

117TH CONGRESS
2D SESSION

H. R. 7757

To provide for an emergency response by the Department of Homeland Security to migration surges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2022

Ms. SLOTKIN (for herself and Mr. TONY GONZALES of Texas) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for an emergency response by the Department of Homeland Security to migration surges, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Migration
5 Response Act of 2022”.

6 **SEC. 2. EMERGENCY RESPONSE TO MIGRATION SURGES.**

7 (a) **AUTHORITY TO DECLARE AN EXTRAORDINARY**
8 **MIGRATION EVENT.—**

1 (1) IN GENERAL.—The President, at the re-
2 quest of the Secretary of Homeland Security or a
3 State or local government entity, may declare an
4 “extraordinary migration event” that is of such a
5 magnitude that an appropriate, timely, or effective
6 response is beyond the scope of the existing infra-
7 structure and staffing levels of the Department of
8 Homeland Security or State or local governmental
9 resources. The Secretary, in consultation with the
10 heads of relevant Federal, State, and local agencies,
11 should establish quantitative and qualitative param-
12 eters described in paragraph (2) to determine if an
13 event is an extraordinary migration event and when
14 such a declaration of such an event should termi-
15 nate.

16 (2) PARAMETERS DESCRIBED.—Quantitative
17 and qualitative parameters described in this para-
18 graph may include the following:

19 (A) The average number of border appre-
20 hensions per week by U.S. Customs and Border
21 Protection compared to historical data.

22 (B) Staffing and resources available to the
23 U.S. Border Patrol operating in sectors affected
24 by a migrant surge.

25 (C) Migrant population composition.

1 (D) Projected or assessed changes in any
2 of the parameters described in this paragraph.

3 (3) REVIEW AND REVISION.—The Secretary of
4 Homeland Security, in consultation with the heads
5 of relevant Federal, State, and local agencies,
6 should, not less frequently than annually, review
7 and, if appropriate, revise the quantitative and qual-
8 itative parameters described in paragraph (2).

9 (4) NOTIFICATION.—If a quantitative or quali-
10 tative parameter described in paragraph (2) is re-
11 vised pursuant to paragraph (3), the Secretary of
12 Homeland Security shall, not later than 30 days
13 after each such revision notify the Committee on
14 Homeland Security of the House of Representatives
15 and the Committee on Homeland Security and Gov-
16 ernmental Affairs of the Senate of each such revi-
17 sion.

18 (b) APPOINTMENT OF A FEDERAL COORDINATING
19 OFFICER.—

20 (1) IN GENERAL.—Upon the declaration of an
21 extraordinary migration event by the President, the
22 President shall appoint an official of the Department
23 of Homeland Security to serve as the Federal coordi-
24 nating officer. Such officer shall report to the Sec-
25 retary of Homeland Security and shall—

1 (A) conduct an appraisal of the types of
2 resources, including relating to transportation,
3 facilities, personnel, health, and intelligence,
4 necessary to respond to such an event;

5 (B) coordinate—

6 (i) the administration of assistance
7 and support offered to the Department by
8 other Federal departments and agencies in
9 response to such an event;

10 (ii) activities of State and local gov-
11 ernments when requested by such govern-
12 ments in response to such an event; and

13 (iii) activities of nongovernmental or-
14 ganizations providing relief and assistance
15 operating in the area of such event and
16 providing services to migrants in response
17 to such event when requested by such or-
18 ganizations; and

19 (C) advise the Secretary and the President
20 regarding appropriate timing relating to the
21 termination of such an event.

22 (2) RULE OF CONSTRUCTION.—Nothing in
23 paragraph (1) may be construed as prohibiting the
24 senior coordinating official of the Southwest Border
25 Coordination Center of the Department of Home-

1 land Security from serving as the Federal coordi-
2 nating officer appointed pursuant to such paragraph
3 if the President determines such is appropriate.

4 (c) SOUTHWEST BORDER COORDINATION CENTER.—

5 (1) IN GENERAL.—The Secretary of Homeland
6 Security may utilize the capabilities of the South-
7 west Border Coordination Center of the Department
8 of Homeland Security (SBCC) in response to the
9 declaration of an extraordinary migration event by
10 the President. The Center may be staffed by officers
11 and officials of the Department, including U.S. Cus-
12 toms and Border Protection, the Federal Emergency
13 Management Agency, U.S. Immigration and Cus-
14 toms Enforcement (ICE), and United States Citizen-
15 ship and Immigration Services (USCIS), as well as
16 officers and officials of relevant Federal departments
17 and agencies, including the Department of Justice,
18 the Department of Health and Human Services, and
19 the Department of Defense.

20 (2) LEAD FIELD COORDINATORS.—Subject to
21 the direction of the Federal coordinating officer
22 under subsection (b), the senior coordinating official
23 of the Southwest Border Coordination Center may
24 establish lead field coordinators in response to the

1 declaration of an extraordinary migration event by
2 the President.

3 (3) INCIDENT MANAGEMENT ASSISTANCE
4 TEAMS.—Subject to the direction of the Federal co-
5 ordinating officer under subsection (b), the senior
6 coordinating official of the Southwest Border Co-
7 ordination Center may establish incident manage-
8 ment assistance teams to support the Center and
9 lead field coordinators under paragraph (2).

10 (4) INCIDENT ACTION PLANNING PROCESS.—In
11 responding to the declaration of an extraordinary
12 migration event by the President, the Southwest
13 Border Coordination Center shall use an Incident
14 Action Planning Process to address emerging re-
15 source requirements related to such event.

16 (d) FORMATION OF MIGRATION RESPONSE TEAMS.—
17 Upon the declaration of an extraordinary migration event
18 by the President, the Federal coordinating officer ap-
19 pointed pursuant to subsection (b) shall establish migra-
20 tion response teams to be deployed to assist the Southwest
21 Border Coordination Cell under subsection (c), including
22 relating to the following:

23 (1) Coordinating the construction of specialized
24 migration processing facilities with staff from other
25 Federal departments and agencies, State and local

1 governments, and nongovernmental organizations to
2 assist with the humanitarian needs of arriving mi-
3 grants.

4 (2) Working with U.S. Customs and Border
5 Protection, the Federal Emergency Management
6 Agency, the Department of Health and Human
7 Services, and other appropriate organizations to es-
8 tablish temporary holding facilities for migrants.

9 (3) Coordinating with the National Disaster
10 Medical System of the Department of Health and
11 Human Services, and, as appropriate, FEMA Corps,
12 the private sector, and the National Guard, to en-
13 sure such facilities are staffed with health profes-
14 sionals who are able to provide medical and mental
15 health assistance and other humanitarian support to
16 such migrants.

17 (e) FORMATION OF PROCESSING TEAMS.—Upon dec-
18 laration of an extraordinary migration event by the Presi-
19 dent, the Secretary of Homeland Security may take such
20 actions as may be necessary to process in a timely manner
21 individuals arriving at the border, including by—

22 (1) reassigning United States Citizenship and
23 Immigration Services asylum officers and inter-
24 preters to U.S. Customs and Border Protection bor-
25 der facilities; and

1 (2) surging resources to process migrants in
2 their countries of origin.

3 (f) ARRANGEMENTS WITH RELIEF AND ASSISTANCE
4 ORGANIZATIONS.—Upon declaration of an extraordinary
5 migration event by the President, the Secretary of Home-
6 land Security, the Federal coordinating officer under sub-
7 section (b), and their designees may enter into arrange-
8 ments with nongovernmental organizations providing relief
9 and assistance operating in the area of such event to uti-
10 lize the personnel and facilities of such organizations to
11 provide essential services, including housing, temporary
12 shelter, medical, legal, or other essential services, to mi-
13 grants. Any such arrangements shall include provisions as-
14 suring that use of Federal facilities, supplies, and services
15 adhere to regulations prohibiting duplication of benefits
16 and guaranteeing nondiscrimination.

17 (g) FUNDING.—There is established an Emergency
18 Migration Response Fund. There is authorized to be ap-
19 propriated to the Fund for fiscal 2023 up to
20 \$1,500,000,000 to be made available to carry out this Act
21 in the event of a declaration of an extraordinary migration
22 event by the President, including—

23 (1) \$1,060,000,000 for U.S. Customs and Bor-
24 der Protection soft-sided facilities, medical care,
25 transportation, and personnel costs;

1 (2) \$150,000,000 for the Federal Emergency
2 Management Agency’s Emergency Food and Shelter
3 Program;

4 (3) \$50,000,000 for United States Citizenship
5 and Immigration Services personnel costs; and

6 (4) \$50,000,000 for Federal Emergency Man-
7 agement Agency for grants to supporting relief orga-
8 nizations.

9 (h) NOTIFICATION TO CONGRESS.—Not later than 30
10 days after the President declares an extraordinary migra-
11 tion event, the President shall transmit to Congress a noti-
12 fication relating thereto. Such notification shall include in-
13 formation describing the actions taken pursuant to this
14 Act in response to such an event, including information
15 relating to funding, personnel, and resources.

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