  
16                 minimum standards required for a  
17                 State or local official to register an  
18                 applicant who cannot provide docu-  
19                 mentary proof of United States citi-  
20                 zenship to vote in elections for Fed-  
21                 eral office in the State; and

22                 “(II) require the official to ex-  
23                 plain the basis for registering such  
24                 applicant to vote in such elections.

1           “(B) PROCESS IN CASE OF CERTAIN DIS-  
2           CREPANCIES IN DOCUMENTATION.—Subject to  
3           any relevant guidance adopted by the Election  
4           Assistance Commission, each State shall estab-  
5           lish a process under which an applicant can  
6           provide such additional documentation to the  
7           appropriate election official of the State as may  
8           be necessary to establish that the applicant is  
9           a citizen of the United States in the event of a  
10          discrepancy with respect to the applicant’s doc-  
11          umentary proof of United States citizenship.

12          “(3) STATE REQUIREMENTS.—Each State shall  
13          take affirmative steps on an ongoing basis to ensure  
14          that only United States citizens are registered to  
15          vote under the provisions of this Act, which shall in-  
16          clude the establishment of a program described in  
17          paragraph (4) not later than 30 days after the date  
18          of the enactment of this subsection.

19          “(4) PROGRAM DESCRIBED.—A State may meet  
20          the requirements of paragraph (3) by establishing a  
21          program under which the State identifies individuals  
22          who are not United States citizens using information  
23          supplied by one or more of the following sources:

1           “(A) The Department of Homeland Secu-  
2           rity through the Systematic Alien Verification  
3           for Entitlements (‘SAVE’) or otherwise.

4           “(B) The Social Security Administration  
5           through the Social Security Number  
6           Verification Service, or otherwise.

7           “(C) State agencies that supply State iden-  
8           tification cards or driver’s licenses where the  
9           agency confirms the United States citizenship  
10          status of applicants.

11          “(D) Other sources, including databases,  
12          which provide confirmation of United States  
13          citizenship status.

14          “(5) AVAILABILITY OF INFORMATION.—

15          “(A) IN GENERAL.—At the request of a  
16          State election official (including a request re-  
17          lated to a process established by a State under  
18          paragraph (2)(A) or (2)(B)), any head of a  
19          Federal department or agency possessing infor-  
20          mation relevant to determining the eligibility of  
21          an individual to vote in elections for Federal of-  
22          fice shall, not later than 24 hours after receipt  
23          of such request, provide the official with such  
24          information as may be necessary to enable the  
25          official to verify that an applicant for voter reg-



1           istration in elections for Federal office held in  
2           the State or a registrant on the official list of  
3           eligible voters in elections for Federal office  
4           held in the State is a citizen of the United  
5           States, which shall include providing the official  
6           with such batched information as may be re-  
7           quested by the official.

8           “(B) USE OF SAVE SYSTEM.—The Sec-  
9           retary of Homeland Security may respond to a  
10          request received under paragraph (1) by using  
11          the system for the verification of immigration  
12          status under the applicable provisions of section  
13          1137 of the Social Security Act (42 U.S.C.  
14          1320b-7), as established pursuant to section  
15          121(c) of the Immigration Reform and Control  
16          Act of 1986 (Public Law 99–603).

17          “(C) SHARING OF INFORMATION.—The  
18          heads of Federal departments and agencies  
19          shall share information with each other with re-  
20          spect to an individual who is the subject of a  
21          request received under paragraph (A) in order  
22          to enable them to respond to the request.

23          “(D) INVESTIGATION FOR PURPOSES OF  
24          REMOVAL.—The Secretary of Homeland Secu-  
25          rity shall conduct an investigation to determine

1           whether to initiate removal proceedings under  
2           section 239 of the Immigration and Nationality  
3           Act (8 U.S.C. 1229) if it is determined pursu-  
4           ant to subparagraph (A) or (B) that an alien  
5           (as such term is defined in section 101 of the  
6           Immigration and Nationality Act (8 U.S.C.  
7           1101)) is unlawfully registered to vote in elec-  
8           tions for Federal office.

9           “(E) PROHIBITING FEES.—The head of a  
10          Federal department or agency may not charge  
11          a fee for responding to a State’s request under  
12          paragraph (A).

13          “(k) REMOVAL OF NONCITIZENS FROM REGISTRA-  
14          TION ROLLS.—A State shall remove an individual who is  
15          not a citizen of the United States from the official list  
16          of eligible voters for elections for Federal office held in  
17          the State at any time upon receipt of documentation or  
18          verified information that a registrant is not a United  
19          States citizen.”.

20          “(g) CLARIFICATION OF AUTHORITY OF STATE TO  
21          REMOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGI-  
22          BLE VOTERS.—

23                 (1) IN GENERAL.—Section 8(a)(4) of the Na-  
24          tional Voter Registration Act of 1993 (52 U.S.C.  
25          20507(a)(4)) is amended—

1 (A) by striking “or” at the end of subpara-  
2 graph (A);

3 (B) by adding “or” at the end of subpara-  
4 graph (B); and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(C) documentary proof or verified infor-  
8 mation that the registrant is not a United  
9 States citizen;”.

10 (2) CONFORMING AMENDMENT.—Section  
11 8(c)(2)(B)(i) of such Act (52 U.S.C.  
12 20507(c)(2)(B)(i)) is amended by striking “(4)(A)”  
13 and inserting “(4)(A) or (C)”.

14 (h) REQUIREMENTS WITH RESPECT TO FEDERAL  
15 MAIL VOTER REGISTRATION FORM.—

16 (1) CONTENTS OF MAIL VOTER REGISTRATION  
17 FORM.—Section 9(b) of such Act (52 U.S.C.  
18 20508(b)) is amended—

19 (A) in paragraph (2)(A), by striking “(in-  
20 cluding citizenship)” and inserting “(including  
21 an explanation of what is required to present  
22 documentary proof of United States citizen-  
23 ship)”;

24 (B) in paragraph (3), by striking “and” at  
25 the end;

1 (C) in paragraph (4), by striking the pe-  
2 riod at the end and inserting “; and”; and

3 (D) by adding at the end the following new  
4 paragraph:

5 “(5) shall include a section, for use only by a  
6 State or local election official, to record the type of  
7 document the applicant presented as documentary  
8 proof of United States citizenship, including the date  
9 of issuance, the date of expiration (if any), the office  
10 which issued the document, and any unique identi-  
11 fication number associated with the document.”.

12 (2) INFORMATION ON MAIL VOTER REGISTRA-  
13 TION FORM.—Section 9(b)(4) of such Act (52  
14 U.S.C. 20508(b)(4)) is amended—

15 (A) by redesignating clauses (i) through  
16 (iii) as subparagraphs (A) through (C), respec-  
17 tively; and

18 (B) in subparagraph (C) (as so redesign-  
19 ated and as amended by paragraph (1)(C)), by  
20 striking “; and” and inserting the following: “,  
21 other than as evidence in a criminal proceeding  
22 or immigration proceeding brought against an  
23 applicant who attempts to register to vote and  
24 makes a false declaration under penalty of per-  
25 jury that the applicant meets the eligibility re-

1            requirements to register to vote in an election for  
2            Federal office; and”.

3            (i) PRIVATE RIGHT OF ACTION.—Section 11(b)(1) of  
4 the National Voter Registration Act of 1993 (52 U.S.C.  
5 20510(b)(1)) is amended by striking “a violation of this  
6 Act” and inserting “a violation of this Act, including the  
7 act of an election official who registers an applicant to  
8 vote in an election for Federal office who fails to present  
9 documentary proof of United States citizenship,”.

10          (j) CRIMINAL PENALTIES.—Section 12(2) of such  
11 Act (52 U.S.C. 20511(2)) is amended—

12            (1) by striking “or” at the end of subparagraph  
13            (A);

14            (2) by redesignating subparagraph (B) as sub-  
15            paragraph (D); and

16            (3) by inserting after subparagraph (A) the fol-  
17            lowing new subparagraphs:

18            “(B) in the case of an officer or employee  
19            of the executive branch, providing material as-  
20            sistance to a noncitizen in attempting to reg-  
21            ister to vote or vote in an election for Federal  
22            office;

23            “(C) registering an applicant to vote in an  
24            election for Federal office who fails to present

1           documentary proof of United States citizenship;  
2           or”.

3           (k) APPLICABILITY OF REQUIREMENTS TO CERTAIN  
4 STATES.—

5           (1) IN GENERAL.—Subsection (c) of section 4  
6 of the National Voter Registration Act of 1993 (52  
7 U.S.C. 20503), as redesignated by subsection (b), is  
8 amended by striking “This Act does not apply to a  
9 State” and inserting “Except with respect to the re-  
10 quirements under subsection (i) and (j) of section 8  
11 in the case of a State described in paragraph (2),  
12 this Act does not apply to a State”.

13           (2) PERMITTING STATES TO ADOPT REQUIRE-  
14 MENTS AFTER ENACTMENT.—Section 4 of such Act  
15 (52 U.S.C. 20503) is amended by adding at the end  
16 the following new subsection:

17           “(d) PERMITTING STATES TO ADOPT CERTAIN RE-  
18 QUIREMENTS AFTER ENACTMENT.—Subsections (i) and  
19 (j) of section 8 shall not apply to a State described in  
20 subsection (c)(2) if the State, by law or regulation, adopts  
21 requirements which are identical to the requirements  
22 under such subsections not later than 60 days prior to  
23 the date of the first election for Federal office which is  
24 held in the State after the date of the enactment of the  
25 SAVE Act.”.

1 **SEC. 103. ELECTION ASSISTANCE COMMISSION GUIDANCE.**

2 Not later than 10 days after the date of the enact-  
3 ment of this Act, the Election Assistance Commission shall  
4 adopt and transmit to the chief State election official of  
5 each State guidance with respect to the implementation  
6 of the requirements under the National Voter Registration  
7 Act of 1993 (52 U.S.C. 20501 et seq.), as amended by  
8 section 102.

9 **SEC. 104. INAPPLICABILITY OF PAPERWORK REDUCTION**  
10 **ACT.**

11 Subchapter I of chapter 35 of title 44 (commonly re-  
12 ferred to as the “Paperwork Reduction Act”) shall not  
13 apply with respect to the development or modification of  
14 voter registration materials under the National Voter Reg-  
15 istration Act of 1993 (52 U.S.C. 20501 et seq.), as  
16 amended by section 102, including the development or  
17 modification of any voter registration application forms.

18 **SEC. 105. DUTY OF SECRETARY OF HOMELAND SECURITY**  
19 **TO NOTIFY ELECTION OFFICIALS OF NATU-**  
20 **RALIZATION.**

21 Upon receiving information that an individual has be-  
22 come a naturalized citizen of the United States, the Sec-  
23 retary of Homeland Security shall promptly provide notice  
24 of such information to the appropriate chief election offi-  
25 cial of the State in which such individual is domiciled.

1 **SEC. 106. RULE OF CONSTRUCTION REGARDING PROVI-**  
2 **SIONAL BALLOTS.**

3 Nothing in this division or in any amendment made  
4 by this division may be construed to supercede, restrict,  
5 or otherwise affect the ability of an individual to cast a  
6 provisional ballot in an election for Federal office or to  
7 have the ballot counted in the election if the individual  
8 is verified as a citizen of the United States pursuant to  
9 section 8(j) of the National Voter Registration Act of  
10 1993 (as added by section 102(f)).

11 **SEC. 107. RULE OF CONSTRUCTION REGARDING EFFECT**  
12 **ON STATE EXEMPTIONS FROM OTHER FED-**  
13 **ERAL LAWS.**

14 Nothing in this division or in any amendment made  
15 by this division may be construed to affect the exemption  
16 of a State from any requirement of any Federal law other  
17 than the National Voter Registration Act of 1993 (52  
18 U.S.C. 20501 et seq.).

19 **SEC. 108. EFFECTIVE DATE.**

20 This division and the amendments made by this divi-  
21 sion shall take effect on the date of the enactment of this  
22 Act, and shall apply with respect to applications for voter  
23 registration which are submitted on or after such date.

○