

Ivey	Morelle	Schrier
Jackson (IL)	Moulton	Scott (VA)
Jackson (NC)	Mrvan	Scott, David
Jackson Lee	Mullin	Sewell
Jacobs	Nadler	Sherman
Jayapal	Napolitano	Sherrill
Jeffries	Neal	Slotkin
Johnson (GA)	Neguse	Smith (WA)
Kamlager-Dove	Nickel	Sorensen
Kaptur	Norcross	Soto
Keating	Ocasio-Cortez	Spanberger
Kelly (IL)	Omar	Stansbury
Khanna	Pallone	Stanton
Kildee	Panetta	Stevens
Kilmer	Pappas	Strickland
Kim (NJ)	Pascrell	Swalwell
Krishnamoorthi	Payne	Sykes
Kuster	Pelosi	Takano
Landsman	Peltola	Thannedar
Larsen (WA)	Perez	Thompson (CA)
Larson (CT)	Peters	Thompson (MS)
Lee (CA)	Pettersen	Titus
Lee (NV)	Phillips	Tlaib
Lee (PA)	Pingree	Tokuda
Leger Fernandez	Pocan	Tonko
Levin	Porter	Torres (CA)
Lieu	Pressley	Torres (NY)
Lofgren	Quigley	Trahan
Lynch	Ramirez	Trone
Magaziner	Raskin	Underwood
Manning	Ross	Vargas
Matsui	Ruiz	Vasquez
McBath	Ruppersberger	Veasey
McClellan	Ryan	Velázquez
McCollum	Salinas	Wasserman
McGarvey	Sánchez	Schultz
McGovern	Sarbanes	Waters
Meeks	Scanlon	Watson Coleman
Menendez	Schakowsky	Wexton
Meng	Schiff	Wild
Mfume	Schneider	Williams (GA)
Moore (WI)	Scholten	Wilson (FL)

NOT VOTING—11

Auchincloss	Hunt	Pence
Carter (TX)	Lawler	Salazar
Case	Massie	Santos
Costa	Moskowitz	

□ 1817

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

SECURE THE BORDER ACT OF 2023

Mr. GREEN of Tennessee. Mr. Speaker, pursuant to House Resolution 383, I call up the bill (H.R. 2) to secure the borders of the United States, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 383, the bill is considered read.

The text of the bill is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Secure the Border Act of 2023”.

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

Sec. 1. Short title; table of contents.

DIVISION A—BORDER SECURITY

Sec. 101. Definitions.

Sec. 102. Border wall construction.

Sec. 103. Strengthening the requirements for barriers along the southern border.

Sec. 104. Border and port security technology investment plan.

Sec. 105. Border security technology program management.

Sec. 106. U.S. Customs and Border Protection technology upgrades.

Sec. 107. U.S. Customs and Border Protection personnel.

Sec. 108. Anti-Border Corruption Act reauthorization.

Sec. 109. Establishment of workload staffing models for U.S. Border Patrol and Air and Marine Operations of CBP.

Sec. 110. Operation Stonegarden.

Sec. 111. Air and Marine Operations flight hours.

Sec. 112. Eradication of carrizo cane and salt cedar.

Sec. 113. Border patrol strategic plan.

Sec. 114. U.S. Customs and Border Protection spiritual readiness.

Sec. 115. Restrictions on funding.

Sec. 116. Collection of DNA and biometric information at the border.

Sec. 117. Eradication of narcotic drugs and formulating effective new tools to address yearly losses of life; ensuring timely updates to U.S. Customs and Border Protection field manuals.

Sec. 118. Publication by U.S. Customs and Border Protection of operational statistics.

Sec. 119. Alien criminal background checks.

Sec. 120. Prohibited identification documents at airport security checkpoints; notification to immigration agencies.

Sec. 121. Prohibition against any COVID-19 vaccine mandate or adverse action against DHS employees.

Sec. 122. CBP One app limitation.

Sec. 123. Report on Mexican drug cartels.

Sec. 124. GAO study on costs incurred by States to secure the southwest border.

Sec. 125. Report by Inspector General of the Department of Homeland Security.

Sec. 126. Offsetting authorizations of appropriations.

Sec. 127. Report to Congress on foreign terrorist organizations.

Sec. 128. Assessment by Inspector General of the Department of Homeland Security on the mitigation of unmanned aircraft systems at the southwest border.

DIVISION B—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS
TITLE I—ASYLUM REFORM AND BORDER PROTECTION

Sec. 101. Safe third country.

Sec. 102. Credible fear interviews.

Sec. 103. Clarification of asylum eligibility.

Sec. 104. Exceptions.

Sec. 105. Employment authorization.

Sec. 106. Asylum fees.

Sec. 107. Rules for determining asylum eligibility.

Sec. 108. Firm resettlement.

Sec. 109. Notice concerning frivolous asylum applications.

Sec. 110. Technical amendments.

Sec. 111. Requirement for procedures relating to certain asylum applications.

TITLE II—BORDER SAFETY AND MIGRANT PROTECTION

Sec. 201. Inspection of applicants for admission.

Sec. 202. Operational detention facilities.

TITLE III—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

Sec. 301. United States policy regarding Western Hemisphere cooperation on immigration and asylum.

Sec. 302. Negotiations by Secretary of State.

Sec. 303. Mandatory briefings on United States efforts to address the border crisis.

TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER

Sec. 401. Clarification of standards for family detention.

TITLE V—PROTECTION OF CHILDREN

Sec. 501. Findings.

Sec. 502. Repatriation of unaccompanied alien children.

Sec. 503. Special immigrant juvenile status for immigrants unable to reunite with either parent.

Sec. 504. Rule of construction.

TITLE VI—VISA OVERSTAYS PENALTIES

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

TITLE VII—IMMIGRATION PAROLE REFORM

Sec. 701. Immigration parole reform.

Sec. 702. Implementation.

Sec. 703. Cause of action.

Sec. 704. Severability.

TITLE VIII—LEGAL WORKFORCE

Sec. 801. Employment eligibility verification process.

Sec. 802. Employment eligibility verification system.

Sec. 803. Recruitment, referral, and continuation of employment.

Sec. 804. Good faith defense.

Sec. 805. Preemption and States' rights.

Sec. 806. Repeal.

Sec. 807. Penalties.

Sec. 808. Fraud and misuse of documents.

Sec. 809. Protection of Social Security Administration programs.

Sec. 810. Fraud prevention.

Sec. 811. Use of employment eligibility verification photo tool.

Sec. 812. Identity authentication employment eligibility verification pilot programs.

Sec. 813. Inspector General audits.

Sec. 814. Agriculture workforce study.

Sec. 815. Sense of Congress on further implementation.

Sec. 816. Repealing regulations.

DIVISION A—BORDER SECURITY

SEC. 101. DEFINITIONS.

In this division:

(1) CBP.—The term “CBP” means U.S. Customs and Border Protection.

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

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

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

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

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

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

SEC. 102. BORDER WALL CONSTRUCTION.

(a) IN GENERAL.—

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

(2) USE OF FUNDS.—To carry out this section, the Secretary shall expend all unexpended funds appropriated or explicitly obligated for the construction of the border wall that were appropriated or obligated, as the case may be, for use beginning on October 1, 2019.

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

(b) PLAN TO COMPLETE TACTICAL INFRASTRUCTURE AND TECHNOLOGY.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until construction of the border wall has been completed, the Secretary shall submit to the appropriate congressional committees an implementation plan, including annual benchmarks for the construction of 200 miles of such wall and associated cost estimates for satisfying all requirements of the construction of the border wall, including installation and deployment of tactical infrastructure, technology, and other elements as identified by the Department prior to January 20, 2021, through the expenditure of funds appropriated or explicitly obligated, as the case may be, for use, as well as any future funds appropriated or otherwise made available by Congress.

(c) DEFINITIONS.—In this section:

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

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

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

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

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

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the southwest border to achieve situational awareness and operational control of the southwest border and deter, impede, and detect unlawful activity.”;

(2) in subsection (b)—

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

(B) in paragraph (1)—

(i) in the heading, by striking “FENCING” and inserting “BARRIERS”;

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

“(A) REINFORCED BARRIERS.—In carrying out this section, the Secretary of Homeland Security shall construct a border wall, including physical barriers, tactical infrastructure, and technology, along not fewer than 900 miles of the southwest border until situational awareness and operational control of the southwest border is achieved.”;

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

“(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective physical barriers, tactical infrastructure, and technology available for achieving situational awareness and operational control of the southwest border.”;

(iv) in subparagraph (C)—

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

“(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of State, Tribal, and local governments, and appropriate private property owners in the United States to minimize the impact on natural resources, commerce, and sites of historical or cultural significance for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed. Such consultation may not delay such construction for longer than seven days.”; and

(II) in clause (ii)—

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

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

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

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

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

(v) by striking subparagraph (D);

(C) in paragraph (2)—

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

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

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

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

“(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, testing, constructing, installing, deploying, integrating, and operating physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, test, construction, installation, deployment, integration, or operation of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines are necessary to maximize the safety and effectiveness of officers and agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.”; and

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

(3) in subsection (c)—

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

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall waive all legal requirements necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. The Secretary shall ensure the maintenance and effectiveness of such physical barriers, tactical infrastructure, or technology. Any such action by the Secretary shall be effective upon publication in the Federal Register.”;

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

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

“(2) NOTIFICATION.—Not later than seven days after the date on which the Secretary of Homeland Security exercises a waiver pursuant to paragraph (1), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such waiver.”; and

(4) by adding at the end the following new subsections:

“(e) TECHNOLOGY.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective technology available for achieving situational awareness and operational control.

“(f) DEFINITIONS.—In this section:

(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term ‘advanced unattended surveillance sensors’ means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

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

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

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

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

(6) TECHNOLOGY.—The term ‘technology’ includes border surveillance and detection technology, including the following:

“(A) Tower-based surveillance technology.

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

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

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

“(E) Advanced unattended surveillance sensors.

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

“(G) Unmanned aircraft systems.

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

“(I) Fiber-optic cable.

“(J) Other border detection, communication, and surveillance technology.

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

SEC. 104. BORDER AND PORT SECURITY TECHNOLOGY INVESTMENT PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with covered officials and border and port security technology stakeholders, shall submit to the appropriate congressional committees a strategic 5-year technology investment plan (in this section referred to as the “plan”). The plan may include a classified annex, if appropriate.

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

(1) An analysis of security risks at and between ports of entry along the northern and southern borders of the United States.

(2) An identification of capability gaps with respect to security at and between such ports of entry to be mitigated in order to—

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

(B) combat and reduce cross-border criminal activity, including—

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

(ii) human smuggling and human trafficking; and

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

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

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

(B) are unlawfully present in the United States.

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

(5) A description of each planned security-related technology program, including objectives, goals, and timelines for each such program.

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

(7) A description of the test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines, necessary to support the acquisition of security-related technologies pursuant to paragraph (4).

(8) An identification and assessment of ways to increase opportunities for communication and collaboration with the private sector, small and disadvantaged businesses, intragovernment entities, university centers of excellence, and federal laboratories to ensure CBP is able to engage with the market for security-related technologies that are available to satisfy its mission needs before engaging in an acquisition of a security-related technology.

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

(10) An identification of ways to leverage already-existing acquisition expertise within the Federal Government.

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

(12) A description of initiatives to—

(A) streamline the acquisition process of CBP; and

(B) provide to the private sector greater predictability and transparency with respect to such process, including information relat-

ing to the timeline for testing and evaluation of security-related technology.

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

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

(15) A strategy to consult with the private sector and community stakeholders with respect to security impacts at a port of entry described in paragraph (14).

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

(A) Manned aircraft sensor, communication, and common operating picture technology.

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

(C) Surveillance technology, including the following:

(i) Mobile surveillance vehicles.

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

(iii) Tower-based surveillance technology.

(iv) Advanced unattended surveillance sensors.

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

(D) Nonintrusive inspection technology, including non-x-ray devices utilizing muon tomography and other advanced detection technology.

(E) Tunnel detection technology.

(F) Communications equipment, including the following:

(i) Radios.

(ii) Long-term evolution broadband.

(iii) Miniature satellites.

(c) LEVERAGING THE PRIVATE SECTOR.—To the extent practicable, the plan shall—

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

(2) incorporate input from the private sector, including from border and port security stakeholders, through requests for information, industry day events, and other innovative means consistent with the Federal Acquisition Regulation; and

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

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

(e) DISCLOSURE.—The plan shall include an identification of individuals not employed by the Federal Government, and their professional affiliations, who contributed to the development of the plan.

(f) UPDATE AND REPORT.—Not later than the date that is two years after the date on which the plan is submitted to the appropriate congressional committees pursuant to subsection (a) and biennially thereafter for ten years, the Commissioner shall submit to the appropriate congressional committees—

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

(2) a report that includes—

(A) the extent to which each security-related technology acquired by CBP since the initial submission of the plan or most recent update of the plan, as the case may be, is consistent with the planned technology programs and projects described pursuant to subsection (b)(5); and

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

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

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

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

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

(C) the Chief Information Officer of the Department.

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

SEC. 105. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

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

“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

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

“(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

“(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

“(2) document that each such program is satisfying cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

“(3) have a plan for satisfying program implementation objectives by managing contractor performance.

“(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

“(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan for testing, evaluating, and using independent verification and validation of resources relating to the proposed acquisition of border security technology. Under such plan, the proposed acquisition of new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

“(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

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

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

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

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 437 of the Homeland Security Act of 2002, as added by subsection (a).

SEC. 106. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.

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

(1) between ports of entry and inspection stations; and

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

(b) BORDER SECURITY DEPLOYMENT PROGRAM.—

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

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

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

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

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

(1) UPGRADE.—Not later than two years after the date of the enactment of this Act, the Commissioner shall upgrade all existing license plate readers in need of upgrade, as determined by the Commissioner, on the northern and southern borders of the United States.

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

SEC. 107. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

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

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

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

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

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

(c) PROHIBITION AGAINST ALIEN TRAVEL.—No personnel or equipment of Air and Marine Operations may be used for the transportation of non-detained aliens, or detained aliens expected to be administratively re-

leased upon arrival, from the southwest border to destinations within the United States.

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

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

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

SEC. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.

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

“(b) WAIVER REQUIREMENT.—Subject to subsection (c), the Commissioner of U.S. Customs and Border Protection shall waive the application of subsection (a)(1)—

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

“(A) has continuously served as a law enforcement officer for not fewer than three years;

“(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension; and

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

“(2) to a current, full-time Federal law enforcement officer who—

“(A) has continuously served as a law enforcement officer for not fewer than three years;

“(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

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

“(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; or

“(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

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

“(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

“(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

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

“(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B).

“(c) TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and

Border Protection (CBP) certifies to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP has met all requirements pursuant to section 107 of the Secure the Border Act of 2023 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner re-certifies to such Committees that CBP has so met all such requirements.”.

(b) SUPPLEMENTAL COMMISSIONER AUTHORITY; REPORTING; DEFINITIONS.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new sections: “SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.

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

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

“(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.

“SEC. 6. REPORTING.

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

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

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

“(3) Information relating to the number of instances that a polygraph was administered to an applicant who initially received such a waiver and the results of such polygraph.

“(4) An assessment of the current impact of such waiver authority on filling law enforcement positions at U.S. Customs and Border Protection.

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

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

“(1) An analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential applicants or employees for suitability for employment or continued employment, as the case may be.

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

“SEC. 7. DEFINITIONS.

“In this Act:

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

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

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

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

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

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

(c) POLYGRAPH EXAMINERS.—Not later than September 30, 2025, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 109. ESTABLISHMENT OF WORKLOAD STAFFING MODELS FOR U.S. BORDER PATROL AND AIR AND MARINE OPERATIONS OF CBP.

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

(1) The U.S. Border Patrol.

(2) Air and Marine Operations of CBP.

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

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

(2) by inserting after paragraph (17) the following new paragraphs:

“(18) implement a staffing model for the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations that includes consideration for essential frontline operator activities and functions, variations in operating environments, present and planned infrastructure, present and planned technology, and required operations support levels to enable such entities to manage and assign personnel of such entities to ensure field and support posts possess adequate resources to carry out duties specified in this section;

“(19) develop standard operating procedures for a workforce tracking system within the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations, train the workforce of each of such entities on the use, capabilities, and purpose of such system, and implement internal controls to ensure timely and accurate scheduling and reporting of actual completed work hours and activities;”.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act with respect to subsection (a) and paragraphs (18) and (19) of section 411(c) of the Homeland Security Act of 2002 (as amended by subsection (b)), and annually thereafter with respect to such paragraphs (18) and (19), the Secretary shall submit to the appropriate congressional committees a report that includes a status update on the following:

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

(B) Each relevant workload staffing model.

(2) DATA SOURCES AND METHODOLOGY REQUIRED.—Each report required under paragraph (1) shall include information relating to the data sources and methodology used to generate each relevant staffing model.

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

(1) Recommendations from the Inspector General’s February 2019 audit.

(2) Any further recommendations to improve such models.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 110. OPERATION STONEGARDEN.

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

“SEC. 2010. OPERATION STONEGARDEN.

“(a) ESTABLISHMENT.—There is established in the Department a program to be known as ‘Operation Stonegarden’, under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through State administrative agencies, to enhance border security in accordance with this section.

“(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

“(1) be located in—

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

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

“(2) be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office; and

“(3) have an agreement in place with U.S. Immigration and Customs Enforcement to support enforcement operations.

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

“(1) Equipment, including maintenance and sustainment.

“(2) Personnel, including overtime and backfill, in support of enhanced border law enforcement activities.

“(3) Any activity permitted for Operation Stonegarden under the most recent fiscal year Department of Homeland Security’s Homeland Security Grant Program Notice of Funding Opportunity.

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

“(e) NOTIFICATION.—Upon denial of a grant to a law enforcement agency, the Administrator shall provide written notice to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, including the reasoning for such denial.

“(f) REPORT.—For each of fiscal years 2024 through 2028 the Administrator shall submit

to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains—

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

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

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

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

“(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, 2009, and 2010 to State, local, and Tribal governments, as appropriate.”.

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

“Sec. 2010. Operation Stonegarden.”.

SEC. 111. AIR AND MARINE OPERATIONS FLIGHT HOURS.

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

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

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

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

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

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

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

(d) HIGH DEMAND FLIGHT HOUR REQUIREMENTS.—The Commissioner shall—

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

(2) direct Air and Marine Operations to support requests from such Sector Chiefs as a component of the primary mission of Air and Marine Operations in accordance with subsection (c)(1)(A).

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

(f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

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

(A) Meeting the unmet flight hour operational requirements of the U.S. Border Patrol.

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

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall coordinate—

(A) flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the national airspace system; and

(B) with the Executive Assistant Commissioner for Air and Marine Operations of CBP to—

(i) ensure the safety of other CBP aircraft flying in the vicinity of small unmanned aircraft operated by the U.S. Border Patrol; and

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

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

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

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

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

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

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

(h) DEFINITIONS.—In this section:

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

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

SEC. 112. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

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

(1) by not later than September 30, 2027, except for required maintenance; and

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

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

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

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

SEC. 113. BORDER PATROL STRATEGIC PLAN.

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

(b) ELEMENTS.—The plan shall include the following:

(1) A consideration of Border Patrol Capability Gap Analysis reporting, Border Security Improvement Plans, and any other strategic document authored by the U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents.

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

(3) Information relating to efforts by U.S. Border Patrol to—

(A) increase situational awareness, including—

(i) surveillance capabilities, such as capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

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

(B) detect and prevent terrorists and instruments of terrorism from entering the United States;

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

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

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

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

(4) Information relating to initiatives of the Department with respect to operational coordination, including any relevant task forces of the Department.

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

(6) A description of cooperative agreements relating to information sharing with State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States.

(7) Information relating to border security information received from the following:

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

(B) Border community stakeholders, including representatives from the following:

(i) Border agricultural and ranching organizations.

(ii) Business and civic organizations.

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

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

(v) Victims impacted by drugs, transnational criminal organizations, cartels, gangs, or other criminal activity.

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

(vii) Other individuals negatively impacted by illegal immigration.

(8) Information relating to the staffing requirements with respect to border security for the Department.

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

(10) An assessment of training programs, including such programs relating to the following:

(A) Identifying and detecting fraudulent documents.

(B) Understanding the scope of CBP enforcement authorities and appropriate use of force policies.

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

SEC. 114. U.S. CUSTOMS AND BORDER PROTECTION SPIRITUAL READINESS.

Not later than one year after the enactment of this Act and annually thereafter for five years, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the availability and usage of the assistance of chaplains, prayer groups, houses of worship, and other spiritual resources for members of CBP who identify as religiously affiliated and have attempted suicide, have suicidal ideation, or are at risk of suicide, and metrics on the impact such resources have in assisting religiously affiliated members who have access to and utilize such resources compared to religiously affiliated members who do not.

SEC. 115. RESTRICTIONS ON FUNDING.

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

(b) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling.

(c) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization to provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens who enter the United States after the date of the enactment of this Act.

SEC. 116. COLLECTION OF DNA AND BIOMETRIC INFORMATION AT THE BORDER.

Not later than 14 days after the date of the enactment of this Act, the Secretary shall ensure and certify to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP is fully compliant with Federal DNA and biometric collection requirements at United States land borders.

SEC. 117. ERADICATION OF NARCOTIC DRUGS AND FORMULATING EFFECTIVE NEW TOOLS TO ADDRESS YEARLY LOSSES OF LIFE; ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of

entry, and the U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.

(b) **REPORTING REQUIREMENT.**—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that summarizes any policy and manual changes pursuant to subsection (a).

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

(a) **IN GENERAL.**—Not later than the seventh day of each month beginning with the second full month after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish on a publicly available website of the Department of Homeland Security information relating to the total number of alien encounters and nationalities, unique alien encounters and nationalities, gang affiliated apprehensions and nationalities, drug seizures, alien encounters included in the terrorist screening database and nationalities, arrests of criminal aliens or individuals wanted by law enforcement and nationalities, known got aways, encounters with deceased aliens, and all other related or associated statistics recorded by U.S. Customs and Border Protection during the immediately preceding month. Each such publication shall include the following:

(1) The aggregate such number, and such number disaggregated by geographic regions, of such recordings and encounters, including specifications relating to whether such recordings and encounters were at the southwest, northern, or maritime border.

(2) An identification of the Office of Field Operations field office, U.S. Border Patrol sector, or Air and Marine Operations branch making each recording or encounter.

(3) Information relating to whether each recording or encounter of an alien was of a single adult, an unaccompanied alien child, or an individual in a family unit.

(4) Information relating to the processing disposition of each alien recording or encounter.

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

(6) The total number of individuals included in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)) who have repeatedly attempted to cross unlawfully into the United States.

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

(b) **EXCEPTIONS.**—If the Commissioner of U.S. Customs and Border Protection in any month does not publish the information required under subsection (a), or does not publish such information by the date specified in such subsection, the Commissioner shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the reason relating thereto, as the case may be, by not later than the date that is two

business days after the tenth day of such month.

(c) **DEFINITIONS.**—In this section:

(1) **ALIEN ENCOUNTERS.**—The term “alien encounters” means aliens apprehended, determined inadmissible, or processed for removal by U.S. Customs and Border Protection.

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

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

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

SEC. 119. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) **IN GENERAL.**—Not later than seven days after the date of the enactment of this Act, the Commissioner shall certify to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate that CBP has real-time access to the criminal history databases of all countries of origin and transit for aliens encountered by CBP to perform criminal history background checks for such aliens.

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

(c) **CERTIFICATION.**—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a certification that each database referred to in subsection (b) which the Secretary accessed or sought to access pursuant to this section met the standards described in subsection (b).

SEC. 120. PROHIBITED IDENTIFICATION DOCUMENTS AT AIRPORT SECURITY CHECKPOINTS; NOTIFICATION TO IMMIGRATION AGENCIES.

(a) **IN GENERAL.**—The Administrator may not accept as valid proof of identification a prohibited identification document at an airport security checkpoint.

(b) **NOTIFICATION TO IMMIGRATION AGENCIES.**—If an individual presents a prohibited identification document to an officer of the Transportation Security Administration at an airport security checkpoint, the Administrator shall promptly notify the Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Customs and Border Protection, and the head of the appropriate local law enforcement agency to determine whether the individual is in violation of any term of release from the custody of any such agency.

(c) **ENTRY INTO STERILE AREAS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), if an individual is found to be in violation of any term of release under subsection (b), the Administrator may not permit such individual to enter a sterile area.

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

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

(B) presents a covered identification document.

(d) **COLLECTION OF BIOMETRIC INFORMATION FROM CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE AREA OF AN AIRPORT.**—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator shall collect biometric information from an individual described in subsection (e) prior to authorizing such individual to enter into a sterile area.

(e) **INDIVIDUAL DESCRIBED.**—An individual described in this subsection is an individual who—

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

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

(3) the Administrator cannot verify is a national of the United States.

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

(g) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) **BIOMETRIC INFORMATION.**—The term “biometric information” means any of the following:

(A) A fingerprint.

(B) A palm print.

(C) A photograph, including—

(i) a photograph of an individual’s face for use with facial recognition technology; and

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

(D) A signature.

(E) A voice print.

(F) An iris image.

(3) **COVERED IDENTIFICATION DOCUMENT.**—The term “covered identification document” means any of the following, if the document is valid and unexpired:

(A) A United States passport or passport card.

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

(i) Global Entry;

(ii) Nexus;

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

(iv) Free and Secure Trade (FAST).

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

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

(E) An enhanced driver’s license issued by a State.

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

(G) A personal identity verification credential issued in accordance with Homeland Security Presidential Directive 12.

(H) A driver’s license issued by a province of Canada.

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

(J) A Transportation Worker Identification Credential.

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

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

(M) Any other document the Administrator determines, pursuant to a rule making in accordance with section 553 of title 5, United States Code, will satisfy the identity

verification procedures of the Transportation Security Administration.

(4) **IMMIGRATION LAWS.**—The term “immigration laws” has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) **PROHIBITED IDENTIFICATION DOCUMENT.**—The term “prohibited identification document” means any of the following (or any applicable successor form):

(A) U.S. Immigration and Customs Enforcement Form I-200, Warrant for Arrest of Alien.

(B) U.S. Immigration and Customs Enforcement Form I-205, Warrant of Removal/Deportation.

(C) U.S. Immigration and Customs Enforcement Form I-220A, Order of Release on Recognizance.

(D) U.S. Immigration and Customs Enforcement Form I-220B, Order of Supervision.

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

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

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

(H) Any document that directs an individual to report to the Department of Homeland Security.

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

(6) **STERILE AREA.**—The term “sterile area” has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation.

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

(a) **LIMITATION ON IMPOSITION OF NEW MANDATE.**—The Secretary may not issue any COVID-19 vaccine mandate unless Congress expressly authorizes such a mandate.

(b) **PROHIBITION ON ADVERSE ACTION.**—The Secretary may not take any adverse action against a Department employee based solely on the refusal of such employee to receive a vaccine for COVID-19.

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

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

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

(3) How the Department would effectuate reinstatement of such employees.

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

SEC. 122. CBP ONE APP LIMITATION.

(a) **LIMITATION.**—The Department may use the CBP One Mobile Application or any other similar program, application, internet-based portal, website, device, or initiative only for inspection of perishable cargo.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the date on which CBP began using CBP One to allow aliens to schedule

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

SEC. 123. REPORT ON MEXICAN DRUG CARTELS.

Not later than 60 days after the date of the enactment of this Act, Congress shall commission a report that contains the following:

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

(2) Information relating to actions by such cartels that causes harm to the United States.

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

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

(b) **CONTENTS.**—The study required under subsection (a) shall include consideration of the following:

(1) Actions taken by the Department of Homeland Security that have contributed to costs described in such subsection incurred by States to secure the border in the absence of Federal action, including the termination of the Migrant Protection Protocols and cancellation of border wall construction.

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

(3) The feasibility of a program within the Department of Homeland Security to reimburse States for the costs incurred in support of the Federal mission to secure the southwest border.

SEC. 125. REPORT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act and annually thereafter for five years, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report examining the economic and security impact of mass migration to municipalities and States along the southwest border. Such report shall include information regarding costs incurred by the following:

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

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

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

(4) Farmers and ranchers due to migration impacts to their properties.

(b) **CONSULTATION.**—To produce the report required under subsection (a), the Inspector General of the Department of Homeland Security shall consult with the individuals and representatives of the entities described in paragraphs (1) through (4) of such subsection.

SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.

(a) **OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.**—No funds are authorized to be appropriated for the Alternatives to Detention Case Management Pilot Pro-

gram or the Office of the Immigration Detention Ombudsman for the Office of the Secretary and Emergency Management of the Department of Homeland Security.

(b) **MANAGEMENT DIRECTORATE.**—No funds are authorized to be appropriated for electric vehicles or St. Elizabeths campus construction for the Management Directorate of the Department of Homeland Security.

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

(d) **U.S. CUSTOMS AND BORDER PROTECTION.**—No funds are authorized to be appropriated for the Shelter Services Program for U.S. Customs and Border Protection.

SEC. 127. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.

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

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

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

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

**DIVISION B—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS
TITLE I—ASYLUM REFORM AND BORDER PROTECTION**

SEC. 101. SAFE THIRD COUNTRY.

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

(1) by striking “if the Attorney General determines” and inserting “if the Attorney General or the Secretary of Homeland Security determines”;

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

“(i) that the alien may be removed”;

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

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

(5) by striking the period at the end and inserting “; or”; and

(6) by adding at the end the following:

“(ii) that the alien entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien’s country of citizenship, nationality, or last lawful habitual residence en route to the United States, unless—

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

“(II) the alien demonstrates that he or she was a victim of a severe form of trafficking in which a commercial sex act was induced by force, fraud, or coercion, or in which the person induced to perform such act was under the age of 18 years; or in which the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and was unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

“(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.”.

SEC. 102. CREDIBLE FEAR INTERVIEWS.

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

SEC. 103. CLARIFICATION OF ASYLUM ELIGIBILITY.

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

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

(1) by striking “or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters),”; and

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

SEC. 104. EXCEPTIONS.

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

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

“(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

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

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

“(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as those terms and phrases are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

“(aa) the document or feature was presented before boarding a common carrier;

“(bb) the document or feature related to the alien’s eligibility to enter the United States;

“(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

“(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

“(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

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

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

“(v) the alien has been convicted of a Federal, State, tribal, or local crime that the Attorney General or Secretary of Homeland Security knows, or has reason to believe, was committed in support, promotion, or furtherance of the activity of a criminal street gang (as defined under the law of the jurisdiction where the conviction occurred or in section 521(a) of title 18, United States Code);

“(vi) the alien has been convicted of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, in which such intoxicated or impaired driving was a cause of serious bodily injury or death of another person;

“(vii) the alien has been convicted of more than one offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

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

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

“(II) of child abuse, child neglect, or child abandonment; or

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

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

“(bb) a crime of domestic violence, as described in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)); or

“(cc) any crime based on conduct in which the alien harassed, coerced, intimidated, voluntarily or recklessly used (or threatened to use) force or violence against, or inflicted physical injury or physical pain, however slight, upon a person—

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

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

“(CC) who is cohabitating with, or who has cohabitated with, the alien as a spouse;

“(DD) who is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

“(EE) who is protected from that alien’s acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

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

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

“(II) shares a child with the alien;

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

“(IV) is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

“(V) is protected from that alien’s acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

“(x) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

“(xi) there are serious reasons for believing that the alien has committed a serious non-political crime outside the United States prior to the arrival of the alien in the United States;

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

“(xiii) the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 212(a)(3)(B)(i) or section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the Secretary’s or the Attorney General’s discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;

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

“(xv) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien’s country of nationality or, in the case of an alien having no nationality, another part of the alien’s country of last habitual residence.

“(B) SPECIAL RULES.—

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

“(I) IN GENERAL.—For purposes of subparagraph (A)(x), the Attorney General or Secretary of Homeland Security, in their discretion, may determine that a conviction constitutes a particularly serious crime based on—

“(aa) the nature of the conviction;

“(bb) the type of sentence imposed; or
 “(cc) the circumstances and underlying facts of the conviction.

“(II) DETERMINATION.—In making a determination under subclause (I), the Attorney General or Secretary of Homeland Security may consider all reliable information and is not limited to facts found by the criminal court or provided in the underlying record of conviction.

“(III) TREATMENT OF FELONIES.—In making a determination under subclause (I), an alien who has been convicted of a felony (as defined under this section) or an aggravated felony (as defined under section 101(a)(43)), shall be considered to have been convicted of a particularly serious crime.

“(IV) INTERPOL RED NOTICE.—In making a determination under subparagraph (A)(xi), an Interpol Red Notice may constitute reliable evidence that the alien has committed a serious nonpolitical crime outside the United States.

“(i) CRIMES AND EXCEPTIONS.—

“(I) DRIVING WHILE INTOXICATED OR IMPAIRED.—A finding under subparagraph (A)(vi) does not require the Attorney General or Secretary of Homeland Security to find the first conviction for driving while intoxicated or impaired (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense. The Attorney General or Secretary of Homeland Security need only make a factual determination that the alien previously was convicted for driving while intoxicated or impaired as those terms are defined under the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs).

“(II) STALKING AND OTHER CRIMES.—In making a determination under subparagraph (A)(viii), including determining the existence of a domestic relationship between the alien and the victim, the underlying conduct of the crime may be considered, and the Attorney General or Secretary of Homeland Security is not limited to facts found by the criminal court or provided in the underlying record of conviction.

“(III) BATTERY OR EXTREME CRUELTY.—In making a determination under subparagraph (A)(ix), the phrase ‘battery or extreme cruelty’ includes—

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

“(bb) psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution, shall be considered acts of violence; and

“(cc) other abusive acts, including acts that, in and of themselves, may not initially appear violent, but that are a part of an overall pattern of violence.

“(IV) EXCEPTION FOR VICTIMS OF DOMESTIC VIOLENCE.—An alien who was convicted of an offense described in clause (viii) or (ix) of subparagraph (A) is not ineligible for asylum on that basis if the alien satisfies the criteria under section 237(a)(7)(A).

“(C) SPECIFIC CIRCUMSTANCES.—Paragraph (1) shall not apply to an alien whose claim is based on—

“(i) personal animus or retribution, including personal animus in which the alleged persecutor has not targeted, or manifested an animus against, other members of an alleged particular social group in addition to the member who has raised the claim at issue;

“(ii) the applicant’s generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations absent expressive behavior in furtherance of a discrete

cause against such organizations related to control of a State or expressive behavior that is antithetical to the State or a legal unit of the State;

“(iii) the applicant’s resistance to recruitment or coercion by guerrilla, criminal, gang, terrorist, or other non-state organizations;

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

“(v) the applicant’s criminal activity; or
 “(vi) the applicant’s perceived, past or present, gang affiliation.

“(D) DEFINITIONS AND CLARIFICATIONS.—

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

“(I) FELONY.—The term ‘felony’ means—

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

“(bb) any crime punishable by more than one year of imprisonment.

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

“(aa) any crime defined as a misdemeanor by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

“(bb) any crime not punishable by more than one year of imprisonment.

“(ii) CLARIFICATIONS.—

“(I) CONSTRUCTION.—For purposes of this paragraph, whether any activity or conviction also may constitute a basis for removal is immaterial to a determination of asylum eligibility.

“(II) ATTEMPT, CONSPIRACY, OR SOLICITATION.—For purposes of this paragraph, all references to a criminal offense or criminal conviction shall be deemed to include any attempt, conspiracy, or solicitation to commit the offense or any other inchoate form of the offense.

“(III) EFFECT OF CERTAIN ORDERS.—

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

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

“(BB) the order was not entered for rehabilitative purposes or for purposes of ameliorating the immigration consequences of the conviction or sentence.

“(bb) AMELIORATING IMMIGRATION CONSEQUENCES.—For purposes of item (aa)(BB), the order shall be presumed to be for the purpose of ameliorating immigration consequences if—

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

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

“(cc) AUTHORITY OF IMMIGRATION JUDGE.—An immigration judge is not limited to consideration only of material included in any order vacating a conviction, modifying a sentence, or clarifying a sentence to determine whether such order should be given any effect under this paragraph, but may consider such additional information as the immigration judge determines appropriate.

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

“(F) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Secretary of Homeland Security or the At-

torney General under subparagraph (A)(xiii).”.

SEC. 105. EMPLOYMENT AUTHORIZATION.

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

“(2) EMPLOYMENT AUTHORIZATION.—

“(A) AUTHORIZATION PERMITTED.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Secretary of Homeland Security. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization prior to the date that is 180 days after the date of filing of the application for asylum.

“(B) TERMINATION.—Each grant of employment authorization under subparagraph (A), and any renewal or extension thereof, shall be valid for a period of 6 months, except that such authorization, renewal, or extension shall terminate prior to the end of such 6 month period as follows:

“(i) Immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an immigration judge.

“(ii) 30 days after the date on which an immigration judge denies an asylum application, unless the alien timely appeals to the Board of Immigration Appeals.

“(iii) Immediately following the denial by the Board of Immigration Appeals of an appeal of a denial of an asylum application.

“(C) RENEWAL.—The Secretary of Homeland Security may not grant, renew, or extend employment authorization to an alien if the alien was previously granted employment authorization under subparagraph (A), and the employment authorization was terminated pursuant to a circumstance described in subparagraph (B)(i), (ii), or (iii), unless a Federal court of appeals remands the alien’s case to the Board of Immigration Appeals.

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

“(i) is ineligible for asylum under subsection (b)(2)(A); or

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

SEC. 106. ASYLUM FEES.

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

“(3) FEES.—

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

“(B) EMPLOYMENT AUTHORIZATION.—A fee may also be imposed for the consideration of an application for employment authorization under this section and for adjustment of status under section 209(b). Such a fee shall not exceed the cost of adjudicating the application.

“(C) PAYMENT.—Fees under this paragraph may be assessed and paid over a period of time or by installments.

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

SEC. 107. RULES FOR DETERMINING ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

“(F) RULES FOR DETERMINING ASYLUM ELIGIBILITY.—In making a determination under subsection (b)(1)(A) with respect to whether an alien is a refugee within the meaning of section 101(a)(42)(A), the following shall apply:

“(1) PARTICULAR SOCIAL GROUP.—The Secretary of Homeland Security or the Attorney General shall not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining, the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien’s claim of membership in a particular social group does not involve—

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

“(B) presence in a country with generalized violence or a high crime rate;

“(C) being the subject of a recruitment effort by criminal, terrorist, or persecutory groups;

“(D) the targeting of the applicant for criminal activity for financial gain based on perceptions of wealth or affluence;

“(E) interpersonal disputes of which governmental authorities in the relevant society or region were unaware or uninvolved;

“(F) private criminal acts of which governmental authorities in the relevant society or region were unaware or uninvolved;

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

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

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

“(2) POLITICAL OPINION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien holds a political opinion with respect to which the alien is subject to persecution if the political opinion is constituted solely by generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations and does not include expressive behavior in furtherance of a cause against such organizations related to efforts by the State to control such organizations or behavior that is antithetical to or otherwise opposes the ruling legal entity of the State or a unit thereof.

“(3) PERSECUTION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien has been subject to persecution or has a well-founded fear of persecution based only on—

“(A) the existence of laws or government policies that are unenforced or infrequently enforced, unless there is credible evidence that such a law or policy has been or would be applied to the applicant personally; or

“(B) the conduct of rogue foreign government officials acting outside the scope of their official capacity.

“(4) DISCRETIONARY DETERMINATION.—

“(A) ADVERSE DISCRETIONARY FACTORS.—The Secretary of Homeland Security or the Attorney General may only grant asylum to an alien if the alien establishes that he or she warrants a favorable exercise of discretion. In making such a determination, the Attorney General or Secretary of Homeland Security shall consider, if applicable, an alien’s use of fraudulent documents to enter the United States, unless the alien arrived in the United States by air, sea, or land directly from the applicant’s home country without transiting through any other country.

“(B) FAVORABLE EXERCISE OF DISCRETION NOT PERMITTED.—Except as provided in subparagraph (C), the Attorney General or Secretary of Homeland Security shall not favorably exercise discretion under this section for any alien who—

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

“(ii) at the time the asylum application is filed with the immigration court or is referred from the Department of Homeland Security, has—

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

“(II) failed to satisfy any outstanding Federal, State, or local tax obligations; or

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

“(iii) has had two or more prior asylum applications denied for any reason;

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

“(v) failed to attend an interview regarding his or her asylum application with the Department of Homeland Security, unless the alien shows by a preponderance of the evidence that—

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

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

“(vi) was subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of the change in country conditions.

“(C) EXCEPTIONS.—If one or more of the adverse discretionary factors set forth in subparagraph (B) are present, the Attorney General or the Secretary, may, notwithstanding such subparagraph (B), favorably exercise discretion under section 208—

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

“(ii) if the alien, by clear and convincing evidence, demonstrates that the denial of the application for asylum would result in exceptional and extremely unusual hardship to the alien.

“(5) LIMITATION.—If the Secretary or the Attorney General determines that an alien fails to satisfy the requirement under paragraph (1), the alien may not be granted asylum based on membership in a particular social group, and may not appeal the determination of the Secretary or Attorney General, as applicable. A determination under this paragraph shall not serve as the basis for any motion to reopen or reconsider an application for asylum or withholding of removal for any reason, including a claim of ineffective assistance of counsel, unless the alien complies with the procedural requirements for such a motion and demonstrates that counsel’s failure to define, or provide a basis for defining, a formulation of a particular social group was both not a strategic choice and constituted egregious conduct.

“(6) STEREOTYPES.—Evidence offered in support of an application for asylum that promotes cultural stereotypes about a country, its inhabitants, or an alleged persecutor, including stereotypes based on race, religion, nationality, or gender, shall not be admissible in adjudicating that application, except that evidence that an alleged persecutor

holds stereotypical views of the applicant shall be admissible.

“(7) DEFINITIONS.—In this section:

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

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

“(ii) defined with particularity; and

“(iii) socially distinct within the society in question.

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

“(C) The term ‘persecution’ means the infliction of a severe level of harm constituting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control. Such term does not include—

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

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

“(iii) intermittent harassment, including brief detentions;

“(iv) threats with no actual effort to carry out the threats, except that particularized threats of severe harm of an immediate and menacing nature made by an identified entity may constitute persecution; or

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

SEC. 108. FIRM RESETTLEMENT.

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

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

“(1) IN GENERAL.—An alien shall be considered to have firmly resettled in another country if, after the events giving rise to the alien’s asylum claim—

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

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

“(ii) resided in such a country with any non-permanent but indefinitely renewable legal immigration status (including asylee, refugee, or similar status, but excluding status of a tourist); or

“(iii) resided in such a country and could have applied for and obtained an immigration status described in clause (ii);

“(B) the alien physically resided voluntarily, and without continuing to suffer persecution or torture, in any one country for one year or more after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States, except for any time spent in Mexico by an alien who is not a native or citizen of Mexico solely as a direct result of being returned to Mexico pursuant to section 235(b)(3) or of being subject to metering; or

“(C) the alien is a citizen of a country other than the country in which the alien alleges a fear of persecution, or was a citizen of such a country in the case of an alien who renounces such citizenship, and the alien was present in that country after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States.

“(2) BURDEN OF PROOF.—If an immigration judge determines that an alien has firmly resettled in another country under paragraph

(1), the alien shall bear the burden of proving the bar does not apply.

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

SEC. 109. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) **IN GENERAL.**—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

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

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

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

(4) by adding at the end the following:

“(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.”.

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

“(A) **IN GENERAL.**—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

“(B) **CRITERIA.**—An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

“(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appear in order to pursue Cancellation of Removal under section 240A(b); or

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

“(C) **SUFFICIENT OPPORTUNITY TO CLARIFY.**—In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

“(D) **WITHHOLDING OF REMOVAL NOT PRECLUDED.**—For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3) or protection pursuant to the Convention Against Torture.”.

SEC. 110. TECHNICAL AMENDMENTS.

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

(1) in subsection (a)—

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

(B) in paragraph (3), by inserting “Secretary of Homeland Security or the” before “Attorney General”;

(2) in subsection (c)—

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

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting “Secretary of Homeland Security or the” before “Attorney General”; and

(C) in paragraph (3), by inserting “Secretary of Homeland Security or the” before “Attorney General”; and

(3) in subsection (d)—

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

(B) in paragraph (5)—

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

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

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

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

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

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

(b) **WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES DESCRIBED.**—Subsection (a) shall apply only to an asylum application filed by an alien who is a national of a Western Hemisphere country subject to sanctions pursuant to—

(1) the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note);

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

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

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

TITLE II—BORDER SAFETY AND MIGRANT PROTECTION

SEC. 201. INSPECTION OF APPLICANTS FOR ADMISSION.

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

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clauses (i) and (ii), by striking “section 212(a)(6)(C)” inserting “subparagraph (A) or (C) of section 212(a)(6)”;

(II) by adding at the end the following:

“(iv) **INELIGIBILITY FOR PAROLE.**—An alien described in clause (i) or (ii) shall not be eligible for parole except as expressly authorized pursuant to section 212(d)(5), or for parole or release pursuant to section 236(a).”;

and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking “asylum.” and inserting “asylum and shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or re-

turned to a country as described in paragraph (3).”;

(II) in clause (iii)(IV)—

(aa) in the header by striking “DETENTION” and inserting “DETENTION, RETURN, OR REMOVAL”; and

(bb) by adding at the end the following: “The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “Subject to subparagraphs (B) and (C),” and inserting “Subject to subparagraph (B) and paragraph (3).”; and

(II) by adding at the end the following: “The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).”; and

(ii) by striking subparagraph (C);

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

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

“(3) **RETURN TO FOREIGN TERRITORY CONTIGUOUS TO THE UNITED STATES.**—

“(A) **IN GENERAL.**—The Secretary of Homeland Security may return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

“(B) **MANDATORY RETURN.**—If at any time the Secretary of Homeland Security cannot—

“(i) comply with its obligations to detain an alien as required under clauses (ii) and (iii)(IV) of subsection (b)(1)(B) and subsection (b)(2)(A); or

“(ii) remove an alien to a country described in section 208(a)(2)(A), the Secretary of Homeland Security shall, without exception, including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5), return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

“(4) **ENFORCEMENT BY STATE ATTORNEYS GENERAL.**—The attorney general of a State, or other authorized State officer, alleging a violation of the detention, return, or removal requirements under paragraph (1), (2), or (3) that affects such State or its residents, may bring an action against the Secretary of Homeland Security on behalf of the residents of the State in an appropriate United States district court to obtain appropriate injunctive relief.”;

(2) by adding at the end the following:

“(e) **AUTHORITY TO PROHIBIT INTRODUCTION OF CERTAIN ALIENS.**—If the Secretary of Homeland Security determines, in his discretion, that the prohibition of the introduction of aliens who are inadmissible under subparagraph (A) or (C) of section 212(a)(6) or under section 212(a)(7) at an international land or maritime border of the United States is necessary to achieve operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) of such border, the Secretary may prohibit, in whole or in part, the introduction of such aliens at such border for such period of time as the Secretary determines is necessary for such purpose.”.

SEC. 202. OPERATIONAL DETENTION FACILITIES.

(a) IN GENERAL.—Not later than September 30, 2023, the Secretary of Homeland Security shall take all necessary actions to reopen or restore all U.S. Immigration and Customs Enforcement detention facilities that were in operation on January 20, 2021, that subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021. In carrying out the requirement under this subsection, the Secretary may use the authority under section 103(a)(11) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(11)).

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

(1) Irwin County Detention Center in Georgia.

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

(3) Etowah County Detention Center in Gadsden, Alabama.

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

(5) South Texas Family Residential Center.

(c) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary of Homeland Security is authorized to obtain equivalent capacity for detention facilities at locations other than those listed in subsection (b).

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

(3) SOUTH TEXAS FAMILY RESIDENTIAL CENTER.—The exception under paragraph (1) shall not apply to the South Texas Family Residential Center. The Secretary shall take all necessary steps to modify and operate the South Texas Family Residential Center in the same manner and capability it was operating on January 20, 2021.

(d) PERIODIC REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until September 30, 2027, the Secretary of Homeland Security shall submit to the appropriate congressional committees a detailed plan for and a status report on—

(1) compliance with the deadline under subsection (a);

(2) the increase in detention capabilities required by this section—

(A) for the 90 day period immediately preceding the date such report is submitted; and

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

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

(A) the 90 day period immediately preceding the date such report is submitted; and

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

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

(5) the resources the Department of Homeland Security needs in order to comply with the requirements under this section.

(e) NOTIFICATION.—The Secretary of Homeland Security shall notify Congress, and include with such notification a detailed description of the resources the Department of Homeland Security needs in order to detain all aliens whose detention is mandatory or nondiscretionary under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(1) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 90 percent of capacity;

(2) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 95 percent of capacity; and

(3) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach full capacity.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

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

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

(3) the Committee on the Judiciary of the Senate; and

(4) the Committee on Appropriations of the Senate.

TITLE III—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

SEC. 301. UNITED STATES POLICY REGARDING WESTERN HEMISPHERE COOPERATION ON IMMIGRATION AND ASYLUM.

It is the policy of the United States to enter into agreements, accords, and memoranda of understanding with countries in the Western Hemisphere, the purposes of which are to advance the interests of the United States by reducing costs associated with illegal immigration and to protect the human capital, societal traditions, and economic growth of other countries in the Western Hemisphere. It is further the policy of the United States to ensure that humanitarian and development assistance funding aimed at reducing illegal immigration is not expended on programs that have not proven to reduce illegal immigrant flows in the aggregate.

SEC. 302. NEGOTIATIONS BY SECRETARY OF STATE.

(a) AUTHORIZATION TO NEGOTIATE.—The Secretary of State shall seek to negotiate agreements, accords, and memoranda of understanding between the United States, Mexico, Honduras, El Salvador, Guatemala, and other countries in the Western Hemisphere with respect to cooperation and burden sharing required for effective regional immigration enforcement, expediting legal claims by aliens for asylum, and the processing, detention, and repatriation of foreign nationals seeking to enter the United States unlawfully. Such agreements shall be designed to facilitate a regional approach to immigration enforcement and shall, at a minimum, provide that—

(1) the Government of Mexico authorize and accept the rapid entrance into Mexico of nationals of countries other than Mexico who seek asylum in Mexico, and process the asylum claims of such nationals inside Mexico, in accordance with both domestic law and international treaties and conventions governing the processing of asylum claims;

(2) the Government of Mexico authorize and accept both the rapid entrance into Mexico of all nationals of countries other than Mexico who are ineligible for asylum in Mexico and wish to apply for asylum in the United States, whether or not at a port of entry, and the continued presence of such nationals in Mexico while they wait for the adjudication of their asylum claims to conclude in the United States;

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

(4) the Government of Honduras, the Government of El Salvador, and the Government of Guatemala each authorize and accept the

entrance into the respective countries of nationals of other countries seeking asylum in the applicable such country and process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

(5) the Government of the United States commit to work to accelerate the adjudication of asylum claims and to conclude removal proceedings in the wake of asylum adjudications as expeditiously as possible;

(6) the Government of the United States commit to continue to assist the governments of countries in the Western Hemisphere, such as the Government of Honduras, the Government of El Salvador, and the Government of Guatemala, by supporting the enhancement of asylum capacity in those countries; and

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

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

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

SEC. 303. MANDATORY BRIEFINGS ON UNITED STATES EFFORTS TO ADDRESS THE BORDER CRISIS.

(a) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (b), the Secretary of State, or the designee of the Secretary of State, shall provide to the appropriate congressional committees an in-person briefing on efforts undertaken pursuant to the negotiation authority provided by section 302 of this title to monitor, deter, and prevent illegal immigration to the United States, including by entering into agreements, accords, and memoranda of understanding with foreign countries and by using United States foreign assistance to stem the root causes of migration in the Western Hemisphere.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER

SEC. 401. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

“(j) CONSTRUCTION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is

not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There is no presumption that an alien child who is not an unaccompanied alien child should not be detained.

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

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

“(i) is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)); and

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

“(B) detain the alien with the alien's child.”

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

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

(d) PREEMPTION OF STATE LICENSING REQUIREMENTS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of one or more of such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision thereof.

TITLE V—PROTECTION OF CHILDREN

SEC. 501. FINDINGS.

Congress makes the following findings:

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

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

(3) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched the cartels, who profit hundreds of millions of dollars each year by smuggling unaccompanied alien children to the southwest border, exploiting and sexually abusing many such unaccompanied alien children on the perilous journey.

(4) Prior to 2008, the number of unaccompanied alien children encountered at the southwest border never exceeded 1,000 in a single year.

(5) The United States is currently in the midst of the worst crisis of unaccompanied

alien children in our nation's history, with over 350,000 such unaccompanied alien children encountered at the southwest border since Joe Biden became President.

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

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

(8) The Biden Administration dismantled effective safeguards put in place by the Trump Administration that protected unaccompanied alien children from being abused by criminals or exploited for illegal and dangerous child labor.

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

(10) The Times investigation found unaccompanied alien children, “under intense pressure to earn money” in order to “send cash back to their families while often being in debt to their sponsors for smuggling fees, rent, and living expenses,” feared “that they had become trapped in circumstances they never could have imagined.”

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

(12) Department of Health and Human Services employees working under Secretary Xavier Becerra's leadership penned a July 2021 memorandum expressing serious concern that “labor trafficking was increasing” and that the agency had become “one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.”

(13) Despite this, Secretary Xavier Becerra pressured then-Director of the Office of Refugee Resettlement Cindy Huang to prioritize releases of unaccompanied alien children over ensuring their safety, telling her “if she could not increase the number of discharges he would find someone who could” and then-Director Huang resigned one month later.

(14) In June 2014, the Obama-Biden Administration requested legal authority to exercise discretion in returning and removing unaccompanied alien children from non-contiguous countries back to their home countries.

(15) In August 2014, the House of Representatives passed H.R. 5320, which included the Protection of Children Act.

(16) This title ends the disparate policies of the Trafficking Victims Protection Reauthorization Act of 2008 by ensuring the swift return of all unaccompanied alien children to their country of origin if they are not victims of trafficking and do not have a fear of return.

SEC. 502. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: “RULES FOR UNACCOMPANIED ALIEN CHILDREN.—”; and

(ii) in subparagraph (A)—

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

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

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

(IV) by striking clause (iii); and

(iii) in subparagraph (B)—

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

(II) in clause (i), by inserting before “permit such child to withdraw” the following: “may”; and

(III) in clause (ii), by inserting before “return such child” the following: “shall”; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking “, except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),” and inserting “who does not meet the criteria listed in paragraph (2)(A)”; and

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

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: “believed not to meet the criteria listed in subsection (a)(2)(A)”; and

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

(B) in paragraph (3), by striking “an unaccompanied alien child in custody shall” and all that follows, and inserting the following: “an unaccompanied alien child in custody—

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

“(B) in the case of a child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.”; and

(3) in subsection (c)—

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

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

“(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, information on—

“(I) the name of the individual;

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

“(III) the date of birth of the individual;

“(IV) the location of the individual's residence where the child will be placed;

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

“(VI) contact information for the individual.

“(ii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security, upon determining that an individual with whom a child is placed is unlawfully

present in the United States and not in removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), shall initiate such removal proceedings.”; and

(B) in paragraph (5)—

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

(ii) by striking “have counsel to represent them” and inserting “have access to counsel to represent them”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any unaccompanied alien child (as such term is defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITED WITH EITHER PARENT.

Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) in clause (i), by striking “, and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law”;

(2) in clause (iii)—

(A) in subclause (I), by striking “and” at the end;

(B) in subclause (II), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(III) an alien may not be granted special immigrant status under this subparagraph if the alien’s reunification with any one parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law.”.

SEC. 504. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the following procedures or practices relating to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))):

(1) Screening of such a child for a credible fear of return to his or her country of origin.

(2) Screening of such a child to determine whether he or she was a victim of trafficking.

(3) Department of Health and Human Services policy in effect on the date of the enactment of this Act requiring a home study for such a child if he or she is under 12 years of age.

TITLE VI—VISA OVERSTAYS PENALTIES

SEC. 601. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in subsection (a) by inserting after “for a subsequent commission of any such offense” the following: “or if the alien was previously convicted of an offense under subsection (e)(2)(A)”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “at least \$50 and not more than \$250” and inserting “not less than \$500 and not more than \$1,000”;

(B) in paragraph (2), by inserting after “in the case of an alien who has been previously subject to a civil penalty under this subsection” the following: “or subsection (e)(2)(B)”;

(3) by adding at the end the following:

“(e) **VISA OVERSTAYS.**—

“(1) **IN GENERAL.**—An alien who was admitted as a nonimmigrant has violated this paragraph if the alien, for an aggregate of 10 days or more, has failed—

“(A) to maintain the nonimmigrant status in which the alien was admitted, or to which it was changed under section 248, including

complying with the period of stay authorized by the Secretary of Homeland Security in connection with such status; or

“(B) to comply otherwise with the conditions of such nonimmigrant status.”.

“(2) **PENALTIES.**—An alien who has violated paragraph (1)—

“(A) shall—

“(i) for the first commission of such a violation, be fined under title 18, United States Code, or imprisoned not more than 6 months, or both; and

“(ii) for a subsequent commission of such a violation, or if the alien was previously convicted of an offense under subsection (a), be fined under such title 18, or imprisoned not more than 2 years, or both; and

“(B) in addition to, and not in lieu of, any penalty under subparagraph (A) and any other criminal or civil penalties that may be imposed, shall be subject to a civil penalty of—

“(i) not less than \$500 and not more than \$1,000 for each violation; or

“(ii) twice the amount specified in clause (i), in the case of an alien who has been previously subject to a civil penalty under this subparagraph or subsection (b).”.

TITLE VII—IMMIGRATION PAROLE REFORM

SEC. 701. IMMIGRATION PAROLE REFORM.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

“(5)(A) Except as provided in subparagraphs (B) and (C) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit. Parole granted under this subparagraph may not be regarded as an admission of the alien. When the purposes of such parole have been served in the opinion of the Secretary, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

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

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

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

“(iii) is not otherwise inadmissible or removable; and

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

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

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

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

“(iii) for whom an immigrant visa is not immediately available;

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

“(v) who is not otherwise inadmissible; and

“(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

“(D) The Secretary of Homeland Security may grant parole to an alien who is returned to a contiguous country under section 235(b)(3) to allow the alien to attend the alien’s immigration hearing. The grant of parole shall not exceed the time required for the alien to be escorted to, and attend, the alien’s immigration hearing scheduled on the same calendar day as the grant, and to immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

“(E) For purposes of determining an alien’s eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that—

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

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

“(bb) the medical emergency is life-threatening and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

“(ii) the alien is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

“(iii) the alien is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

“(iv) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted to the United States through the normal visa process;

“(v) the alien is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted to the United States through the normal visa process;

“(vi) the alien is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

“(vii) the alien is a lawful applicant for adjustment of status under section 245 and is returning to the United States after temporary travel abroad.

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

“(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

“(ii) the alien’s presence is required by the Government in furtherance of such law enforcement matter; and

“(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.

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

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

“(I) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (B) or (C) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

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

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

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

“(II) 1 year.

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

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

“(II) 1 year.

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

“(L) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

“(i) identifying the total number of aliens paroled into the United States under this paragraph during the previous fiscal year; and

“(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

“(I) the duration of parole;

“(II) the type of parole; and

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

SEC. 702. IMPLEMENTATION.

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

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

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

(2) Section 212(d)(5)(J) of the Immigration and Nationality Act, as added by section 701

of this title, shall take effect on the date of the enactment of this Act.

(3) Aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

SEC. 703. CAUSE OF ACTION.

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

SEC. 704. SEVERABILITY.

If any provision of this title or any amendment by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the application of such provision or amendment to any other person or circumstance shall not be affected.

TITLE VIII—LEGAL WORKFORCE

SEC. 801. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended to read as follows:

“(b) EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.—

“(1) NEW HIRES, RECRUITMENT, AND REFERRAL.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the following:

“(A) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

“(i) ATTESTATION.—During the verification period (as defined in subparagraph (E)), the person or entity shall attest, under penalty of perjury and on a form, including electronic format, designated or established by the Secretary by regulation not later than 6 months after the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, that it has verified that the individual is not an unauthorized alien by—

“(I) obtaining from the individual the individual's social security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

“(II) examining—

“(aa) a document relating to the individual presenting it described in clause (ii); or

“(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv).

“(ii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION AND ESTABLISHING IDENTITY.—A document described in this subparagraph is an individual's—

“(I) unexpired United States passport or passport card;

“(II) unexpired permanent resident card that contains a photograph;

“(III) unexpired employment authorization card that contains a photograph;

“(IV) in the case of a nonimmigrant alien authorized to work for a specific employer

incident to status, a foreign passport with Form I-94 or Form I-94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as the period of status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

“(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A, or other documentation as designated by the Secretary, indicating non-immigrant admission under the Compact of Free Association Between the United States and the FSM or RMI; or

“(VI) other document designated by the Secretary of Homeland Security, if the document—

“(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary of Homeland Security finds, by regulation, sufficient for purposes of this clause;

“(bb) is evidence of authorization of employment in the United States; and

“(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

“(iii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

“(iv) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is—

“(I) an individual's unexpired State issued driver's license or identification card if it contains a photograph and information such as name, date of birth, gender, height, eye color, and address;

“(II) an individual's unexpired United States military identification card;

“(III) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

“(IV) in the case of an individual under 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual.

“(v) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary of Homeland Security finds, by regulation, that any document described in clause (i), (ii), or (iii) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this paragraph.

“(vi) SIGNATURE.—Such attestation may be manifested by either a handwritten or electronic signature.

“(B) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the verification period (as defined in subparagraph (E)), the individual shall attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or electronic signature. The individual shall also provide that individual's social security account number or United States passport number (if the individual claims to have been issued such a

number), and, if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

“(C) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

“(i) IN GENERAL.—After completion of such form in accordance with subparagraphs (A) and (B), the person or entity shall—

“(I) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period beginning on the date of the recruiting or referral of the individual, or, in the case of the hiring of an individual, the date on which the verification is completed, and ending—

“(aa) in the case of the recruiting or referral of an individual, 3 years after the date of the recruiting or referral; and

“(bb) in the case of the hiring of an individual, the later of 3 years after the date the verification is completed or one year after the date the individual’s employment is terminated; and

“(II) during the verification period (as defined in subparagraph (E)), make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of an individual.

“(ii) CONFIRMATION.—

“(I) CONFIRMATION RECEIVED.—If the person or other entity receives an appropriate confirmation of an individual’s identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final confirmation of such identity and work eligibility of the individual.

“(II) TENTATIVE NONCONFIRMATION RECEIVED.—If the person or other entity receives a tentative nonconfirmation of an individual’s identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonconfirmation within the time period specified, the nonconfirmation shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a final nonconfirmation. If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under subsection (d). The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure. In no case shall an employer rescind the offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a rescission of the offer of employment for any reason other than because of such a failure.

“(III) FINAL CONFIRMATION OR NONCONFIRMATION RECEIVED.—If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form

an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

“(IV) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

“(V) CONSEQUENCES OF NONCONFIRMATION.—

“(aa) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

“(bb) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

“(VI) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).

“(D) EFFECTIVE DATES OF NEW PROCEDURES.—

“(i) HIRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity hiring an individual for employment in the United States as follows:

“(I) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, on the date that is 6 months after the date of the enactment of title.

“(II) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, on the date that is 12 months after the date of the enactment of such title.

“(III) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, on the date that is 18 months after the date of the enactment of such title.

“(IV) With respect to employers having one or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, on the date that is 24 months after the date of the enactment of such title.

“(ii) RECRUITING AND REFERRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity recruiting or referring an individual for employment in the United States on the date that is 12 months after the date

of the enactment of title VIII of division B of the Secure the Border Act of 2023.

“(iii) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, this paragraph shall not apply with respect to the verification of the employee until the date that is 36 months after the date of the enactment of title VIII of division B of the Secure the Border Act of 2023. For purposes of the preceding sentence, the term ‘agricultural labor or services’ has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing or manufacturing of a product of agriculture (as such term is defined in such section 3(f) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this clause shall not be counted for purposes of clause (i).

“(iv) EXTENSIONS.—

“(I) ON REQUEST.—Upon request by an employer having 50 or fewer employees, the Secretary shall allow a one-time 6-month extension of the effective date set out in this subparagraph applicable to such employer. Such request shall be made to the Secretary and shall be made prior to such effective date.

“(II) FOLLOWING REPORT.—If the study under section 814 of title VIII of division B of the Secure the Border Act of 2023 has been submitted in accordance with such section, the Secretary of Homeland Security may extend the effective date set out in clause (iii) on a one-time basis for 12 months.

“(v) TRANSITION RULE.—Subject to paragraph (4), the following shall apply to a person or other entity hiring, recruiting, or referring an individual for employment in the United States until the effective date or dates applicable under clauses (i) through (iii):

“(I) This subsection, as in effect before the enactment of title VIII of division B of the Secure the Border Act of 2023.

“(II) Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 807(c) of title VIII of division B of the Secure the Border Act of 2023.

“(III) Any other provision of Federal law requiring the person or entity to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 807(c) of title VIII of division B of the Secure the Border Act of 2023, including Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement).

“(E) VERIFICATION PERIOD DEFINED.—

“(i) IN GENERAL.—For purposes of this paragraph:

“(I) In the case of recruitment or referral, the term ‘verification period’ means the period ending on the date recruiting or referring commences.

“(II) In the case of hiring, the term ‘verification period’ means the period beginning on the date on which an offer of employment is extended and ending on the date that is three business days after the date of hire, except as provided in clause (iii). The offer of employment may be conditioned in accordance with clause (ii).

“(i) JOB OFFER MAY BE CONDITIONAL.—A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph.

“(iii) SPECIAL RULE.—Notwithstanding clause (i)(II), in the case of an alien who is authorized for employment and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period ends three business days after the alien receives the social security account number.

“(2) REVERIFICATION FOR INDIVIDUALS WITH LIMITED WORK AUTHORIZATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a person or entity shall make an inquiry, as provided in subsection (d), using the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the three business days after the date on which the employee's work authorization expires as follows:

“(i) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, beginning on the date that is 6 months after the date of the enactment of such title.

“(ii) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, beginning on the date that is 12 months after the date of the enactment of such title.

“(iii) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, beginning on the date that is 18 months after the date of the enactment of such title.

“(iv) With respect to employers having one or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, beginning on the date that is 24 months after the date of the enactment of such title.

“(B) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, or an employee recruited or referred by a farm labor contractor (as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801)), subparagraph (A) shall not apply with respect to the reverification of the employee until the date that is 36 months after the date of the enactment of title VIII of division B of the Secure the Border Act of 2023. For purposes of the preceding sentence, the term ‘agricultural labor or services’ has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing, or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An em-

ployee described in this subparagraph shall not be counted for purposes of subparagraph (A).

“(C) REVERIFICATION.—Paragraph (1)(C)(ii) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

“(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

“(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the date that is the later of 3 years after the date of such reverification or 1 year after the date the individual's employment is terminated.

“(3) PREVIOUSLY HIRED INDIVIDUALS.—

“(A) ON A MANDATORY BASIS FOR CERTAIN EMPLOYEES.—

“(i) IN GENERAL.—Not later than the date that is 6 months after the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

“(ii) INDIVIDUALS DESCRIBED.—An individual described in this clause is any of the following:

“(I) An employee of any unit of a Federal, State, or local government.

“(II) An employee who requires a Federal security clearance working in a Federal, State, or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential (TWIC).

“(III) An employee assigned to perform work in the United States under a Federal contract, except that this subclause—

“(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12 (HSPD 12 clearance), are administrative or overhead personnel, or are working solely on contracts that provide Commercial Off The Shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and

“(bb) only applies to contracts over the simple acquisition threshold as defined in section 2.101 of title 48, Code of Federal Regulations.

“(B) ON A MANDATORY BASIS FOR MULTIPLE USERS OF SAME SOCIAL SECURITY ACCOUNT NUMBER.—In the case of an employer who is required by this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, the employer shall make inquiries to the system in accordance with the following:

“(i) The Commissioner of Social Security shall notify annually employees (at the employee address listed on the Wage and Tax Statement) who submit a social security account number to which more than one employer reports income and for which there is a pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported as well as sufficient information notifying the employee of the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's

identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

“(ii) If the person to whom the social security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the social security account number was used without their knowledge, the Secretary and the Commissioner shall lock the social security account number for employment eligibility verification purposes and shall notify the employers of the individuals who wrongfully submitted the social security account number that the employee may not be work eligible.

“(iii) Each employer receiving such notification of an incorrect social security account number under clause (ii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee within 10 business days of receipt of the notification.

“(C) ON A VOLUNTARY BASIS.—Subject to paragraph (2), and subparagraphs (A) through (C) of this paragraph, beginning on the date that is 30 days after the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, an employer may make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the employer. If an employer chooses voluntarily to seek verification of any individual employed by the employer, the employer shall seek verification of all individuals employed at the same geographic location or, at the option of the employer, all individuals employed within the same job category, as the employee with respect to whom the employer seeks voluntarily to use the verification system. An employer's decision about whether or not voluntarily to seek verification of its current workforce under this subparagraph may not be considered by any government agency in any proceeding, investigation, or review provided for in this Act.

“(D) VERIFICATION.—Paragraph (1)(C)(ii) shall apply to verifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

“(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

“(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification commences and ending on the date that is the later of 3 years after the date of such verification or 1 year after the date the individual's employment is terminated.

“(4) EARLY COMPLIANCE.—

“(A) FORMER E-VERIFY REQUIRED USERS, INCLUDING FEDERAL CONTRACTORS.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, the Secretary is authorized to commence requiring employers required to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to commence compliance with the requirements of this subsection (and any additional requirements of

such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

“(B) FORMER E-VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, the Secretary shall provide for the voluntary compliance with the requirements of this subsection by employers voluntarily electing to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date, as well as by other employers seeking voluntary early compliance.

“(5) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

“(6) LIMITATION ON USE OF FORMS.—A form designated or established by the Secretary of Homeland Security under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law.

“(7) GOOD FAITH COMPLIANCE.—

“(A) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity is considered to have complied with a requirement of this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

“(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

“(i) the failure is not de minimus;

“(ii) the Secretary of Homeland Security has explained to the person or entity the basis for the failure and why it is not de minimus;

“(iii) the person or entity has been provided a period of not less than 30 calendar days (beginning after the date of the explanation) within which to correct the failure; and

“(iv) the person or entity has not corrected the failure voluntarily within such period.

“(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

“(8) SINGLE EXTENSION OF DEADLINES UPON CERTIFICATION.—In a case in which the Secretary of Homeland Security has certified to the Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by the date that is 6 months after the date of the enactment of title VIII of division B of the Secure the Border Act of 2023, each deadline established under this section for an employer to make an inquiry using such system shall be extended by 6 months. No other extension of such a deadline shall be made except as authorized under paragraph (1)(D)(iv).”.

(b) DATE OF HIRE.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)) is amended by adding at the end the following:

“(4) DEFINITION OF DATE OF HIRE.—As used in this section, the term ‘date of hire’ means the date of actual commencement of employment for wages or other remuneration, unless otherwise specified.”.

SEC. 802. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) is amended to read as follows:

“(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

“(1) IN GENERAL.—Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Secretary of Homeland Security shall establish and administer a verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

“(A) responds to inquiries made by persons at any time through a toll-free electronic media concerning an individual’s identity and whether the individual is authorized to be employed; and

“(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

“(2) INITIAL RESPONSE.—The verification system shall provide confirmation or a tentative nonconfirmation of an individual’s identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the verification system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

“(3) SECONDARY CONFIRMATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation not later than 10 working days after the date on which the notice of the tentative nonconfirmation is received by the employee. The Secretary, in consultation with the Commissioner, may extend this deadline once on a case-by-case basis for a period of 10 working days, and if the time is extended, shall document such extension within the verification system. The Secretary, in consultation with the Commissioner, shall notify the employee and employer of such extension. The Secretary, in consultation with the Commissioner, shall create a standard process of such extension and notification and shall make a description of such process available to the public. When final confirmation or nonconfirmation is provided, the verification system shall provide an appropriate code indicating such confirmation or nonconfirmation.

“(4) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

“(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

“(B) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

“(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(D) to have reasonable safeguards against the system’s resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

“(i) the selective or unauthorized use of the system to verify eligibility; or

“(ii) the exclusion of certain individuals from consideration for employment as a re-

sult of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

“(E) to maximize the prevention of identity theft use in the system; and

“(F) to limit the subjects of verification to the following individuals:

“(i) Individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b).

“(ii) Employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b).

“(iii) Individuals seeking to confirm their own employment eligibility on a voluntary basis.

“(5) RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the verification system except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

“(6) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States, or to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

“(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

“(8) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—

“(A) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

“(B) CRITICAL INFRASTRUCTURE.—The Secretary may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of

the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)) to use the verification system to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

“(9) REMEDIES.—If an individual alleges that the individual would not have been dismissed from a job or would have been hired for a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this paragraph.”.

SEC. 803. RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.

(a) ADDITIONAL CHANGES TO RULES FOR RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.—Section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) is amended—

(1) in paragraph (1)(A), by striking “for a fee”;

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).”; and

(3) in paragraph (2), by striking “after hiring an alien for employment in accordance with paragraph (1).” and inserting “after complying with paragraph (1).”.

(b) DEFINITION.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)), as amended by section 801(b) of this title, is further amended by adding at the end the following:

“(5) DEFINITION OF RECRUIT OR REFER.—As used in this section, the term ‘refer’ means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party. As used in this section, the term ‘recruit’ means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act, except that the amendments made by subsection (a) shall take effect 6 months after the date of the enactment of this Act insofar as such amendments relate to continuation of employment.

SEC. 804. GOOD FAITH DEFENSE.

Section 274A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

“(3) GOOD FAITH DEFENSE.—

“(A) DEFENSE.—An employer (or person or entity that hires, employs, recruits, or refers (as defined in subsection (h)(5)), or is otherwise obligated to comply with this section) who establishes that it has complied in good faith with the requirements of subsection (b)—

“(i) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good-faith reliance on information provided through the system established under subsection (d); and

“(ii) has established compliance with its obligations under subparagraphs (A) and (B) of paragraph (1) and subsection (b) absent a showing by the Secretary of Homeland Security, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

“(B) MITIGATION ELEMENT.—For purposes of subparagraph (A)(i), if an employer proves by a preponderance of the evidence that the employer uses a reasonable, secure, and established technology to authenticate the identity of the new employee, that fact shall be taken into account for purposes of determining good faith use of the system established under subsection (d).

“(C) FAILURE TO SEEK AND OBTAIN VERIFICATION.—Subject to the effective dates and other deadlines applicable under subsection (b), in the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

“(i) FAILURE TO SEEK VERIFICATION.—

“(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (d) and in accordance with the timeframes established under subsection (b), seeking verification of the identity and work eligibility of the individual, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

“(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

“(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (d)(2) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.”.

SEC. 805. PREEMPTION AND STATES' RIGHTS.

Section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended to read as follows:

“(2) PREEMPTION.—

“(A) SINGLE, NATIONAL POLICY.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, insofar as they may now or hereafter relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

“(B) STATE ENFORCEMENT OF FEDERAL LAW.—

“(i) BUSINESS LICENSING.—A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility when and as required under subsection (b).

“(ii) GENERAL RULES.—A State, at its own cost, may enforce the provisions of this section, but only insofar as such State follows the Federal regulations implementing this section, applies the Federal penalty structure set out in this section, and complies with all Federal rules and guidance concerning implementation of this section. Such State may collect any fines assessed under this section. An employer may not be subject to enforcement, including audit and investigation, by both a Federal agency and a State for the same violation under this section. Whichever entity, the Federal agency or the State, is first to initiate the enforcement action, has the right of first refusal to proceed with the enforcement action. The Secretary must provide copies of all guidance, training, and field instructions provided to Federal officials implementing the provisions of this section to each State.”.

SEC. 806. REPEAL.

(a) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(b) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is deemed to refer to the employment eligibility confirmation system established under section 274A(d) of the Immigration and Nationality Act, as amended by section 802 of this title.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 30 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

SEC. 807. PENALTIES.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(1)—

(A) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(B) in subparagraph (D), by striking “Service” and inserting “Department of Homeland Security”;

(2) in subsection (e)(4)—

(A) in subparagraph (A), in the matter before clause (i), by inserting “, subject to paragraph (10),” after “in an amount”; and

(B) in subparagraph (A)(i), by striking “not less than \$250 and not more than \$2,000” and inserting “not less than \$2,500 and not more than \$5,000”;

(C) in subparagraph (A)(ii), by striking “not less than \$2,000 and not more than \$5,000” and inserting “not less than \$5,000 and not more than \$10,000”;

(D) in subparagraph (A)(iii), by striking “not less than \$3,000 and not more than \$10,000” and inserting “not less than \$10,000 and not more than \$25,000”; and

(E) by moving the margin of the continuation text following subparagraph (B) two

ems to the left and by amending subparagraph (B) to read as follows:

“(B) may require the person or entity to take such other remedial action as is appropriate.”;

(3) in subsection (e)(5)—

(A) in the paragraph heading, strike “PA-RERWORK”;

(B) by inserting “, subject to paragraphs (10) through (12),” after “in an amount”;

(C) by striking “\$100” and inserting “\$1,000”;

(D) by striking “\$1,000” and inserting “\$25,000”; and

(E) by adding at the end the following: “Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).”;

(4) by adding at the end of subsection (e) the following:

“(10) EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

“(11) MITIGATION ELEMENT.—For purposes of paragraph (4), the size of the business shall be taken into account when assessing the level of civil money penalty.

“(12) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

“(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

“(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such a person or entity does not hold a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government’s interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may refer the matter to any appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(D) REVIEW.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

“(13) OFFICE FOR STATE AND LOCAL GOVERNMENT COMPLAINTS.—The Secretary of Homeland Security shall establish an office—

“(A) to which State and local government agencies may submit information indicating potential violations of subsection (a), (b), or (g)(1) that were generated in the normal course of law enforcement or the normal course of other official activities in the State or locality;

“(B) that is required to indicate to the complaining State or local agency within five business days of the filing of such a complaint by identifying whether the Secretary will further investigate the information provided;

“(C) that is required to investigate those complaints filed by State or local government agencies that, on their face, have a substantial probability of validity;

“(D) that is required to notify the complaining State or local agency of the results of any such investigation conducted; and

“(E) that is required to report to the Congress annually the number of complaints received under this paragraph, the States and localities that filed such complaints, and the resolution of the complaints investigated by the Secretary.”; and

(5) by amending paragraph (1) of subsection (f) to read as follows:

“(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a) (1) or (2) shall be fined not more than \$5,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not more than 18 months, or both, notwithstanding the provisions of any other Federal law relating to fine levels.”.

SEC. 808. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “identification document,” and inserting “identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act).”; and

(2) in paragraph (2), by striking “identification document” and inserting “identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act).”.

SEC. 809. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2023, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 802 of this title, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provide such funds annually in advance of the applicable quarter based on estimating methodology agreed to by the Com-

missioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2023, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 810. FRAUD PREVENTION.

(a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which social security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 802 of this title, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number.

(b) ALLOWING SUSPENSION OF USE OF CERTAIN SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their social security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C.

1324a(d)), as amended by section 802 of this title. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

(c) **ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD'S IDENTITY.**—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 802 of this title. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 811. USE OF EMPLOYMENT ELIGIBILITY VERIFICATION PHOTO TOOL.

An employer who uses the photo matching tool used as part of the E-Verify System shall match the photo tool photograph to both the photograph on the identity or employment eligibility document provided by the employee and to the face of the employee submitting the document for employment verification purposes.

SEC. 812. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAMS.

Not later than 24 months after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish by regulation not less than 2 Identity Authentication Employment Eligibility Verification pilot programs, each using a separate and distinct technology (the "Authentication Pilots"). The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees which shall be available to any employer that elects to participate in either of the Authentication Pilots. Any participating employer may cancel the employer's participation in the Authentication Pilot after one year after electing to participate without prejudice to future participation. The Secretary shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the Secretary's findings on the Authentication Pilots, including the authentication technologies chosen, not later than 12 months after commencement of the Authentication Pilots.

SEC. 813. INSPECTOR GENERAL AUDITS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall complete audits of the following categories in order to uncover evidence of individuals who are not authorized to work in the United States:

(1) Workers who dispute wages reported on their social security account number when they believe someone else has used such number and name to report wages.

(2) Children's social security account numbers used for work purposes.

(3) Employers whose workers present significant numbers of mismatched social security account numbers or names for wage reporting.

(b) **SUBMISSION.**—The Inspector General of the Social Security Administration shall submit the audits completed under subsection (a) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate for

review of the evidence of individuals who are not authorized to work in the United States. The Chairmen of those Committees shall then determine information to be shared with the Secretary of Homeland Security so that such Secretary can investigate the unauthorized employment demonstrated by such evidence.

SEC. 814. AGRICULTURE WORKFORCE STUDY.

Not later than 36 months after the date of the enactment of this Act, the Secretary of the Department of Homeland Security, in consultation with the Secretary of the Department of Agriculture, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, a report that includes the following:

(1) The number of individuals in the agricultural workforce.

(2) The number of United States citizens in the agricultural workforce.

(3) The number of aliens in the agricultural workforce who are authorized to work in the United States.

(4) The number of aliens in the agricultural workforce who are not authorized to work in the United States.

(5) Wage growth in each of the previous ten years, disaggregated by agricultural sector.

(6) The percentage of total agricultural industry costs represented by agricultural labor during each of the last ten years.

(7) The percentage of agricultural costs invested in mechanization during each of the last ten years.

(8) Recommendations, other than a path to legal status for aliens not authorized to work in the United States, for ensuring United States agricultural employers have a workforce sufficient to cover industry needs, including recommendations to—

(A) increase investments in mechanization;

(B) increase the domestic workforce; and

(C) reform the H-2A program.

SEC. 815. SENSE OF CONGRESS ON FURTHER IMPLEMENTATION.

It is the sense of Congress that in implementing the E-Verify Program, the Secretary of Homeland Security shall ensure any adverse impact on the Nation's agricultural workforce, operations, and food security are considered and addressed.

SEC. 816. REPEALING REGULATIONS.

The rules relating to "Temporary Agricultural Employment of H-2A Nonimmigrants in the United States" (87 Fed. Reg. 61660 (Oct. 12, 2022)) and to "Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States" (88 Fed. Reg. 12760 (Feb. 28, 2023)) shall have no force or effect, may not be reissued in substantially the same form, and any new rules that are substantially the same as such rules may not be issued.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 5 hours, with 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security, or their respective designees, 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, or their respective designees, and 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs, or their respective designees.

The gentleman from Tennessee (Mr. GREEN), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Ohio (Mr. JORDAN), and the gen-

tleman from New York (Mr. NADLER) each will control 60 minutes. The gentleman from Texas (Mr. MCCAUL) and the gentleman from New York (Mr. MEEKS) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. GREEN).

GENERAL LEAVE

Mr. GREEN of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GREEN of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2, the Secure the Border Act of 2023.

Last year, Republicans made a commitment to America to secure our borders, protect our Nation, and safeguard our communities. Today, House Republicans are delivering on that promise.

No matter where you sit on the political spectrum, it is undeniable that we are in the midst of a severe border crisis. In just over 2 years, President Biden and Secretary Mayorkas have intentionally turned our Nation's border into a place of chaos and devastation, one controlled by the drug cartels.

The administration's refusal to enforce the law or implement effective policies to secure the border has led us to this point, completely dismantling any semblance of law and order. Over the past several months, the members of the Committee on Homeland Security have been hard at work crafting a solution to address the administration's self-inflicted crisis at our borders.

With input from our colleagues across the Republican Conference, as well as Border Patrol agents, victims of illegal alien crime and the drug crisis, small business owners, State and local law enforcement, and farmers and ranchers, the committee has taken the time to fully understand Secretary Mayorkas' record-breaking humanitarian crisis.

These are the everyday Americans bearing the brunt of this crisis who are all too often overlooked by the media and the DC beltway. The numbers that they, and now all Americans, are facing are staggering:

More than 5 million encounters at the southwest border since President Biden took office;

Over 1.4 million known got-aways since February 2021;

193 aliens on the terrorist watch list encountered along the southwest border trying to enter the country between ports of entry from fiscal year 2021 to fiscal year 2023;

Over 14,000 pounds of fentanyl seized in fiscal year 2023, enough to kill the entire U.S. population nine and a half times;

Over 61,000 criminal aliens arrested by CBP attempting to cross the U.S. borders since the beginning of FY 2021.

And just as we think it can't get any worse, tomorrow marks the end of the only tool that Customs and Border Protection has left under this administration, title 42.

As we have approached the end of title 42 the past few days, CBP has been reporting an even greater increase in the number of alien encounters and got-aways, which are already off the charts.

Whether my colleagues on the other side want to admit it or not, Mr. Biden and Mr. Mayorkas' border crisis has turned every State into a border State, and the American people have had enough.

From a record number of fentanyl deaths to rising crime, it is the families and communities across America that are left to pay the price of this administration's open borders and antisecurity policies.

These policies are enriching and emboldening transnational criminal organizations who have increasingly threatened the safety and security of all Americans.

However, we are here with a solution.

Thanks to the hard work of many members across multiple committees, H.R. 2 requires the administration to secure the border, enforce the law, and reduce illegal immigration, once again.

Specifically, division A of the bill addresses the immediate impact of the border crisis by focusing on mitigating and stopping the surge of illegal border crossers and illicit drugs that are flowing across our borders between ports of entry.

Over 30 years ago, the United States Government began building the border barrier system. We have heard from frontline agents on the ground that an effective border barrier system is a proven critical component in deterring and discouraging illegal activity. That is why H.R. 2 directs the Secretary of Homeland Security to immediately resume construction of the border wall.

The bill requires at least 900 miles of wall to be built, using the materials that American taxpayers have already paid for, but that under President Biden are laying unused and left to deteriorate in the desert.

This bill makes targeted investments in border technology that not only supplements the border wall system, but also integrates new, advanced, and improved technologies into Border Patrol operations that will prioritize frontline personnel safety and the detection of illicit activity.

We know that Border Patrol agents are leaving at a faster rate than the CBP Commissioner can hire them. Under the Biden administration, Border Patrol agents are stretched thin, both physically and mentally. They are overwhelmed and overworked.

Customs and Border Protection agents are leaving before reaching their retirement eligibility because of

poor working conditions and low morale due to a horrendous lack of support from the Biden administration and the inability to do what they signed up to do—enforce the law.

□ 1830

During the committee's field hearing on March 15, Border Patrol Chief Raul Ortiz testified that he needs approximately 22,000 agents to achieve Border Patrol's mission. H.R. 2 mandates CBP expand their force by over 3,000 agents to reach that total of 22,000 agents.

The bill also aims to return agents back to their law enforcement duties in the field by ensuring they are not responsible for serving as processing coordinators, something that the Biden administration is forcing highly trained law enforcement agents to do.

The bill addresses the retention challenges that Border Patrol is facing by providing qualified agents with a retention bonus. They need to know that all of us in Congress have their back and appreciate their sacrifice.

The Department of Homeland Security has made very blatant attempts to bury the release of its monthly border statistics or withhold certain information from the public. That is why H.R. 2 requires DHS to publicly disclose all monthly data, including known got-aways and known or suspected terrorists, before the seventh day of each month.

Congress will not tolerate this administration's lack of transparency to the American people, who deserve to know who and what is coming into our country.

To further enhance border security measures, this bill increases support for Operation Stonegarden, a grant program that provides funds to State, local, and Tribal law enforcement agencies that are forced to deal directly with the crisis, given the administration's complete dereliction of duty.

Under H.R. 2, Operation Stonegarden grants will be increased to \$110 million per year, and we know this support can't come soon enough for our State and local law enforcement.

Mr. Speaker, I urge my colleagues to support H.R. 2, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY

Washington, DC, May 4, 2023.

Hon. JASON SMITH,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SMITH: I write regarding H.R. 2794, the "Border Reinforcement Act of 2023," of which the Committee on Ways and Means received an additional referral. I appreciate your support in bringing this legislation before the House of Representatives, and that the Committee on Ways and Means will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Ways and Means does not waive jurisdiction over the subject matter contained in this legislation in the future. In addition, should a conference on

this bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee.

I will include our letters on H.R. 2794 in the Committee report on this measure and in the Congressional Record during floor consideration of this bill. I look forward to working with you on this legislation and appreciate your cooperation on this matter.

Sincerely,

MARK E. GREEN, MD,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 4, 2023.

Hon. MARK GREEN,
Chairman, Committee on House Homeland Security,
Ford House Office Building, Washington, DC.

DEAR CHAIRMAN GREEN: Thank you for your letter regarding H.R. 2794, the "Border Reinforcement Act of 2023." As you noted, the Committee on Ways and Means was granted an additional referral on this bill. I agree to forego action on this bill so that it may proceed expeditiously to the House floor for consideration.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2794 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 2794.

Sincerely,

JASON SMITH,
Chairman,
Committee on Ways and Means.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 2, 2023.

Hon. MARK GREEN,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN GREEN: I write regarding H.R. 2794, the "Border Reinforcement Act of 2023." Provisions of this bill fall within the Judiciary Committee's Rule X jurisdiction, and I appreciate that you consulted with us on those provisions. The Judiciary Committee agrees that it shall be discharged from further consideration of the bill so that it may proceed expeditiously to the House floor.

The Committee takes this action with the understanding that forgoing further consideration of this measure does not in any way alter the Committee's jurisdiction or waive any future jurisdictional claim over these provisions or their subject matter. We also reserve the right to seek appointment of an appropriate number of conferees in the event of a conference with the Senate involving this measure or similar legislation.

I ask that you please include this letter in your committee's report to accompany this legislation or insert this letter in the Congressional Record during consideration of H.R. 2794 on the House floor. I appreciate the cooperative manner in which our committees have worked on this matter, and I look

forward to working collaboratively in the future on matters of shared jurisdiction. Thank you for your attention to this matter. Sincerely,

JIM JORDAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 3, 2023.

Hon. JIM JORDAN,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN JORDAN: Thank you for your letter regarding H.R. 2794, the "Border Reinforcement Act of 2023." I appreciate your support in bringing this legislation before the House of Representatives, and that the Committee on the Judiciary will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Judiciary does not waive jurisdiction over the subject matter contained in this legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on the Judiciary represented on the conference committee.

I will include our letters on H.R. 2794 in the Committee report on this measure and in the Congressional Record during floor consideration of this bill. I look forward to working with you on this legislation and appreciate your cooperation on this matter.

Sincerely,

MARK E. GREEN, MD,
Chairman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to the child deportation act. This cruel, inhumane, and unworkable bill was written in an extreme MAGA Republican echo chamber.

Considering H.R. 2 today under a closed rule is a cynical move on the part of Republicans to exploit the operational challenges associated with the lifting of title 42 public health restrictions.

Republicans have a short memory. Just in February, they voted to lift title 42 when they voted to lift the COVID-19 health emergency. It sets Customs and Border Protection up for failure by shifting all processing to ports of entry without providing any additional resources.

To make matters worse, it would bar CBP from leveraging technology to process migrants in an orderly way. H.R. 2 doesn't fund a single new officer at our ports of entry, where more than 90 percent of fentanyl is interdicted.

In committee, we tried to get an additional 1,700 officers to build greater capacity, but Republicans refused to do it.

Furthermore, this xenophobic bill would strip DHS funding from any community or religious organization that helps migrants. The language is so broad that an organization that places water in a remote area of the desert or provides a pregnant mother with a safe place to sleep would be ineligible for DHS funding. It is so broad that they may be refused homeland security grants to help protect their facilities.

Denying assistance to nonprofits is just plain shameful, particularly after what we saw in Brownsville this past weekend. There is reporting that a man who rammed his SUV into a crowd outside a migrant shelter, killing 8 and injuring at least 10 others, was fueled by invasion and alien rhetoric. My heart goes out to everyone hurt by this senseless act of violence.

The language in this bill is so far-reaching that it would force the American Red Cross to verify every person's immigration status before providing lifesaving services. Can you imagine if they had to say, "Show your papers," before evacuating people? That is just inhumane.

Get this: H.R. 2 is so broadly written that it would actually impede detention and deportation.

Mr. Speaker, FOX News viewers who support deporting migrants should take a look at section 115(c) in division A. If enacted, it would prohibit DHS from contracting with any nongovernmental organization to transport or shelter "inadmissible aliens."

This language would prevent ICE from contracting with private companies to facilitate deportation or provide detention space because these companies are nongovernmental organizations. Yes, you heard that right. This bill is so poorly written that it could actually prevent ICE from deporting people.

Over the next 2 hours, Democrats will discuss many other problematic provisions of this extreme MAGA bill that Republicans cobbled together and that we learned yesterday would blow a \$6.1 billion hole in the budget.

Mr. Speaker, I urge my colleagues to vote "no" on this child deportation act, and I reserve the balance of my time.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. HIGGINS).

Mr. HIGGINS of Louisiana. Mr. Speaker, my, my, my. My colleagues across the aisle say we have a short memory. We don't have a short memory. This has seemed like an eternity over the last 2 years. We had no idea, as a nation, that this much injury could be brought upon our country in this short period of time.

H.R. 2 is the strongest border security package that has ever been brought to the floor in this body. Why has the majority party, the Republicans that were elected to power by the American people last year, drafted this bill over the course of the last year carefully and strategically? Because we are responding to the total collapse of our sovereignty at the southern border brought upon America by my colleagues across the aisle.

If you want more of what you see on the TV today, then by all means America can support my Democratic colleagues and their policies because those are the policies that have brought this disaster upon our Nation. H.R. 2 addresses it aggressively.

Our southern border is no longer a sovereign border wherein America controls the northern portion and Mexico controls the southern. It is now a theater of engagement controlled by the cartels. H.R. 2 corrects it.

Mr. Speaker, I urge my colleagues on both sides of the aisle to stand in support of H.R. 2 because it addresses aggressively the injury that our Nation suffers brought upon us by weak, disastrous policies out of the Democratic executive branch, the White House, and Democratic majority control for the last 4 years.

Mr. Speaker, I urge strong support of H.R. 2.

Mr. THOMPSON of Mississippi. Mr. Speaker, the extreme MAGA Republican default on America act, which the last speaker voted for, would result in an across-the-board cut of 22 percent for the Department of Homeland Security, which would undermine border security.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bears an important, absolute, and imperative necessity of a little walk down memory lane. In actuality, the American people really want to uphold her values, the values that they have come to understand as a core of who we are.

The Homeland Security Committee traditionally, as the chairman and I have seen over the years, worked in a bipartisan manner. A little history is that just more than a decade ago, there was a bipartisan, comprehensive immigration bill led by the late John McCain.

Unfortunately, interestingly enough, the Senate moved, and the House simply imploded that dream, the dream that those who came to this country without anything and did not know they had come wrongly, if you will, young people, could be DACA recipients and ultimately work their way toward citizenship.

It was an effective asylum process, and we argued vigorously for legal immigration. People dutifully got in line, but consistently, as we refused to build on the comprehensive immigration structure, even though Democrats supported heavily enhancing the border—my bill some years ago provided enormous new equipment and technology.

One of our colleagues even explained, by the way, this new border wall that everyone wants to talk about is not a border wall because it is indented onto U.S. soil. Once you get over the wall, you are already eligible to apply for asylum.

Most of the people who come, come through legal points of entry, so why the cruelty of this bill?

I can be for legal immigration, and I can be for securing this Nation, and I don't have to take a sledgehammer and bloody the very fabric of this Nation.

It is interesting that we offered 43 Democratic amendments. None were accepted.

Is there something wrong with body cameras for our officers at the border? Not accepted.

Is there something wrong with refusing to separate 9-month-olds and 5-year-olds from their families, family unification, committing to not separating families? Is that something wrong?

I work with NGOs. I am in Texas. I am in Houston. We are getting some of those migrants in Houston, and there will be an NGO that will be dealing with individuals who are not statused.

What you want to have happen, as is happening in El Paso because of the overwhelming, is that you want no resources, people on the street, and, I am so sad and ashamed to say, the loss of individuals in Brownsville in what seemed to be a murderous rage. We cannot do this.

Mr. Speaker, I urge Republicans who support detaining and deporting more migrants to take a look at section 115(c) in division A.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, if enacted, it would prohibit DHS from contracting with any nongovernmental organization to transport or shelter "inadmissible aliens."

What is that? This language would prevent ICE from being able to contract with private companies that facilitate deportation or provide detention space because they are nongovernmental organizations.

Ironically, it seems that this child deportation act may actually undermine our friends on the other side's MAGA deportation agenda.

Why are we not more committed, Mr. Speaker, to coming together around the ideals of the Statue of Liberty? Bring us your forlorn, your worn, your desperate.

Yes, they are coming in droves, but the President has a plan. There will be more interaction with Guatemala. There will be processes in Mexico. There will be more officers at the border for those who are seeking asylum.

Why should we reject that? Why don't we come and find a way to stand up the infrastructure because a border wall that is \$45 million per mile is not going to be the only solution.

Mr. Speaker, I ask my colleagues to take this bill off the floor, go back to the drawing board, work with those of us in the Homeland Security Committee, with all the amendments we offered, and make a reasonable difference in the lives of Americans.

Mr. Speaker, might I put back on the table, because they are all in my office all the time, that the DACA recipients need a response. They are paramedics, doctors, lawyers, teachers. How dare we ignore the talent that is here that wants to be patriotic Americans.

I only ask for mercy. Take the bill back. Help our children. Make a dif-

ference. Honor the Statue of Liberty and protect the national border of this United States of America. We can do it, and it is not being done either by Texas or by the United States of America. We want to do it. The people in Houston want to be humanitarian, and they want to be safe.

Mr. Speaker, I am here today to reassert my opposition to H.R. 2—Secure the Border Act of 2023.

I along with my colleagues have attempted to address many of the ills these bills purport by offering common sense amendments that Republicans have continued to refuse any meaningful consideration.

I would like to highlight some of my amendments that were offered in both the Judiciary Committee Markup and the Homeland Security Committee Markup for H.R. 2.

In addressing, H.R. 2, the Secure the Border Act of 2023, we need the American people to understand that this is an unfortunate patchwork of extreme anti-immigrant proposals that would only add to more chaos at the border.

It includes a variety of illogical measures that would shut down the U.S. asylum system and target families and children for the cruelest forms of treatment.

One measure would make overstaying a visa a crime—for the first time in our history.

I offered amendments to H.R. 2 along with many of my Democratic Colleagues both during Homeland Security Committee markup and for consideration by the House Rules Committee for inclusion for consideration during the of this bill—but all Democratic amendments were rejected by the Republican majority.

As a senior member of the House Committees on Homeland Security and Judiciary I have a well-established public record for working to address our Nation's most pressing immigration issues through sound government policies.

Immigration is not a criminal matter but categorized as a civil claim because seeking to travel, requesting refugee status, or attempting to make a better life in another country should not result in criminal prosecution.

There are nations who do seek to punish U.S. citizens who are traveling abroad through criminal prosecution with tragic consequences.

I have worked on the issue of unlawfully detained U.S. citizens who are held in other countries for a host of reasons that come down to the politics of a country and not due to a defensible immigration policy.

The conduct of the previous Administration in the forced separation of I offered would have added a mens rea requirement such that to be criminally liable, a person must knowingly and willingly overstay their visa.

It is important to remember that an individual can make an honest mistake about when they need to depart the country, be physically incapable of departing the country, or unable to return because of circumstances beyond their control in their home country.

Yet this bill has no exceptions or flexibility when it comes to overstaying a nonimmigrant visa. It is also important to remember that if a person overstays their visa, they are already subject to removal. The addition of a criminal penalty is both cruel and unnecessary.

Our immigration system needs reforms, and we are absolutely interested in bold new ideas to fix it, but this is not one of them.

My first amendment for H.R. 2, was offered to require U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to provide Congress with a plan for implementing—within one year—the use of body-worn cameras by its agents and officers who are engaged in border security or immigration enforcement activities. Any implementation of a plan for body-worn cameras would require additional congressional action.

Both CBP and ICE have already begun deploying body-worn cameras to their frontline officers and agents to provide greater transparency into interactions with the public.

In the event there are allegations of excessive force or other misconduct by an officer or agent, footage from body-worn cameras can enhance the agencies' ability to investigate.

Several studies on the effectiveness of body-worn cameras have found that police officers wearing cameras generate significantly fewer complaints and "use of force" reports relative to officers without cameras.

And savings from reduced complaints against officers, and the reduced time required to resolve such complaints, can result in substantial cost savings.

It is troubling that the underlying bill seems to seek cost savings at the expense of ensuring orderly and fair processing of asylum seekers; It would make more sense to save money by investigating complaints more quickly and preventing misconduct in the first place.

My second amendment for H.R. 2, was offered to clarify that the official policy of the United States as implemented by the agencies of the Department of Homeland Security shall be to keep families together and not remove children from parents or responsible adults unless the safety or welfare of the child is at risk.

The official policy of the Trump Administration was to separate children from their parents. No child—no matter where they are born—should be separated from their family, particularly after surviving the harrowing journey to the U.S. border.

My amendment was offered to stand firm in our principles that should bar CBP from separating children from their families unless there is evidence that the child is being trafficked. It further directs the DHS, in coordination with the State Department and HHS and the Attorney General to provide quarterly reports to Congress on the status of efforts to reunify migrant families and prevent future family separations.

Never again should we allow families to be ripped apart.

These are common-sense amendments that have been repeatedly disregarded by my colleagues across the aisle who have instead chosen to put forward legislative attacks on our most vulnerable populations. Border security can be done in Bipartisan solutions.

It is time we stop the negativity and counterproductive efforts that are ripping apart our country, and to instead focus on coming together to work towards sensible and effective solutions that can work for the betterment and growth of our country and the security at the southern and northern border.

I urge my colleagues to vote no on this wrong minded legislation.

SECTION 115(C)—DEPORTATION & DETENTION

Mr. Speaker, I urge Republicans who support detaining and deporting more migrants to take a look at section 115(c) in Division A.

If enacted, it would prohibit DHS from contracting with any “nongovernmental organization” to transport or shelter QUOTE “inadmissible aliens” UNQUOTE.

This language would prevent ICE from being able to contract with private companies that facilitate deportations or provide detention space because they are nongovernmental organizations.

Ironically, it seems that the “Child Deportation Act” may actually undermine the extreme MAGA deportation agenda.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. GUEST), the vice chair of the Committee on Homeland Security.

□ 1845

Mr. GUEST. Mr. Speaker, make no mistake: Our border is broken.

This administration, for over 2 years, has been unwilling or unable to secure our southern border.

Statistics show that in FY21, President Biden set a record with 1.9 million encounters. In FY22, he broke that record with 2.7 million encounters. In FY23, President Biden is on pace to break that record once again.

The numbers to my left paint a grim picture of the dire situation along our southern border, and these numbers will only grow worse as title 42 expires.

Republicans from Homeland Security, from Judiciary, from Foreign Affairs, have worked together to craft legislation that will combat the border crisis, a crisis created by the failures of this administration.

This legislation will hire thousands of new agents, pay retention bonuses to our frontline officers, invest in new technology, construct hundreds of miles of walls and barriers, and support our local and State partners.

Congress must fill the gap of leadership created by the inaction of this administration. We must stop the flow of illegal drugs from pouring into our communities. We must end the flood of immigrants that are coming across each and every day. We must support the hardworking men and women of law enforcement who are on the front lines of this crisis.

We will not back down from this fight, and any veto threat by this President be damned. We will deliver security to the American people.

Mr. Speaker, I urge support on this measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, Republicans want it both ways. First, they vote to reduce the number of Border Patrol agents in the field by 1,400 under their default in America act, and now all of a sudden, they want to do something different. So either you are for it or you are against it, but you can't have it both ways.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I thank the ranking member, Mr. THOMPSON, for the opportunity to speak here today.

Mr. Speaker, I rise in opposition to H.R. 2. During the nearly 17 hours that the Committee on Homeland Security met to consider the border bill offered by Mr. GREEN, Democrats offered more than 40 amendments in order to remedy significant shortcomings in the bill.

In an effort to offer new provisions to bolster operations at Customs and Border Protection and build up the fiscal year 2023 Omnibus Appropriations Act, which is what was supposed to be going on, working on the budget that night, under Democratic leadership, they provide over \$17 billion to CBP to not only enhance port of entry operations but also increase funding to the U.S. Border Patrol by 17 percent.

All of the amendments were rejected by the committee Republicans. Instead of working with Democrats to provide bipartisan solutions to fix our broken immigration system, H.R. 2 is just a far-right, MAGA-style immigration bill advanced by Republicans that would tear at the fabric of American values and drastically limit asylum opportunities while doing nothing to create an orderly system.

The xenophobia bill filed in this space of religious values that Republicans claim to live by, at best, H.R. 2 is a deeply distrustful effort to exploit irregular migration at the southwest border, which is expected to intensify with the termination of title 42 health restrictions.

To make political points with Donald Trump and his devoted, extreme MAGA base, the hardworking civil servants who work to keep our border secure deserve so much better.

Mr. Speaker, I urge Republicans who support detaining and deporting more migrants to take a look at section 115(c), division A. If enacted, it would prohibit DHS from contracting with any nongovernmental organizations to transport or shelter “inadmissible aliens.” This language would prevent ICE from being able to contract with private companies that facilitate deportations or provide detention space, because they want a nongovernmental organization to do it.

Now, for the life of me, here we are again. You can't have it both ways. You want all of this deportation to happen, but now you are limiting the organization from doing it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New Jersey.

Mr. PAYNE. Mr. Speaker, just one last point.

Ironically, it seems that the child deportation act may actually undermine the MAGA extreme deportation agenda.

Listening to my colleague, the ranking member from Mississippi, we have already torn children and babies away from their families. Now, it appears that we won't even help women who

might be pregnant in this endeavor. I mean, how far do you want to go?

Mr. GREEN of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GIMENEZ).

Mr. GIMENEZ. Mr. Speaker, I rise in strong support of H.R. 2.

We have a crisis at our southern border. When title 42 expires in just a few hours, that crisis will become a complete catastrophe.

In an effort to play petty politics, the Biden administration and Secretary Mayorkas have traded many effective policies implemented by President Trump for chaotic, unorderly, and inhumane immigration.

I arrived in the United States with my family shortly after the communist takeover of my native homeland. I understand the plight of many of those who are fleeing socialist regimes in Cuba, Venezuela, and Nicaragua, because I, too, am an exile. I, too, am an immigrant.

We have legal processes already in place for people to immigrate to America legally and to solicit political asylum legally.

But what the Biden administration is doing is offensive, cruel, and inhumane. Lethal fentanyl is flooding our border, killing nearly 100,000 Americans every single year. According to The New York Times, there are over 85,000 migrant children unaccounted for, and many are being subjected to forced labor and child sex trafficking. I repeat: 85,000 unaccounted for children here in the United States. I ask you: Is that humane? I think not.

Lack of enforcement of our border is incentivizing illegal immigration and enriching corrupt Mexican drug cartels that extort the most vulnerable.

While the Biden administration endangers the American people, H.R. 2 tackles the crisis head-on. This bill resumes construction of the border wall that is needed, increases the number of border agents to 22,000, increases Federal grants to local law enforcement in border States, protects migrant children from human trafficking, streamlines the asylum process, and enforces background checks to bar repeat criminal offenders from reentering our country.

H.R. 2 provides a solution to the crisis that President Biden has created. Believe me, he has created it. Secretary Mayorkas and the Biden administration have failed to protect America, and our country is more dangerous than ever before.

Mr. Speaker, I urge support of the measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, the Congressional Budget Office says the child deportation act would “decrease the population of the United States by about 600,000 people, mostly by reducing the number of unaccompanied children present in the country.”

Republicans claim to be concerned about exploitation and abuse of unaccompanied children, but their answer is

to slam the door shut and deport them from the United States.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GOLDMAN).

Mr. GOLDMAN of New York. Mr. Speaker, I rise today in opposition to H.R. 2, which is a cruel and draconian bill that demonizes asylum seekers, harms unaccompanied migrant children, and defunds programs that support nonprofit organizations and local governments that are essential to the humane processing of asylum seekers coming to our shores hoping for a better life.

Just a brief response to the gentleman from Florida. Our law says that anyone crossing the border anywhere can apply for asylum. There is no such thing as lawful asylum and unlawful asylum. In fact, this is an area that we should address in a bipartisan way. We are in desperate need for comprehensive immigration reform. We need thoughtful and effective border security. We need more immigration judges to process asylum applicants. We need more visas for those to enter this country legally, and we need a pathway to citizenship that all of our ancestors have benefited from.

But this bill is the opposite of that. It was unilaterally written by House Republicans as a partisan messaging bill with no chance of becoming law. With this bill, Republicans are putting politics over people.

In our committee, Democrats offered more than 30 amendments to try to amend and improve this bill. Every single Republican voted “no” on every single amendment. One even expressed shock that Democrats would dare to try to change their bill.

Sadly, the Republicans rejected one of my amendments that would do more to address border security and fentanyl trafficking than anything else in this bill: An amendment to stop the massive flood of American guns to drug cartels in Mexico, those same cartels that the chairman from Tennessee says are in control of the border. These guns give the cartels their power, it fuels the violence, and facilitates their illegal trade.

Mexico has one gun shop, and it takes months of background checks to purchase a gun. But the latest estimates that we have here are that more than 500,000 American-made guns are exported to Mexico, including assault weapons of war, and many land in the hands of cartels to fuel their human and drug trafficking operation. There isn't a single mention of guns in H.R. 2, not one.

This bill is supposed to be about border security. Our border is broken, as one of my colleagues just said. How can we fix the border when the cartels are ruling it with American guns? Any serious attempt to secure our borders has to address the exportation of more than 500,000 American guns per year to Mexico.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York.

Mr. GOLDMAN of New York. Mr. Speaker, just like the gun violence epidemic that is ravaging our country, Republicans refuse to address the source of the problem. We need comprehensive immigration reform, meaningful solutions to address our broken immigration system, and to live up to our American values. This bill is nothing of the sort. Instead, it turns a real crisis that needs serious solutions into a political messaging tool.

Mr. Speaker, therefore, I urge my colleagues to vote “no.”

□ 1900

Mr. GREEN of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DESJARLAIS).

Mr. DESJARLAIS. Mr. Speaker, I thank the chairman, my colleague from Tennessee.

Mr. Speaker, I rise in strong support of H.R. 2. If you watch TV and listen to the administration and Secretary Mayorkas, they would tell you that the border is secure and that the border is not open. In other words, they are telling you to believe what they say and not what you see.

Anybody who looks at the border can see the crisis that is there.

They can look in their communities and see the tragedy that is unfolding with fentanyl.

They can look to the sanctuary cities where all the mayors love to say: “We will take anyone. Send your immigrants to our cities.” Now, they are screaming: “No more.” As soon as they got a taste of what the border States are feeling and dealing with every day, they wanted no part of it.

The toll that this is causing our country is hard to grasp. Look no further than our SNAP program. Everyone wants to expand SNAP and make sure no one goes hungry. I agree that anyone in need should get food, but we cannot get an answer to how many people who are here illegally are on the SNAP program. We have been trying for a year. We have asked Secretary Mayorkas via letter, and we have asked Secretary Vilsack via letter how many people who are here illegally or undocumented are on SNAP.

We know that 45 percent of non-documented households receive SNAP, and only 21 percent of U.S. citizens receive SNAP. When I bring this up in committee, I am told it is very hard to get SNAP benefits if you are in the country illegally, but there are several exceptions—more than 11.

Two of the main exceptions are: One, if you are under 18, you automatically qualify. We all know how many children are coming across the border. They are receiving SNAP benefits. The other is if you are seeking asylum. Well, who is coming here that is not seeking asylum?

I heard the gentleman mention that anyone can claim asylum, but what we

are seeing here is not true asylum seeking. It is what they are told to say because they know that is the clearest pathway into the country.

People are just simply being released in record numbers. Mr. Speaker, 5 million to 6 million people have come into our country illegally.

Do you know who hates illegal immigration more than any of us? People who did it right. We have the most generous immigration system in the world. Almost a million per year can come here legally. We are letting millions in illegally, and the people who do it right resent that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREEN of Tennessee. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Tennessee.

Mr. DESJARLAIS. Mr. Speaker, I urge support of this measure because we are a country of laws, and it is not right to allow your first measure in entering this country to be something illegal. It flies in the face of all the people who did it correctly.

Thank God we have a chairman like Chairman GREEN who is addressing this issue. It should be a bipartisan issue. Everyone is feeling it. It is time that we act.

Mr. Speaker, I thank the Republicans for bringing this forward. It is important, and I strongly support it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on March 15, Border Patrol Chief Ortiz told the Homeland Security Committee that “cartels control an awful lot of the southern border south of the United States.”

Last time I checked, south of the United States meant Mexico and not five of the nine U.S. Border Patrol sectors.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

Mr. Speaker, I rise today to discuss H.R. 2, the House Republicans' border bill that fails to fix our broken immigration system.

I have been to our southern border twice since January because I do believe it is important that we experience those challenges firsthand. Despite there being an immense amount of work to do at our border, this legislation fails to meet the moment.

Instead of solutions, Republicans want a wall; a wall that would immediately be obsolete upon completion and would only serve as a painful reminder of the Republicans' failed border policies; a wall that would cost almost \$25 million per mile to complete, resulting in a total bill to the American taxpayers of over \$11 billion.

For a party that talks about wasteful government spending, how can this possibly be the best use of our taxpayer dollars?

Mr. Speaker, I and my colleagues on the Homeland Security Committee offered numerous amendments to this

bill to address some of its core deficiencies. When I offered an amendment to strike this wasteful spending on an inefficient wall, it was rejected by every single Republican.

Operation Blue Lotus, a Biden administration program, has stopped over 4,000 pounds of fentanyl from being brought into the U.S. and has led to dozens of arrests and the seizure of thousands of pounds of illicit drugs. Yet, when I offered an amendment to provide congressional authorization for this successful program, it was rejected, again, by every single Republican.

Even on the issues that Republicans talk most about, like fentanyl, this bill fails to address those challenges.

Even worse, this bill treats migrants as our enemies instead of our neighbors who are simply looking to give their families the opportunities to be hopeful about their tomorrows, to give them their fair shot at their American Dream, the fair shot that all of our families were given by this country.

This bill also seeks to punish non-profits and NGOs that, by caring for our most vulnerable neighbors, reflect the best of who we are as a country. Organizations like Catholic Charities that feed, house, and take care of migrants could lose Federal funding by simply fulfilling their spiritual mission of supporting those most in need.

Democrats offered amendments to ensure that NGOs would not be penalized for providing services to pregnant women, children, and families. Each amendment failed because not a single Republican was willing to stand up and vote for it.

This should not be who we are as a country. If this bill becomes law, it will say to the world that this is who we have become.

Mr. Speaker, I am a "no" on H.R. 2, and I urge all of my colleagues to do the same.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the Speaker of the United States House of Representatives.

Mr. MCCARTHY. Mr. Speaker, I thank Chairman GREEN for his work.

Mr. Speaker, when we took the majority and Mr. GREEN became chairman, he didn't stay in Washington to figure out what the problem was. He actually took his committee to the border to see firsthand.

Mr. Speaker, unfortunately, the ranking member on the other side wouldn't attend. He stands up speaker after speaker thinking he knows what is happening on the border from far away in Washington.

I have been to the border four times in the past 3 years. I have seen the fear in the eyes of the ranchers who have had their property broken into. I have heard the frustration in the voice of the Border Patrol agents who are stretched to the limit.

Mr. Speaker, 2½ years ago, when I went to the border, I sat with the

agents in El Paso. They told me they saw something different that they hadn't seen before. They were actually catching people on the terrorist watch list. I came down and had a press conference and announced what they told me.

Mr. Speaker, I would have thought that the Members on the other side of the aisle, knowing what has happened with 9/11 and others, that they would rise up in a united front to protect America.

Do you know what I heard from my colleagues on the other side of the aisle? They said that I was lying. They said that they had as much security clearance as I did, that it must not be true. In Washington, they thought they knew all, but they didn't go to the border to actually talk to the people who work right there.

It is interesting, though, that the next day, the administration had to say it was true. Do you know what the administration did then? They withheld the information from Congress so they could no longer find out how many people we would catch on the terrorist watch list. They wanted to deny knowing going forward.

My good friend on the other side of the aisle, the ranking member of the Homeland Security Committee, I am sure he knows that, in the month of February, we caught more people on the terrorist watch list in this 1 month than the entire time of the last administration.

In the last administration, the 4 years of everybody who came across on the terrorist watch list, this February, more came across. I am sure from far away he might probably think that is not true, too.

Mr. Speaker, I felt the sorrow in the words of the mothers and fathers who lost their children to fentanyl. Do you know what? You can stay in Washington if you want, and you will still hear the sorrows of the mothers and the fathers.

Today alone, 300 Americans will be poisoned by fentanyl. It is the equivalent of an airline crashing each and every day in America. I don't hear them rising up. Every day there are 300. They come from all walks of life.

Mr. Speaker, they want to stand and say "no" to H.R. 2. I want them to look in the eyes of the parents of the young children. They didn't buy fentanyl when they died. They were at college and bought Xanax. It doesn't just happen to the kids who are maybe into partying or others.

Just last year, on spring break, six kids OD'd in Florida. They didn't belong to a fraternity. They went to West Point. They didn't buy fentanyl. They all didn't take cocaine. Four of them did. The other two simply gave them mouth-to-mouth resuscitation.

Do you know what? Vote "no." Go ahead and vote "no." If you won't lead, we will. If you want to take the same approach as the President, that you want to ignore a problem and say it is

not happening, we won't sit back. We don't sit back in Washington. We go to the border to actually see what is going on. We listen. We learn. Then, we sit in committee.

Even though your committee went and had a hearing—I am sure they are very proud that they protested and didn't go. Who lost? More Americans lost. More Americans will die by their actions. For their sake and for our Nation's safety, we must secure our border.

This is President Biden's record on the border: record crossings, record carelessness, and record chaos. More than 11,000 people were caught yesterday crossing the border illegally, the highest single-day total ever.

Mr. Speaker, I look forward to hearing what the ranking member's quote is coming forward. Maybe he will quote the Secretary that the border is secure and believe him. You sit in Washington.

What is the administration's plan for these 11,000? According to NBC News, the plan—it is brilliant; listen to it—is to release many of them into the United States with no court dates and no way to track them. That worked so well in the past. Just ask the 85,000 children that the Biden administration lost.

Mr. Speaker, I look forward to hearing the other side get up and tell me why they are voting "no."

They don't want to find these 85,000 kids? Don't take my word for it. This comes from The New York Times.

Tomorrow, as you sit here in debate and fight to make sure the border is still wide open, title 42 expires. Everyone knows we are days away from disaster. The mayor of El Paso, which recently declared a state of emergency, says: "There is no light at the end of the tunnel. We are preparing for the unknown."

The Governor of Arizona says that President Biden has been unresponsive. Governor Abbott of Texas rightly pointed out that this is not a Texas problem. This is a problem for the entire United States.

Mr. Speaker, I heard President Biden say yesterday that lifting title 42 means it is going to be chaotic for a little while. With all due respect, Mr. President, it has been chaotic for 2 years because of your actions.

□ 1915

On the very day President Biden took office, he decided against the advice of the border security experts, and he single-handedly removed the successful border policies of the previous administration.

The first thing President Biden did was he stopped construction of the border wall. He spends money now just to house the equipment and materials. He halted deportation. He ended remain in Mexico, and he called for amnesty for millions of people who broke the law.

His actions sent a clear message to the world, including the cartels: the border is open.

I remember on one of my trips down to the border right after the President took office, we had a new facility built. That day they hit a record number at the facility that they thought would never make capacity, but they did. As we walked in, we interviewed those who were standing in line.

We asked them: Why did you come?

They said: President Biden told us to. He told us the border was open.

We asked: How long was the trek?

Weeks, months, but the President invited us.

The world listened, and the cartels acted.

To this day, the southern border is being flooded by illegal aliens from more than 140 countries: Yemen, Russia, China, and others.

Yet, how has this administration responded?

A responsible administration would have told the American people in clear terms that this is a crisis. However, the Biden administration tells the public that there is no crisis. Rather than leveling with the American people, the Biden administration is choosing to mislead them.

I don't know if the ranking leader has ever been to Tucson, Arizona, but I was there recently. In Tucson, Arizona, the cartels control the border. Every single person who comes across that border wears a camouflage outfit. On their feet and on their shoes is a piece of rug. Seventy-one percent who come across that border are single males. They don't run up to the border agents. They run from them. It is one of the highest areas of get-aways.

It is a large terrain. Every day Americans risk their lives to go rescue people on the cliffs who have fallen. We took balloons up so we could actually calculate who was coming across.

When this became such a reported case, do you know what the Biden administration did, Mr. Speaker?

They cut the number of balloons.

Do you know why?

Because they said the numbers would go down. That is how they want to deal with it. They want to lie to the American public.

There is no better example than Secretary Mayorkas' comments that the border is secure.

Mr. Speaker, I hope the ranking member gets up after me, and I would like him to answer one question: Does he believe Secretary Mayorkas that the border is secure?

You have been chairman. You are ranking now. I am sure at some time you went to the border—but not when your committee did and not when we wanted to work on this bill.

You wanted to protest. You wanted to not go because you could learn everything you needed from right here in Washington—maybe from the Secretary.

I would like to know how many of you who stand up and say that you are going to vote against H.R. 2 believe Secretary Mayorkas?

Do you believe the border is secure?

Honestly, tell us. Tell the American public if that is what you believe.

Everyone knows that isn't true.

You can't say the border is secure when more than 4.5 million people have crossed our border illegally in the 24 months since President Biden has taken office.

There is not one piece of legislation that has changed from one administration to the other. The only thing that changed was the President.

And what did President Biden do?

He lifted all the actions of President Trump and President Obama. That is what happened to our border.

You can't say the border is secure when more than 175 individuals on the terrorist watch list have tried to cross our border.

You can't say the border is secure when human trafficking has grown into a multibillion-dollar business for the cartels.

You can't say the border is secure when you don't control the border and when the number one employer in some of these border towns is the cartels.

You can't say the border is secure when I sit there with a mayor, who happens to be from the other party, and he tells me a personal story that his daughter called, and he told her not to go outside because there was a car chase, a car chase because a cartel hired a young American to drive somebody they put across, and the car was going through—it is not an unusual thing. It happens often. Schools there, they would tell me they had to close for 45 days.

This car chase ended like others. It killed an innocent American, an innocent American who was going to a retirement party. She was a 65-year-old grandmother. She was going to have her friends celebrate a life of work and was looking forward to the times, with all the work and investment she had put in, to spend with her grandchildren and travel, but, no, her life was taken from her. And the Secretary said that our border is secure.

If you would travel to these towns, then you would know this too. If you would spend the time, then you would understand.

You see, Mr. Speaker, many of those elected officials aren't Republicans. They are Americans. They are registered as Democrats. They say they are disgusted by what this administration is doing.

While the Biden administration is missing in action, House Republicans are going to take action. We spent 2 years listening to those who have lived through the border crisis: Border Patrol agents, ranchers, families, businesses, and local leaders.

When I was in Tucson, I sat with a rancher. He told me that he has found five dead bodies on his ranch. His grandson, 7 years old, found one just last year. This is human life. Fifty-two died in a tractor trailer.

I sat with one who told me the story that when he looked down the road, he

saw three young children, one not even 1, the other 3, and the other 4. Had the rancher not found them, they wouldn't be alive.

What about those who don't make it?

What about those who don't pay the cartels?

I sat with one news-covering agent who told the story of a woman who didn't pay the cartels, so the cartels took her life. They didn't just take her life. They wanted to show it to everybody in the world. So they strung her body up in a tree, cut her legs off, and set her on fire.

You see, if you go to the border, you will learn these stories. You will actually know what is happening there. So I don't think you would take a partisan position. You wouldn't talk in talking points. You would actually believe that 4.5 million people in the last year came across. If 11,000 came across yesterday—title 42 is going to be lifted.

If you don't like our bill, what is your answer?

What is your plan?

What are you going to do?

As I promised, we brought their government to them—visiting the border, gathering facts, and holding hearings.

What we learned directly informed not only our Commitment to America, but also the Secure the Border Act.

Here is what this bill does:

It fully provides for effective border enforcement policies, infrastructure, and advanced technology.

It increases the number of Border Patrol agents and gives them the bonus pay they deserve.

It ends catch and release and strengthens current laws to protect unaccompanied children from exploitation by human traffickers. I hope everybody who votes "no" reads *The New York Times*. I hope you read the stories about these young children.

It reinstates the so-called remain in Mexico provisions.

And it resumes construction of the border wall because the border wall works.

The Secure the Border Act is the strongest border security bill to come through Congress in more than 100 years.

If it passes, I am confident that we will stop the flood of fentanyl into our country, solve the Biden border crisis, and support our Border Patrol agents so they can continue to keep us safe.

Fentanyl is the number one killer of Americans between the ages of 18 and 45.

If anybody thinks about their life between the ages of 18 and 45, those are the years in which you reproduce. Those are your most productive years in business. Those are the years of those who volunteer to serve in the military to defend our freedom.

Right now, the most productive population age in our country is being killed.

However, I listen to the other side, and they are going to say: "No, continue it."

By the actions of this President, Mr. Ranking Member, you don't have to go to the border because now every city is a border city.

You see, in my hometown of Bakersfield, in the elementary school, a father registered his son just after Thanksgiving. The public school district did a really good job. They noticed in 2 days this boy had an issue. They didn't sit back, they went to his house, and they met with his father.

They said: We feel your son has a challenge learning and other things. We want to work with you, and we want to help him.

Literally, they went to his house in 2 days. They watched him as he came to school.

Do you know what he did when he came to school?

He walked over to a vape room. He had a backpack, and he came into the class. They looked in the backpack. He had 150 pills. This kid was not even 16 years old. I think he was only 12. The counselor took out a pill to see what it was. They had to call an ambulance because the counselor touched a fentanyl pill.

I am far from the border. Just up the road in my district, they pulled over a car. I believe it had more than 500,000 fentanyl pills. California law says you couldn't ask the individuals if they were citizens—and they weren't.

I can't tell you how much jail time they got because in California they believe in a lot of your policies, and so the individuals didn't even have to have bail. They both got a ticket and were told to show back up. They never did. They probably got back in the car and delivered more of those fentanyl pills coming across the border. Of those 300 Americans who will die today, I am not sure if one of those pills was theirs.

I do know this: Tomorrow when I cast a "yes" vote for H.R. 2, we are doing something to stop the fentanyl. We are doing something for those families. We are doing something for the next generation of Americans.

If you believe that the rule of law is one of the greatest strengths of this Nation, you cannot keep it if you have millions of people who break it by entering it.

There is no nation as generous as America. One million people will become citizens this year, and one million more next year. We are different from any other nation, but what we have today is something that we don't even control: our own operation of our borders.

Mr. Speaker, I urge all my colleagues to vote "yes" on the Secure the Border Act, vote "yes" on security over chaos, and vote "yes" to stop fentanyl killing our children.

The SPEAKER pro tempore (Mr. DESJARLAIS). Members are reminded to address their remarks to the Chair and not to each other in the second person.

Mr. THOMPSON of Mississippi. Mr. Speaker, at some point you have to correct the RECORD. We had a debt ceil-

ing budget vote several weeks ago. The Republican-approved debt ceiling budget would cut the DHS budget by 22 percent.

So you can't be for something, but you don't invest in what you say you are for.

I will step back a little further and say that if Republicans are really serious about border security, then they would have joined Democrats in passing last year's government funding bill. It provided more than \$17 billion to Customs and Border Protection alone and a 17 percent increase in the Border Patrol budget, but unfortunately, Speaker McCarthy voted against that, too.

□ 1930

Democrats have been to the border. In April of this year, I took nine Members to the border. We talked to a lot of people. I have been on the committee quite a while. I have gone to the border a number of times to see, so one visit I didn't go to is not the end of the world. I was on the border before the Speaker was in Congress, so there is history here that we just need to make sure that we all understand.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CORREA).

Mr. CORREA. Mr. Speaker, I just want to say that most of my life I have lived on both sides of the border, and since taking over my subcommittee this year, in the last 4 months, I have gone to Laredo, Brownsville, Yuma, El Centro, San Ysidro, Otay; and just Monday, Otay, Tijuana, Mexico.

I am doing this because I think it is important that we leave Washington and go and ask the border agents, go ask the port authorities what is going on, tell me what they need.

I saw these men and women in blue uniforms at our ports of entry. They are very proud of their work. They said: Lou, look, this is 99 percent of the trade we have, the integration of the North American markets. We are making it happen thanks to the investments by Congress in personnel, technology, and infrastructure.

Then they said: But we have to keep out that 1 percent, that fentanyl, those narcotics. They proudly said: We here at the ports of entry are responsible for stopping over 90 percent of the fentanyl that comes into this country.

I asked them, of course: What do you need to do your job better?

They said: We are looking to you in Washington for more support. We are 2,400 personnel down, CBP agents. They said the proposals here by my colleagues on the other side do nothing to support the additional hiring of men and women in blue uniforms. Those blue uniforms are responsible for stopping over 90 percent of the fentanyl that is coming across the border.

I proposed amendments to this legislation for better pay, retention, childcare for those workers that have to do forced overtime. All of my amendments were turned down.

If we are serious about stopping fentanyl, we have to invest more in those blue uniforms, and this legislation does absolutely nothing to do that.

Let's be frank here. I have also gone to farmers and small businesses in my district, and they are also very scared. They are scared of becoming criminals. You put in a mandatory E-Verify, and every one of those farmers who employ undocumented farmworkers is going to be criminalized. Every one of those small businesses in my district that are calling me and saying, "Lou, we need immigration reform," will also become criminals because they employ undocumented.

We seem to forget we have a 3.6 percent unemployment rate in this country. Those folks that are coming across the border are disappearing into the fabric of our economic society. They are getting jobs. They are working. They are part of our fabric.

Unless we have immigration reform, unless we have a way to get workers into this country that is teamed up with some of these proposals, it is not going to work. At the end of the day, the private sector that needs workers, folks that need a job will figure out how to make it work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 1 minute to the gentleman from California.

Mr. CORREA. Mr. Speaker, this bill is not enough. This bill is not about creating a solution. It is simply messaging.

This bill is not addressing the fentanyl problem. The best investments are where it will be stopped at the border.

The bill is not addressing the employment issue. In every sector of our economy, in every State of our Union, we need workers. We don't need to criminalize, make employers criminals for trying to hire somebody to harvest this crop.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. D'ESPOSITO).

Mr. D'ESPOSITO. Mr. Speaker, I rise today in support of H.R. 2, the Secure the Border Act.

Mr. Speaker, I must say that I find it quite comical and a little bit scary that we just heard that this bill is nothing more than, "messaging." When I was sitting in this seat, I was wondering for a moment if we were debating a bill or having some juvenile partisan contest about how many times we could say MAGA and extreme, which have nothing to do with this bill.

What is extreme, however, is the unprecedented levels of illegal migrants, fentanyl, and other deadly drugs that have come across our open border.

Title 42 ends this week, and we still have heard no plan from the White House on how they plan to deal with the levels of illegal migrants that continue daily to travel across our southern border.

House Republicans are delivering where President Biden refuses to. The Secure the Border Act will help us regain operational control of the border, combat illegal immigration, and stop fentanyl smugglers.

This legislation will support the brave men and women serving as members of the Border Patrol by hiring an additional 22,000 Border Patrol agents. This hiring blitz will allow Border Patrol agents to return to their law enforcement mission in the field and not simply act as processing coordinators. We will be providing incentives, solidifying institutional knowledge, and help with the mass exodus caused by the dereliction of duty of Secretary Mayorkas.

Additionally, this bill will end the controversial catch-and-release policy which puts migrants into communities while awaiting their hearings.

The Secure the Border Act will also increase transparency over the Federal Government and strengthen current law to protect unaccompanied children at the border from human trafficking.

We have heard about these amendments. There were amendments about a border that we were told by Democrats were secure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREEN of Tennessee. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. D'ESPOSITO. Mr. Speaker, instead of focusing on our border, these amendments focused on challenge points, climate change, and about moments in a news cycle.

Well, to my friends on the other side of the aisle, that news cycle is devastating to many, devastating to those who have now been at the hands of the cartel, devastating to those who have lost children and grandchildren to fentanyl.

While the Biden administration is ignoring the safety and security of our country, House Republicans are delivering on our commitment to a nation that is safe.

Mr. THOMPSON of Mississippi. Mr. Speaker, the extreme MAGA Republican default on America act, which the last Speaker voted for, would result in CBP not being able to seize nearly 900 pounds of fentanyl because of the draconian cuts to its budget.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROBERT GARCIA).

Mr. ROBERT GARCIA of California. Mr. Speaker, I rise today in strong opposition to this un-American and cruel bill.

Now, I immigrated to this country as a small child, and I love our country for all it has provided me and my family. Immigrants love this country. They dedicate their lives to working, and they make a community stronger.

This bill does not uphold our values as a nation. A bill that was true to those values would uplift and celebrate the contributions of immigrants. Real

patriots know that love of country is actually about helping people.

Let's be crystal clear. We all want a safe and secure border, and the best way to achieve that is through comprehensive immigration reform and creating legal pathways for people who want to come here to work.

Sadly, this bill does not do that. Instead, it doubles down on a failed anti-immigrant agenda. This bill guts the fundamental right to seek asylum. It strips protections for unaccompanied children, and it wastes more money on Donald Trump's pointless border wall, a monument to hate which does nothing to protect us.

Now, in the Homeland Security Committee, I helped lead the fight against harmful provisions of this bill that target nonprofits who partner with our border agencies to care for our asylum seekers, but House Republicans are moving ahead with these disastrous policies that would require charities to check the immigration status of those who need care even in a crisis.

By defunding nonprofits, this cold-hearted bill would ignore what the Gospel teaches us. It ignores our brothers and sisters who are tired, poor, hungry, and sick; those who are most in need of help.

If this bill ever becomes law, it would cause chaos and suffering.

We need real immigration reform, and America is ready for that debate. Let's rise to the occasion and create an America that reflects kindness and centers on helping people. Being anti-immigrant is being anti-American.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. STRONG).

Mr. STRONG. Mr. Speaker, I rise today in support of H.R. 2, the Secure the Border Act.

This legislation is the culmination of months of hard work and collaboration of three House committees: Homeland Security, on which I serve as a member; Judiciary; and Foreign Affairs. It represents what is possible when we work together for the good of our Nation.

In my very first floor speech as a Member of Congress, I echoed the concerns and fears I have heard from the constituents that I represent and what I have seen firsthand at the southern border.

Americans are not safe, and our country is under attack at the southern border. Illegal immigrants, drug runners, and human smugglers continue to exploit this administration's open southern border policy as this administration looks the other way.

This last weekend, in just 72 hours, Border Patrol apprehended over 26,000 migrants, had approximately 7,500 gotaways, and seized 11 pounds of fentanyl, enough to kill 2.5 million Americans. If this is what operational control looks like to this administration, it is no wonder why Americans are worried.

Title 42 is set to expire tomorrow, bringing not a surge but an invasion of

illegal immigrants that our communities, hospitals, schools, and law enforcement officials simply can't handle. This debacle created by this administration has not seen its worst day.

Just this morning, the administration released a statement outlining how they plan to deal with this incoming invasion. The Department of Homeland Security press release says they have finalized a rule to incentivize the use of lawful immigration pathways. They are choosing to incentivize illegal immigrants to follow our laws when we should be punishing those who don't follow our laws. The fact is, President Trump's border policies worked for America.

Now more than ever, we must pass this legislation and move toward a lawful, safe, secure, and orderly border. We don't have time to waste.

Among many important provisions, this legislation would grant DHS authority to suspend entry and gain operational control of the border, similar to title 42. I am pleased to stand here today with my colleagues in support of this legislation that begins to address the massive failure of this administration.

H.R. 2 reflects Republicans' commitment to make America safer. I urge my colleagues to support this bill. It is up to us to stop this invasion of America at the southern border because no one else will.

□ 1945

Mr. THOMPSON of Mississippi. Mr. Speaker, on February 1, the last speaker voted against the public health emergency that served as the legal basis for the use of title 42 at the southwest border.

My colleagues want to have it both ways, which is why, I guess, he supports H.R. 2, the child deportation act.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA), the ranking member of the Natural Resources Committee.

Mr. GRIJALVA. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

I happen to represent every border community and every port of entry along the Arizona-Mexico border. It is my home, where I grew up, and that is where I live. That is where I have lived, in those borderlands.

I don't need a photo op tour for me to understand, to feel, and to respect the fact that these communities and this area of our Nation have been left behind not just by policy but by intent.

H.R. 2 is not serious legislation to address our urgent need to fix our broken immigration system, to respond to the pending humanitarian crisis on our border, and to combat the deadly flow of fentanyl and human exploitation by organized crime syndicates. It won't do that.

What H.R. 2 will do?

It will devastate our affordable food supply by eliminating up to half the

workforce in agriculture, farming, and ranching.

It will dramatically increase the economic hardship of border communities and the borderlands.

It will fund the Trump memorial wall, a piece of useless government waste.

It will demonize children and unaccompanied youth.

It will provide Republicans with fundraising tools, and it will also provide them with the means to create division, fear, and chaos in preparation for the 2024 elections.

My Republican colleagues hope that voters will overlook the growing extremism and their failure to deal with real issues in this Congress, one of them being immigration.

The lifting of title 42 challenges Republicans in this House to do more than political posturing. Indeed, it challenges the Biden administration not to allow the pending humanitarian crisis to become desperate and punitive.

I want to also take a little historic look and remind the body of the schizophrenic, anti-immigrant underpinnings of H.R. 2. The echoes of past immigration debates in this Chamber are with us today, and let me quote from the CONGRESSIONAL RECORD.

In 1884, Congressman Henley of California spoke on the floor of the need to preserve a White man's government from dark and yellow-skinned people.

In 1924, Congressman Wilson of Louisiana said: "Two things are certain. One is that America cannot exist with a large percentage of mongrel communities with discordant views and aspirations."

That same year, Representative Robson of Kentucky said: "Let us send out the slackers and undesirables. Let us clean up America and keep America clean," for the real Americans and for the real country.

I mention those historical realities and facts from previous debates to underline the point that H.R. 2 must not be a means to grow the worst nativist impulses that we might have in this Congress or to accept ethnic and racial prejudices.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 1 minute to the gentleman from Arizona.

Mr. GRIJALVA. Mr. Speaker, I thank Mr. THOMPSON for yielding me time.

All to further hardship and accept ethnic and racial prejudices as criteria in our immigration laws and policies, bringing to life those echoes of the past.

The values and the common ground that must be found in order to effectively deal with the issue of immigration, with the issue of asylum seekers and refugee seekers, requires real solutions. It requires humanitarian relief, but it also requires an enforcement focus that deals with the issues that have been talked about by the other

side: fentanyl, drug running, and human exploitation.

It also requires that all of us in Congress, and particularly those who represent the borderlands, be included in those discussions to the point that we can bring the real voices, the real impulses, and the real needs of those communities.

H.R. 2 must be defeated because it is against our values, and it promotes a mythology that everything that happens on that southern border is bad, unhealthy, criminal, and un-American.

That is wrong. Vote "no" on H.R. 2. Mr. GREEN of Tennessee. Mr. Speaker, I yield 3 minutes to the gentlewoman from Georgia (Ms. GREENE).

Ms. GREENE of Georgia. Mr. Speaker, I remind everyone that Republicans believe in legal immigration. As a matter of fact, we are very proud of our former first lady, Melania Trump, who immigrated legally to the United States. There is a clear difference in policies when we talk about border security for the United States of America.

I think it is very important to remind my colleagues across the aisle what our oath of office actually says. We swear an oath that we will support and defend the Constitution of the United States against all enemies, foreign and domestic.

That is a very important oath to swear, and it is one to uphold, but this was not being upheld in the past 2 years under this administration.

We have seen nearly 5 million people cross our border, and it is unsustainable. As a matter of fact, on Monday, a record was set for border apprehensions.

Just yesterday, that record was defeated because they had even more border apprehensions. Two records, and I don't even know what today is yet. We don't have the numbers, but soon we will know.

The clear difference between Democrats and Republicans, when we talk about border security and about these policies, is that Democrats don't serve Americans. They serve migrants. They serve foreign countries and their borders, but not Americans, American tax dollars, and America's border.

As a matter of fact, according to the Border Patrol Chief, five out of the nine sectors are out of control and in the hands of the cartels.

Yet, the most important thing the Democrats across the aisle are attacking is the Second Amendment and taking away Americans' guns because they are claiming that will keep Americans safe from the cartels. That is insanity.

Democrats serve migrants so much that they are interested in bringing more into the country. When they talk about hiring more Border Patrol agents, it is because they want Border Patrol agents to be the welcoming committee.

H.R. 2, which I strongly support, hires more Border Patrol agents and gives them bonuses so that they can do

the job that they were hired to do, which is to protect our southern border and, by the way, the lives of migrants who are dying nearly every single day as they try to cross our border.

It is really interesting. Unfortunately, this administration and the Democrats serve migrants so much more than Americans, and it seems that Biden serves any country that is willing to write him a check as long as they make it payable to the Biden family LLCs. How about that?

Title 42 lifts tomorrow.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. THOMPSON of Mississippi. Mr. Speaker, if Republicans were serious about border security, they would have joined Democrats in passing last year's government funding bill, which paid for an increase of 300 Border Patrol agents, the first increase since the Obama administration.

Not only did the last speaker not support it, she voted to have 1,400 Border Patrol agents fewer in the field under the extreme MAGA Republican default on America act.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. THANEDAR).

Mr. THANEDAR. Mr. Speaker, I thank the ranking member, Mr. THOMPSON, for yielding me time.

Mr. Speaker, I stand here today as a symbol of what our immigration system can achieve. In 1979, at the age of 24, I entered this country alone with no friends, no family, but I had my American Dream.

At times, I slept in a car or at a homeless shelter that was funded by a faith-based nonprofit. At times, I got sick and needed to go to the hospital.

H.R. 2 would cut funding for these nonprofit organizations and remove reimbursement systems for immigrants to get healthcare.

When my colleagues on the other side of the aisle ask me why I don't support this bill, my answer is simple. I don't support cutting programs that helped me and help immigrants like me in times of their need and their hardship. I stand with countless immigrants who have contributed greatly to our country and urge opposition to H.R. 2.

When my colleagues and I went down to the southern border, we met with many nonprofit organizations and saw the important and necessary work that they do. We met with the border agents and learned that they are working with a broken immigration system.

Reforming this system is going to be complex, but the Republicans are proposing an enforcement-only strategy. This is not going to work.

I propose that we expand legal pathways, restore asylum systems, and work with nonprofit organizations like the ones that housed me and cared for me when I was just arriving to this country.

Mr. GREEN of Tennessee. Mr. Speaker, as a quick correction for the record,

the bill doesn't do anything to take away healthcare services provided by NGOs, just to clarify that.

Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. OGLES), my friend from my home State.

Mr. OGLES. Mr. Speaker, I rise in support of H.R. 2. I thank all of those who have worked on this important signature piece of legislation.

I specifically want to point out and thank my friend and colleague from Tennessee, the chairman, Congressman MARK GREEN.

Mr. Speaker, Lennox Lake, 6 years old, was killed by an illegal. Sarah Root, 21, was killed by an illegal. Maris DiGiovanni was killed by an illegal. Jacqueline Vigil, 55, was murdered by a man who had been deported on multiple occasions. Retired U.S. Army Lieutenant Colonel Jerry Wayne Harbour, 75, was killed by an illegal. Joseph "GT" Paglia, a retired police officer, 48, was killed by an illegal. Michael White, retired U.S. Army officer, was killed by an illegal.

These are just a few of the individuals and countless Americans who have been murdered at the hands of illegal aliens through a porous border that has long been a problem.

What once was a trickle is now a flood. This administration that has overseen it is responsible for 10 consecutive months of over 200,000 apprehensions.

This crisis is the fault of this President so long as he refuses to enact policies to secure our border.

Our border crisis is literally killing Americans. It is threatening the safety of communities. It is costing at least \$151 billion every single year in de facto subsidies for those who break our laws.

As we approach the end of title 42, it is imperative that we take action to secure our border and stop the flood of illegal aliens.

The House Republican bill, the Secure the Border Act of 2023, will force Biden to restart the construction of the wall. It increases Border Patrol agents, requires transparency from the DHS, ends the practice of catch and release, and strengthens the asylum process.

Again, I thank the Homeland Security Committee chairman and my fellow friend and Tennessean, Congressman MARK GREEN.

Mr. THOMPSON of Mississippi. Mr. Speaker, H.R. 2 squeezes Customs and Border Patrol officers working at ports of entry by failing to provide resources to cover the increased workload that will result from the bill.

If Republicans were serious about border security, they would have joined Democrats in passing last year's government funding bill, which appropriated \$60 million to hire an additional 125 CBP officers.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. CLARKE).

□ 2000

Ms. CLARKE of New York. Mr. Speaker, I thank Ranking Member THOMPSON for yielding.

Mr. Speaker, I rise in opposition to the GOP's extreme and punitive immigration legislation, H.R. 2, also known as the child deportation act.

This cruel legislation would force draconian restrictions and punishments on migrants and asylum seekers and set America's immigration priorities back years.

At the cost of \$6.1 billion, this bill would eliminate the right to asylum in America, a process millions upon millions have enjoyed over the generations. Vulnerable, desperate people and families have long depended on these laws for their safety and future.

Moreover, it would affect the legal status of over 4 million people who would otherwise be granted parole or asylum.

Instead of fostering immigration that strengthens our economy and empowers its growth, Republicans would rather throw our economy into a tailspin.

So let's be clear: Any bill that would allow vulnerable migrant children to be inhumanely detained by Border Patrol for up to a month, to be ripped from their families and locked up from the world, is unacceptable. It is fundamentally un-American. "Give me your tired, your poor, your huddled masses yearning to breathe free. . . ." I need not remind you, Mr. Speaker, what those words adorn nor what they represent.

To treat vulnerable people fleeing violence, famine, and persecution, who are looking for a better life in our Nation with such contempt, such vitriol, such callousness, is not leadership; it is cowardice.

Though I am the daughter of Jamaican immigrants and know the struggles and challenges immigrant communities confront every day, my unique perspective on this issue should be irrelevant.

Every American, no matter how long their families have called this country their own, should be outraged at a GOP that would codify migrant child abuse.

Make no mistake: Regardless of H.R. 2's fate, America's immigration system is massively broken.

The glaring inequities, blatant racism, vicious xenophobia, and civil rights violations immigrants face, particularly in immigrant communities of color, will persist beyond any one bill.

As the Federal Government ends its use of title 42 and Democrats work to increase investments in border safety and personnel, open more lawful pathways and begin to address root causes of migration—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from New York.

Ms. CLARKE of New York. It is beyond time for Congress to pass immi-

gration policy that reflects humane, equitable, and a 21st century immigration system.

We are a Nation of immigrants, founded by immigrants, so we must do better for immigrants. I will always stand against the limitless cruelty that has become synonymous with the MAGA movement and the cruelty they espouse.

Mr. GREEN of Tennessee. Mr. Speaker, again, I am compelled to correct the RECORD. The bill very specifically states that family units will be kept together. There will be no separation of children. It very clearly is stated in the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PFLUGER), my very good friend.

Mr. PFLUGER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in support of all Texans and all Americans whose lives have been put at risk by the untenable crisis at our southern border.

Let's just look at the numbers. In the 2 years that this President has been in office, there have been over 5 million encounters at the southern border, 1.4 million got-aways, and countless numbers of people who matched not only the terrorist watch list, but also criminal organizations. That totals nearly 6½ million people.

To put that in perspective, that is bigger than over 33 States in the United States. Among those 5 million, our Border Patrol have caught nearly 200 known and suspected terrorists trying to cross into our country illegally. This should not only concern every American, but it also outrages Americans who want law and order and safety to be considered.

What I am even more concerned about is: How many among the 1.4 million got-aways would match that list that we don't know about?

This is something that I have been sounding the alarm bells for my entire time in Congress. It is something that, unfortunately, my Democrat colleagues have buried their heads in the sand and refused to address for the last 2 years.

I could continue talking about the terrible numbers all day, about the 15,000 criminals arrested, the 14,000 pounds of fentanyl that have been seized, which, by the way, is enough to kill 3 billion people, and that is just in the last 6 months.

Instead, I will turn the focus of today's discussion about border security back to the tragedies, the human tragedies, which are affecting every district, including mine.

Americans like Elisa Tambunga whose 7-year-old daughter and 71-year-old grandmother were tragically killed by human traffickers doing 105 miles an hour with 11 illegal immigrants in the back seat who hit their car and instantly killed them. They are the victims.

Let's talk about the 700 unaccompanied migrant children who have been

displaced and separated. These 700 unaccompanied migrants were dropped off in Midland, Texas, trafficked by traffickers away from their parents, and dropped off in the middle of the night. They are the victims.

What about fathers like Joe Warnick of Odessa, Texas, who found his 17-year-old son dead after taking a pill laced with fentanyl. He is a victim, along with 110,000 Americans last year who lost their lives to fentanyl.

The 53 migrants who died in the sweltering heat in the back of a tractor trailer south of San Antonio, Texas, last year, they are the victims. These are real people.

This is not just a border crisis. This is a national security emergency. Texans demand a solution.

Today, I am proud to join my colleagues in supporting H.R. 2, the Secure the Border Act.

The timing of this legislation could not be more precise with the ending of title 42. Our bill will force the administration to restart construction of the border wall. It will deploy much-needed technology to the border. It will increase the number of border agents and give them the well-deserved bonuses that they need to maintain their services.

Several of my original provisions have been included in this package to require the administration to own up to the total number of known got-aways or known and suspected terrorists crossing the border each month, as well as outlining the costs that are incurred by States like Texas.

Mr. President, how many more lives will be lost?

How many will it take to take action?

That is why Republicans are not ignoring this crisis. We are taking action. We are restoring the security of our border.

I am extremely proud to stand here with Chairman MARK GREEN and his efforts, and Speaker MCCARTHY, to pass a bill that will finally secure the border and do what Americans put us here to do.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. THOMPSON of Mississippi. Mr. Speaker, H.R. 2 does nothing to combat illicit narcotics like fentanyl. If Republicans were serious about border security, they would have joined Democrats in passing last year's government funding bill, which provided \$70 million for intrusive inspection technology at ports of entry where most dangerous drugs are interdicted.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. SALINAS).

Ms. SALINAS. Mr. Speaker, I rise in opposition to H.R. 2.

My dad immigrated to the United States from Mexico when he was just a child. He picked cotton and tomatoes in the Rio Grande Valley before eventually earning his U.S. citizenship.

Today, his daughter is a Member of the United States Congress and serves on the Agriculture Committee, a true testament to the unique power and promise of the American Dream.

Migrant workers like my dad are the work engine of our agriculture industry today. That is a fact—maybe an inconvenient one for some of my colleagues—but a fact, nonetheless.

By some estimates, immigrant farmworkers make up more than 70 percent of agricultural workers in the U.S. Nearly 175,000 immigrant farmworkers reside in Oregon alone. Their work is backbreaking, exhausting, and at times life-threatening. Yet, they show up, rain or shine, heat dome or ice storm, to do the work, to feed America—not red States or blue States, but every State.

That is why I am completely stunned by the arrogance and shortsightedness of the majority.

Are you so blinded by xenophobia that you are willing to endanger not only our food security but our national security with E-Verify requirements that even Members of your own party call a mistake?

Democrats did offer an amendment to strike the E-Verify provision, but the majority defeated that amendment. Oh, my goodness.

I am hoping that you can think beyond spinning your way out of the reality that this bill will decimate our agriculture industry. The American people are smarter than that and they will see through these political games.

Turning employers into enforcers will result in nothing less than the collapse of our agricultural system and, with it, our ability to feed our great Nation. It would be a willful error of the highest magnitude, something the American people will never forgive or forget.

Empty fields, empty tables, empty bellies; that is what H.R. 2 would do. That is why we must all be a “no” vote.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. GREEN of Tennessee. Mr. Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Tennessee has 28¼ minutes. The gentleman from Mississippi has 17½ minutes.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LUTTRELL), the American hero.

Mr. LUTTRELL. Mr. Speaker, I rise to speak in support of H.R. 2, the Secure the Border Act of 2023.

America is facing a crisis on our northern, southern, and maritime borders. Our Nation has witnessed a devastating effect of disastrous open border policies to date. For the past 2 years, over 5 million people have come into this country. That is more than the population of Louisiana and Mississippi combined.

In my district, every day I have to face the families that have lost their babies from fentanyl. A few weeks ago, in San Jacinto County, a known cartel member who was taken out of the country, ended up murdering five innocent people in one of my counties.

Now, thankfully, local law enforcement, FBI, State troopers, and BORTAC caught that bastard. These are the problems that we should not have.

Mr. Speaker, we are criticized on this side of the aisle for our immigration policies, about DACA, where the funding is going.

Well, I ask my colleagues on the other side of the aisle: You had 2 years to fix DACA, where were you at?

You had 2 years to fund our ports of entry, where were you at?

You spent the money elsewhere.

We are criticized and criticized about this bill, which is a step in the right direction, which starts to move and solve the problem.

My colleagues on the other side, I ask you: Where have you been?

We showed up. We came here to Congress in order to fix this problem. We pushed this legislation across, and all you can do is criticize. That is unacceptable.

Mr. THOMPSON of Mississippi. Mr. Speaker, while the imposition of a nationwide E-Verify on all businesses found in this bill is not part of the Homeland Security division, it still affects me as a Member of Congress from a rural part of the country.

I cannot overstate how damaging this language is to the agriculture labor in my district. Many of my rural Republican colleagues know this, too. To put it bluntly, if enacted, this bill will force American farmers to go out of business.

Mr. Speaker, I include in the RECORD letters of opposition against the child deportation act from the AFL-CIO; SEIU, Service Employees International Union; and the Agriculture Workforce Coalition.

AFL-CIO,

Washington, DC, May 8, 2023.

DEAR REPRESENTATIVE, I am writing on behalf of the AFL-CIO to urge you to oppose H.R. 2, the Secure the Border Act of 2023. This bill advances a divisive agenda that would increase risks to the lives and livelihoods of workers, children, and families. Rather than punitive, enforcement-only approaches, we urge Members to pursue meaningful reforms that expand rights and protections for all.

Successive waves of immigrants and refugees have always helped to build, serve and feed our nation. Today is no different. Far from posing a threat, newly arriving migrants can make valuable contributions to our society when afforded the proper supports to allow them to effectively integrate into our communities. The labor movement is committed to welcoming more refugees, asylum seekers and other forced migrants and helping them to integrate into the workforce with good union jobs.

H.R. 2 fails to provide the effective and humane policy solutions needed to address the flaws and injustices in our immigration system. This bill would implement unbalanced

policies focused on deterrence, detention, and removal that violate key principles of human and worker rights. Among many concerns, the bill seeks to severely restrict asylum, reduce protections for children, limit relief options for the administration, erode due process, expend taxpayer resources on a border wall, strip funding for humanitarian programs, and promote detention and deportation of immigrants and families.

Any serious attempt to use immigration policy to lift wages and standards must start with a broad and inclusive pathway to citizenship, not the costly expansion of a flawed mechanisms that fail to ensure basic worker protections. Unfortunately, the workforce provisions in H.R. 2 move us further in the wrong direction. The bill would mandate the use of E-Verify, which has often been used by employers as a tool to bust unions and chill the exercise of workplace rights. It would also cause significant harm to the workforce by limiting the ability of asylum seekers to obtain work authorization and stripping rules that were designed to lift standards and wages for agricultural workers in the H-2A program.

As a nation, we must uphold our humanitarian obligations and insist on strong protections and rights for all workers, children and families, regardless of immigration status. Amidst escalating displacement and exploitation, we urge you to vote NO on the Secure the Border Act.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs.

SEIU,

Washington, DC, May 10, 2023.

DEAR REPRESENTATIVE: On behalf of the 2 million members of the Service Employees International Union (SEIU), I urge you to vote no on H.R. 2, the Secure the Border Act of 2023.

SEIU opposes this bill in its entirety because it is built on a false and small-minded premise that immigrants are a menace to be feared, fought against, and punished. If we let unfounded fear guide our immigration policies, we will squander the powerful social and economic benefits that immigrants provide. Immigrants today, like those of the past, are a source of tremendous pride, productivity, and promise, who make our nation stronger.

Our laws should therefore be designed to promote their orderly integration and thus to maximize the benefits they provide. H.R. 2 takes the opposite approach. It offers no solution to the real global challenges that are uprooting an unprecedented number of persons worldwide, and it ranks among the most extreme and unworkable immigration bills that have ever received a vote in Congress.

Among its many harmful provisions, H.R. 2 would endanger children by mandating their incarceration with family members and eliminating legal protections for unaccompanied children. It would eliminate meaningful access to the asylum system for many persons fleeing persecution, and deny work authorization to individuals seeking asylum. It would criminalize visa overstays of as little as 10 days, no matter how innocent the explanation. It would expedite construction of Trump's worthless and expensive wall at any cost. It would make E-Verify mandatory for all businesses after a short phase-in, despite evidence that doing so would merely encourage the growth of the black-market underground economy and that it would impose a burden on small businesses. And it would limit federal partnerships with non-profit and faith-based groups, and punish them financially for fulfilling their humanitarian mission. Instead of proposing solu-

tions, H.R. 2 would actually encourage lawlessness by blocking lawful paths for migrants fleeing nations in crisis, and denying work authorization while applications are pending.

Like most Americans, SEIU is frustrated by the lack of progress towards the immigration reform that our nation desperately needs. Such reform would legalize undocumented immigrants, reform legal immigration pathways, and put balanced procedures in place at the border that ensure order and security as well as humane treatment. The toxic, divisive, and mean-spirited measures that make up H.R. 2 would not do any of that, and SEIU urges you to vote no on the bill. SEIU may include votes on this bill in our congressional scorecard.

Sincerely,

REBECCA WASSERMAN,
Government Relations Director.

AGRICULTURE WORKFORCE COALITION,
April 19, 2023.

Hon. JIM JORDAN, Chairman
Hon. JERROLD NADLER, Ranking Member,
House Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN JORDAN AND RANKING MEMBER NADLER: We, the Agriculture Workforce Coalition (AWC), are writing in opposition to the consideration of the Border Security and Enforcement Act of 2023 (H.R. 2640) without concurrent, meaningful legislation to address the labor crisis faced by America's farmers, ranchers and growers. As organizations serving as the unified voice of agriculture in the effort to ensure that America's farmers, ranchers and growers have access to a stable and secure workforce now and in the future, we believe that the reforms envisioned in H.R. 2640 relative to mandatory E-Verify, on their own, would cause agricultural production to fall by \$60 billion dollars, and food prices to increase by 5-6 percent. This would be crushing to an already struggling and vulnerable industry.

Mandatory E-Verify without workable solutions for both the domestic workforce and our H-2A employers puts these American jobs, and the economies of communities across the country, in jeopardy. As we have repeatedly stated, agriculture faces unprecedented challenges from rapidly rising costs, many of which are imposed by the federal government, as well as competition from imported agricultural products typically produced at a lower cost. American agriculture relies heavily on foreign-born workers due to the extremely limited supply of domestic farm labor. Continued inaction by Congress in light of these realities will mean more fields lying fallow, more farmers losing their livelihoods and fewer of the foods we eat being grown in America.

The economic impacts of this will spread far beyond the farm gate as Americans working in industry sectors both upstream and downstream of the farm will see their jobs threatened. Studies have shown that each hired farm employee supports 2 to 3 full-time American jobs in the food processing, transportation, farm equipment, marketing, retail and other sectors.

The path forward is clear—Congress should pass a solution that addresses both our current agricultural workforce and modernizes our guest worker program to meet future needs. Only then can we support the implementation of a mandatory E-Verify policy. The AWC remains committed to working with the House Judiciary Committee members and others to develop legislation that addresses agriculture's labor needs.

Sincerely,

American Farm Bureau Federation,
AmericanHort, Florida Fruit & Vegetable
Association, International Fresh Produce

Association, National Council of Agricultural Employers, National Council of Farmer Cooperatives, National Farmers Union, National Milk Producers Federation, National Pork Producers Council, National Potato Council, USA Farmers, U.S. Apple Association, Western Growers Association.

□ 2015

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SORESENSEN).

Mr. SORESENSEN. Mr. Speaker, I rise today in opposition to H.R. 2.

For years and years, politicians have kicked immigration reform down the road over and over and over again for future generations, they will have to address it. Unfortunately, the bill that we have today that we are considering just continues the trend.

Our border must be secure. Make no mistake, we have to do everything that we can to prevent harmful drugs like fentanyl from destroying the lives of our kids and our families.

We need real solutions. Lawmakers on both sides of the aisle want to solve our border crisis, but the bill in front of us today would only make our border less secure.

The bill in front of us today does nothing to address the root causes of our system's backlog and only serves to gut our asylum ability, denying the protections to the people who need it the most.

Gutting the few remaining pathways to claim asylum and kicking Dreamers out of the only country that they have ever known, it just accelerates the chaos and extremism and, in the end, all it does is harm our neighbors and our communities.

Like many of my colleagues on both sides of the aisle, I support smart, targeted investments in border security and providing law enforcement the resources that they need to end the flow of weapons and fentanyl into our country.

Speaker MCCARTHY just spoke about the dangerous people that were just caught this year, but I proposed an amendment that would have hired an additional 500 Customs and Border Protection officers at ports of entry to screen more people at the border.

Another amendment that I provided would allow \$50 million to expand a task force to go after fentanyl distributors.

You know what? Speaker MCCARTHY and every Republican refused to consider these amendments in committee, ideas that have bipartisan support.

Listen, the story of America, it is a story of immigrants, opportunity, and hard work. We have to push back against legislation that sows division and chaos. Let's come together to create an immigration system that works, that protects our Dreamers, and treats migrants humanely, ensuring that our hometowns are safe from drugs and crime.

Mr. GREEN of Tennessee. Mr. Speaker, I hear from my colleagues across

the aisle the accusations that the legislation that is before us today is somehow xenophobic. I will remind my colleagues that the number of countries of people who are appearing at our southern border, breaking our laws are from over 140 countries, every single race, every single religion, almost all the nationalities of the world. This bill is about law and order. It is not xenophobic.

I recall when I was there on the border, maybe it was three trips ago, some folks from Russia and Ukraine. This isn't xenophobic. This is about law and order.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, treating migrants humanely, humanely as to where a young child will have to make a 300-mile journey, in which they have no idea what is ahead of them; they have to go with coyotes and drug traffickers, who, when they drop children across the border wall that does work, that is the nice things that they do to those children, and everyone here knows it, which is very upsetting.

So treating them humanely would be responsible, and that is what this piece of legislation, H.R. 2, is.

The southern border is in crisis. About 5 million people have illegally crossed into our country under President Biden's watch.

The cartels have smuggled in 14,000 pounds of fentanyl.

Border agents arrested 98 people, 98 people on the terror watch list in FY22.

This crisis is the direct result of the Biden administration's failed policies, and every American knows it.

Under President Trump, we had a secure border. All President Biden had to do was nothing. All he had to do was sit there and do nothing, but he couldn't even do that.

Instead, he took 94 executive actions to reverse the progress made under Republican leadership. Unbelievable.

Republicans are once again acting to protect our Nation from the gangs, drug cartels, and terrorists that exploit this crisis to hurt the American people.

H.R. 2 resumes construction of the border wall. It pays our border agents what they need and what they deserve and hires them the help that they desperately need in terms of assets.

Biden's border crisis has raged far too long. Enough is enough. I urge my colleagues to vote for this bill and to secure our southern border.

Mr. THOMPSON of Mississippi. Mr. Speaker, the Congressional Budget Office estimates that the child deportation act provision requiring DHS to negotiate with El Salvador, Guatemala, and Honduras to return unaccompanied children will result in 550,000 children being deported back to the violence they fled from over a 10-year period.

Mr. Speaker, H.R. 2 is an anti-immigrant and un-Christian bill, just as legislation previously introduced by Representative ROY was. That is why nearly 150 community and religious groups oppose it.

Mr. Speaker, I include in the RECORD letters in opposition from 136 commu-

nity and religious groups, including Bethany Christian Services, Catholic Charities, and Union for Reform Judaism, Sojourners, U.S. Conference of Catholic Bishops, and the Jesuit Conference.

MAY 8, 2023.

House of Representatives,
Washington, DC.

VOTE RECOMMENDATION OPPOSING H.R. 2
SECURE THE BORDER ACT OF 2023

DEAR REPRESENTATIVE: The undersigned state, local, and national immigration, civil rights, public health, education, religious, labor, climate justice, and other organizations write to respectfully request that you VOTE NO on H.R. 2, the Secure the Border Act of 2023, set to receive a vote on the House floor on May 11. The bill would dismantle the asylum system and cause immeasurable harm to immigrant communities. The newly elected majority is driving an intentionally divisive agenda to amplify anti-immigrant animus without moral and effective policy solutions. We ask you to oppose this anti-immigrant bill that would:

1. Deport Unaccompanied Children. The bill would end Health & Human Services funding for legal representation of unaccompanied children in immigration proceedings, depriving children of the attorneys their safety depends upon. It would also provide only a cursory screening process for children at the border, risking children's summary return to human trafficking and other dangers. The bill subjects all unaccompanied children to an accelerated removal process worse than what currently exists, and allows for detention of unaccompanied children in jail-like border facilities for up to 30 days—ten times longer than permitted under current law.

2. End Asylum. The bill would effectively shut down our current asylum system by adding dozens of new restrictions on asylum, including eliminating the right to seek asylum for those who cross the border between ports of entry and barring asylum for those who transit through a third country. It would make it nearly impossible for migrants to seek asylum in the U.S. and significantly easier to deport asylum seekers, including families and children, into harm's way. This will only sow chaos at the border, rather than ameliorating it.

3. Restart 'Remain in Mexico'. The bill would restart the failed and dangerous Remain in Mexico program for all migrants, including unaccompanied children who were previously exempted under the Trump administration. Seeking to unilaterally return asylum seekers to other countries without consulting the receiving country nor the migrant results in refoulement of the migrant to danger and problematic foreign policy implications.

4. Jail Immigrant Families. The bill would require family detention for any families attempting to enter the U.S. to seek asylum, as well as any families who previously entered the U.S. without visas. Like all immigration detention, family detention centers have a well-documented history of abusive conditions, including inadequate medical care and mental health deterioration for asylum seekers, survivors of trauma, and children.

5. Mandate E-Verify. The bill would require E-Verify for all employers in the U.S., severely damaging our economy, harming American workers, and resulting in billions of dollars in lost government revenue. National implementation of E-Verify raises concerns about efficiency, due process, and racial profiling and decreased employment among Latinos.

6. Gut Programs that Work: The bill would strip funding for the Alternative To Detention Case Management Pilot Program, Office

of Immigration Detention Ombudsman, and the vital Shelter and Services Program, which has helped communities around the country receive reimbursement for costs related to humanitarian responses to migration. These programs have been effective at providing services crucial to preventing more deaths under CBP custody and immigrant detention and have reduced impacts on receiving communities.

7. Burden our Local Communities by Making it Impossible for Employers to Hire Asylum Seekers with Work Authorization. This bill eliminates work authorization for asylum seekers who cross between ports of entry and requires six month renewal periods for asylum-based employment authorization. Combined with USCIS processing time, this would effectively make it impossible for businesses, even in the face of labor shortages, to employ asylum seekers. These provisions will exponentially increase the backlogs at users and make it even more difficult for USCIS to timely process applications. This runs counter to bipartisan efforts to improve the employment authorization process for asylum seekers and will create an unnecessary burden on local communities.

8. Undermine Essential Partnerships with Humanitarian Organizations. The bill would bar any and all DHS funding for NGOs, including faith-based NGOs, that provide shelter, transportation, food or legal assistance to vulnerable immigrants, including those who arrive on a visa and later become "inadmissible." Congress should be investing more in non-profit organizations providing respite care, legal service providers, trauma-informed care and community-based service providers, not subjecting them to the punitive measures in this legislation. This measure would impact NGOs across the country that receive DHS funding, including organizations working with FEMA during an emergency—it's "show me your papers" for the Red Cross.

9. Resume Building Trump's Border Wall. The bill would restart the construction of the border wall, a harmful waste of taxpayer resources. It would allow DHS to exempt all border infrastructure construction, development, operation, and maintenance from any law except the Constitution, thereby reducing the rule of law at our borders. The bill would also restrict the ability for landowners, local communities and tribes to assert legal challenges opposing the construction of the wall, and thus pave the way for irreparable and unchecked harms to the borderlands. We have already seen the negative consequences from the Trump Administration era resulting in: bulldozed Native American burial sites; dynamited pristine mountain wilderness; segments of the wall being constructed in flood plains; and the unjust seizing of private ranches and farmlands.

10. Eliminate Parole Authority. The bill would decimate the parole power that presidents historically have used to parole individuals in response to humanitarian emergencies or in furtherance of foreign policy objectives. It also precludes the President's recent parole programs for Ukrainians, Afghans, Cubans, Haitians, Nicaraguans, and Venezuelans, and cuts work authorization for parolees.

11. Jail Any Person who Overstays a Visa. The bill would jail and penalize immigrants who have violated any condition of their visa or overstayed by 10 days or more, even for violations that occur due to circumstances beyond the individuals' control such as a medical emergency. This provision would even make it a crime for anyone on a visa to apply for asylum, given they would not have

left once their visa expired. Congress should focus on solutions that regularize the status of long-term residents and fix our broken immigration system.

12. Balloon Border Agents. The bill would require Border Patrol to hire enough agents to reach 22,000 on board (currently there are roughly 19,500) and restrict Border Patrol agents from performing “duties of processing coordinators.” Processing coordinators currently perform duties such as transporting and processing migrants and carrying out mandatory welfare checks. With only around 1,000 processing coordinators currently in the field, this restriction would seriously hinder Border Patrol’s efforts to fairly and efficiently process asylum seekers and carry out their law enforcement mission. CBP is overfunded with funding streams that push resources towards enforcement and wasteful surveillance, while humanitarian needs go underfunded.

We urge you to vote in ways that protect immigrants and VOTE NO against H.R. 2, the Secure the Border Act of 2023 in the upcoming floor vote. We must oppose racist, xenophobic, unconstructive proposals that add fuel to hate and present no constructive and moral solutions. Thank you for your time and attention.

Sincerely,

National Organizations:

#WelcomeWithDignity Campaign, African Communities Together, Alianza Americas, America’s Voice, American Civil Liberties Union, American Federation of Teachers, American Immigration Council, American Immigration Lawyers Association, American Psychological Association, American-Arab Anti-Discrimination Committee (ADC), Asian Americans Advancing Justice | AAJC, Asian Pacific Institute on Gender-Based Violence, ASISTA.

Asylum Seeker Advocacy Project (ASAP), Bend the Arc: Jewish Action, Bethany Christian Services, Bridges Faith Initiative, Center for Gender & Refugee Studies, Center for Law and Social Policy, Center for Popular Democracy (CPD), Center for Victims of Torture, Children’s Defense Fund, Chispa LCV, Church World Service, Coalition on Human Needs, Communities United for Status & Protection (CUSP), Community Change Action, Detention Watch Network.

Esperanza United (formerly Casa de Esperanza: National Latin@ Network), Freedom for Immigrants, Freedom Network USA, Friends Committee on National Legislation, Futures Without Violence, Human Rights Campaign, Human Rights First, Human Rights Watch, ILRC, Immigration Equality Action Fund, Immigration Hub, Immigration Law & Justice Network, Indivisible, Jesuit Refugee Service/USA, Kino Border Initiative.

Latin America Working Group, Lawyers for Good Government, League of Conservation Voters, Maryknoll Office for Global Concerns, MoveOn, MPower Change Action Fund, National Council of Jewish Women, National Education Association, National Employment Law Project, National Immigrant Justice Center, National Immigration Law Center, National Immigration Project (NIPNLG), National Korean American Service & Education Consortium (NAKASEC), National Lawyers Guild San Francisco Bay Area Chapter, National Network for Arab American Communities (NNAAC).

National Network for Immigrant and Refugee Rights (NNIRR), National Partnership for New Americans, NETWORK Lobby for Catholic Social Justice, Nextgen America, Oxfam America, People’s Action, Prevention Institute, RAICES, Reconstructing Judaism, Reconstructionist Rabbinical Association, Restaurant Opportunities Centers United, Save the Children, Service Employees International Union (SEIU), Sisters of Mercy of

the Americas Justice Team, Sojourners, Southern Border Communities Coalition, T’ruah: The Rabbinic Call for Human Rights.

UnidosUS, Union for Reform Judaism, Unitarian Universalist Association, Unitarian Universalists for Social Justice, United Church of Christ Justice and Local Church Ministries, United We Dream, Washington Office on Latin America (WOLA), WE ACT for Environmental Justice, Witness at the Border, Women’s Refugee Commission, Young Center for Immigrant Children’s Rights.

State and Local Organizations:

ACLU People Power Fairfax, Adhikaar, Al Otro Lado, Alliance of Californians for Community Empowerment (ACCE), Alliance San Diego, Americans for Immigrant Justice, Asian Americans Advancing Justice-Atlanta, AVAN Immigrant Services, Border Compassion Nonprofit, Border Patrol Victims Network, California Immigrant Policy Center, California Rural Legal Assistance Foundation (CRLA Foundation), Carolina Jews for Justice, Central American Resource Center of Northern CA—CARECEN SF, Chispa Arizona, CLUE-Clergy and Laity United for Economic Justice.

Coalición de Derechos Humanos, Coalition for Humane Immigrant Rights (CHIRLA), Diocesan Migrant and Refugee Svcs inc, Dorothy Day Catholic Worker, Washington DC, Fellowship Southwest, Florence Immigrant & Refugee Rights Project, Florida Immigrant Coalition, Fresh Start Refugee Assistance Center, Houston Immigration Legal Services Collaborative, Immigrant Legal Advocacy Project, Interfaith Movement for Human Integrity, Jewish Alliance for Law and Social Action, Journey to Asylum, Just Neighbors Ministry, Las Americas Immigrant Advocacy Center, Louisiana Organization for Refugees and Immigrants.

Make the Road CT, Make the Road NV, Make the Road Pennsylvania, Massachusetts Immigrant and Refugee Advocacy Coalition, Michigan Immigrant Rights Center, Oasis Legal Services, Samaritans, SEIU CA, SEIU United Service Workers West, St. Mark’s Presbyterian Church, St. Michael’s University Church, Tennessee Justice for Our Neighbors, Texas Civil Rights Project, The Advocates for Human Rights, The Green Valley/Sahuarita Samaritans, The Resurrection Project, Tucson Samaritans, Wind of the Spirit Immigrant Resource Center.

CATHOLIC CHARITIES USA,

May 8, 2023.

Hon. KEVIN MCCARTHY,

Speaker, House of Representatives,
Washington, DC.

Hon. HAKEEM JEFFRIES,

Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER MCCARTHY AND MINORITY LEADER JEFFRIES: As President of Catholic Charities USA (CCUSA), I wish to express our strong opposition to the Secure the Border Act of 2023 (H.R. 2). If adopted, this legislation would severely restrict vulnerable people’s access to asylum, detain more families including children, undermine U.S. efforts to effectively manage immigration, and dismantle the public-private infrastructure currently in place to manage the humanitarian crisis at the southern border and its impact throughout the country.

The gospel calls us to provide shelter for those who are homeless, feed the hungry, and “welcome the stranger.” The work of Catholic Charities is humanitarian not political. While we do not oppose all the provisions in H.R. 2, several of them, if enacted, would severely hinder the government and non-governmental organizations (NGOs) from aiding migrants who need services, care, and assistance.

The proposed legislation would reverse many protections for migrants and restrict asylum access, including long-standing protections that promote the best interest and safety of unaccompanied children who arrive in the United States. H.R. 2 would defund Alternatives to Detention (ATD) programs that provide participants access to basic services such as housing, medical care, and legal representation. Additionally, H.R. 2 would prohibit funding to the Department of Homeland Security (DHS) for disbursement to faith-based organizations and other NGOs, effectively cancelling the cooperation of these organizations with federal, state, and local governments in receiving newcomers, combatting human trafficking, addressing homelessness, and responding to natural disasters and other emergencies. The end result would be the dismantling of a system to help migrants and local communities rather than its improvement to meet the challenges of the moment.

No one can deny our immigration system is broken. Moreover, the situation at the southern border is dire and needs a compassionate, humane, and orderly response. However, many of the provisions in H.R. 2 are contrary to these values and will threaten the lives of vulnerable persons seeking refuge, burden state and local communities, and disrupt our nation’s ability to respond to disasters.

While we strongly oppose this legislation, we continue to call on Congress and the administration to work together to reform our immigration system and to support policies that are just, humane and well-coordinated. We look forward to continuing to work with you to find solutions that uphold human dignity and promote the common good.

Sincerely,

Sister DONNA MARKHAM, OP, PhD,

President & CEO,
Catholic Charities USA.

[From Sojourners, May 8, 2023]

SAFETY AND COMPASSION CAN EXIST WITHOUT EXTREME MEASURES. SOJOURNERS URGES REPRESENTATIVES TO VOTE NO ON H.R. 2, THE SECURE THE BORDER ACT OF 2023

Washington, D.C.—In response to H.R. 2, the Secure the Border Act of 2023, Sojourners released the following statement:

On May 11, 2023, the U.S. House of Representatives is set to vote on H.R. 2, the Secure the Border Act of 2023. If passed, the bill will harm millions of migrants fleeing violence from their home countries by effectively dismantling the asylum system. The bill would also have a negative economic impact on local communities by denying work authorization to asylum seekers who traveled through a third country or who cross between ports of entry. Unaccompanied minors will be at risk of further danger as the bill seeks to end the Department of Health and Human Services’ funding for legal representation.

At Sojourners we have long embraced a consistent ethic of life, seeking to protect the dignity and sanctity of life; our migrant family around the globe must be included in this commitment. Ending asylum will mean certain death for many of our most vulnerable siblings seeking protection; including women and children who have already faced a traumatic journey as they seek safety in the U.S. We urge representatives to oppose H.R. 2, the Secure the Border Act of 2023, as it is an assault on the inherent dignity and worth of human beings seeking refuge and it violates current U.S. immigration law and international treaties.

“We take the word of God seriously, so when Jesus’ words in Matthew 25 tell us to ‘welcome the stranger,’ we cannot sit idly by

as Christians and allow injustice in our nation by ending asylum and denying welcome to our migrant family,” said Rev. Adam Russell Taylor, President of Sojourners.

“As someone who has accompanied and become legal guardian of unaccompanied minors fleeing for their lives, the negative impact this bill will have would not only endanger the physical lives of migrants but also risk the soul of our nation—it is up to us as followers of Jesus to embody his teachings and speak up and take action against this inhumane bill,” said Vanessa Martinez Soltero, Immigration Narrative and Power-Building Organizer at Sojourners.

“To seek asylum is a human right guaranteed by U.S. immigration laws and enshrined in the U.N. declaration of Human Rights and the Refugee Convention of 1951. Decades of humanitarian migration give witness to the horrors that people seeking asylum experience. The U.S. inspection protocols, thorough background checks, and rigorous screenings have consistently proven that safety and compassion can go hand in hand. Instead, leaders of the Republican Party are instilling fear and capitalizing on the end of Title 42, the health policy that prevented asylum seekers from presenting themselves at the border, to wield an anti-immigrant agenda through the introduction of H.R. 2,” said Sandra Ovalle, Director of Campaigns and Mobilizing, Sojourners.

UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS, COMMITTEE ON
MIGRATION,

Washington DC, May 5, 2023.

DEAR REPRESENTATIVE: I write on behalf of the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration to express our strong opposition to H.R. 2, the “Secure the Border Act of 2023.” If enacted, this measure would fundamentally weaken our nation's decades-long commitment to humanitarian protection. Provisions of this bill would endanger unaccompanied children and inflict harm on other vulnerable persons, decimate access to asylum, mandate damaging detention and removal practices, restrict access to legal employment, limit—and potentially eliminate—federal partnerships with faith-based and other nongovernmental organizations (NGOs), undermine the rule of law, and more.

We do not question the good intentions of lawmakers who seek to enact legislation that would secure our nation's borders. Indeed, we join in the call to enact effective and humane border management as part of a framework of comprehensive immigration reforms. As stated previously, we also do not discount the challenges at our border with Mexico, nor the right of nations to maintain their borders. We have continuously acknowledged the right of sovereign states to impose certain juridical conditions on immigration for the sake of the common good, consistent with Catholic teaching. However, our faith also compels us to be “vigilant advocate[s], defending against any unjust restriction [on] the natural right of individual persons to move freely within their own nation and from one nation to another” and to call attention “to the rights of migrants and their families and to respect for their human dignity, even in cases of non-legal immigration.”

Pope Francis has stated that “safe, orderly, regular and sustainable migration is in the interest of all countries.” Undoubtedly, effective border management is necessary to achieve that. However, H.R. 2 would not humanely secure our border with Mexico or help to alleviate increased migration throughout the Western Hemisphere.

We understand that there may well be a number of provisions in this bill that you

support. However, this legislation contains such a combination of harmful measures that we believe its passage, on the whole, is beyond justification. Such provisions include those that would:

ENDANGER UNACCOMPANIED CHILDREN

We are deeply concerned about the impact this bill would have on unaccompanied children (UC). The measure would override many of the fundamental protections put in place by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and the Flores Settlement Agreement. For example, it would eliminate protections for young children and children with intellectual disabilities by removing the requirement that Department of Homeland Security (DHS) officials ascertain whether a child is able to make an independent decision to withdraw his or her application for admission to the United States prior to possible removal. It would also subject every UC to expedited screening and, for those deemed eligible at that time, appearance before an immigration judge within 14 days, without any meaningful access to legal counsel or a child advocate. This is coupled with a provision that would abolish all existing government-funded legal representation programs for UC. Furthermore, the bill would eliminate the current requirement that UC be transferred to the custody of the Department of Health and Human Services (HHS) within 72 hours of being encountered by DHS, and those deemed ineligible for relief by Customs and Border Protection (CBP) could be detained indefinitely by DHS. Detention facilities operated by DHS are notoriously inadequate places for children to spend any length of time. Collectively, these and other changes made by the bill would intolerably alter how our country responds to these vulnerable children, many of whom suffer severe trauma before even reaching our border.

DECIMATE ACCESS TO ASYLUM

As conveyed earlier in the 118th Congress, we oppose efforts to inhibit meaningful access to our nation's asylum process, which this bill would do in several ways. For instance, it would eliminate asylum as an option for anyone who enters the United States in between ports of entry with no exceptions for highly vulnerable individuals, including unaccompanied children. However, under this bill, even the ability to seek asylum at a port of entry could effectively be blocked in favor of “operational control” for any person without a visa, as well as those who transited a third country before seeking asylum in the United States. This is coupled with provisions that, among other things, bar asylum for anyone who makes a claim based on resistance to recruitment or coercion by criminal or terrorist organizations, effectively requiring that persecution be carried out by the state, even in situations where the state is unwilling or unable to intervene in persecution committed by non-state actors. Such limitations are inconsistent with international agreements acceded to by the United States and longstanding precedent. They also demonstrate a concerning disregard for the prominence and impunity enjoyed by criminal and terrorist organizations in many countries. Furthermore, the bill would require a fee of “not less than \$50” for each asylum application filed without the possibility of a waiver. The right to seek asylum should never hinge entirely on one's ability to pay for it. It is already difficult to qualify for asylum under existing law, and further limiting asylum eligibility in these ways will merely increase obstacles to potential relief for those with bona fide claims.

MANDATE DAMAGING DETENTION AND REMOVAL
PRACTICES

As mentioned, the bill would subject unaccompanied children to indefinite detention by DHS. This would also be extended to families with children on a mandatory basis and seems to apply retroactively, meaning families already awaiting the completion of their immigration proceedings for any length of time before enactment of the bill would be required to be remanded to immigration detention. Moreover, suggesting a disregard for accountability and the wellbeing of persons placed in immigration detention, the bill would defund the Office of the Immigration Detention Ombudsman, curtailing oversight at the same time it maximizes detention for all individuals, families, and unaccompanied children. Likewise, the bill would eliminate funding for the Case Management Pilot Program, a more humane and cost-effective alternative to detention specifically designed to facilitate compliance with immigration proceedings, even for those ultimately deemed ineligible for relief in the United States. For asylum seekers who enter the United States from Canada or Mexico (whether at or between ports of entry) who cannot be detained or removed, the bill requires that they be returned to the contiguous country from which they arrived and remain there for the duration of their immigration proceedings. In seeking to revive an expanded version of the immoral and unlawful Migrant Protection Protocols, the bill dismisses the need for diplomatic negotiations and creates significant constitutional questions.

RESTRICT LEGAL EMPLOYMENT ACCESS

Eligibility for employment authorization is already limited under existing law for those seeking asylum. However, this bill would go even further by requiring that eligible asylum seekers (those whose cases have been pending for at least 180 days) reapply for employment authorization every six months. These applications to renew work authorization will compound the existing backlog for immigration benefits adjudicated by U.S. Citizenship and Immigration Services (USCIS), further delaying all manner of benefits under the agency's purview. Because USCIS processing times already exceed six months for many seeking employment authorization, it could be impossible for an asylum seeker to attain lawful employment at all under the terms of this bill, regardless of how long his or her case is pending. The measure would also prevent most people granted humanitarian parole from seeking employment authorization. These changes would only encourage asylum seekers and parolees to pursue employment without authorization or else leave them with no choice but to rely on social services, charity, and emergency care to meet their basic needs.

LIMIT FEDERAL PARTNERSHIPS WITH NGOS

Multiple provisions of this bill target NGOs that partner with DHS to provide a myriad of services to citizens and noncitizens alike. Ostensibly, these provisions would prevent the disbursement of DHS funding to NGOs that “facilitate or encourage unlawful activity, including unlawful entry,” as well as those that “provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens.” In both cases, this language is overly broad, ambiguous, and unworkable. Given their vast expertise and the trust they've earned from American communities, many Catholic and other faith-based organizations have long partnered with DHS to provide a range of services, including disaster relief, assistance for lawful immigrants

seeking to naturalize as U.S. citizens, humanitarian relief, services for victims of trafficking, and more. The phrase “inadmissible aliens” would be difficult, if not impossible, for NGOs to apply, since admissibility of noncitizens is not always readily apparent and, indeed, is often a matter to be adjudicated by the government. Contrary to the same subsection’s heading, “inadmissibility” is also not an indicator of unlawful entry into, or unlawful presence in, the United States. As drafted, these provisions could even be interpreted to prevent schools, houses of worship, and other organizations from qualifying for the Nonprofit Security Grant Program amid a rise in violent attacks on those places. Equally concerning is that the same section of the bill would prevent any funds from being appropriated to DHS for the purpose of processing into the United States any persons arriving between ports of entry, calling into question DHS’ ability to rescue persons encountered in the desert in life-threatening circumstances and process unaccompanied children, victims of trafficking, victims of torture, and others who—even under the bill’s own terms—would warrant such processing.

DIMINISH THE HUMANITARIAN PAROLE AUTHORITY

Humanitarian parole has been used by every administration, whether Republican or Democrat, since President Dwight D. Eisenhower, who directed the Attorney General to parole into the United States 15,000 Hungarian refugees fleeing the Hungarian Revolution of 1956. The use of parole has often been necessitated by emergencies emanating from war and other conflicts—situations in which such a streamlined mechanism proved vital to save lives. Even when Congress enacted the Refugee Act of 1980, largely due to dissatisfaction with the executive branch’s use of parole, it chose to preserve this discretionary authority, acknowledging the need to “avoid crippling the [United States] ability to respond to [such] emergencies.” This bill, however, would abandon that realistic understanding by severely limiting the use of parole in such situations. It would also restrict the use of parole for those seeking asylum, such that it would effectively be unavailable, furthering the unnecessary and inhumane use of detention.

EXPEDITE BORDER WALL CONSTRUCTION AT ANY COST

We have long opposed the construction of a wall spanning the entire U.S.-Mexico border, especially with the dangers it poses to human life and the environment. However, this bill would establish unprecedented authorities to advance border wall construction, which include the ability of the Secretary of Homeland Security to waive “all legal requirements necessary” to ensure the wall’s expeditious design, testing, construction, and maintenance. This is combined with a prohibition on consultation with local leaders and property owners, among others, that exceeds seven days, with the purpose of such consultation being to “minimize the impact on natural resources, commerce, and sites of historical or cultural significance for the communities and residents” (removing existing references to “quality of life”) located near the border. The bill would effectively undermine constitutional property rights and further abrogate the rights of those living near the border by prioritizing federal land acquisition above such rights.

This is by no means an exhaustive explanation of the objectionable provisions contained within H.R. 2, given, for example, its criminalization of visa overstays for the first time in our country’s history (even if inadvertent or based on a pending adjustment of status) and its E-Verify mandate for all em-

ployers, among other issues. Nevertheless, the provisions discussed underscore the extreme nature of this bill, its incompatibility with Catholic social teaching, and its inconsistency with our nation’s broadly bipartisan commitment to humanitarian protection.

We take this opportunity to reiterate that “[n]o combination of legal pathways or harsh enforcement measures will suffice to meet the complex challenge of forced migration facing our country and hemisphere. Only through a long-term commitment to addressing root causes and promoting integral human development throughout the Americas, combined with an overhaul of our immigration system, will we be able to achieve the conditions necessary to sustainably reduce irregular migration.”

For these reasons, we urge you to oppose the passage of H.R. 2 and to support the drafting of bipartisan legislation that is more in keeping with our nation’s rich tradition of welcome. We remain committed to working with you and the Administration to address the complex issue of migration, including the need for humane border management that respects the God-given dignity of migrants. Thank you for considering our views and for your work in service of the common good.

Sincerely,

MOST REVEREND MARK J. SEITZ,
*Bishop of El Paso,
Chairman, USCCB Committee on Migration.*

JESUIT CONFERENCE,
OFFICE OF JUSTICE AND ECOLOGY,
Washington, DC, May 9, 2023.

*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the Jesuit Conference Office of Justice and Ecology, I write to express our strong opposition to HR 2, the Secure the Border Act, which would drastically limit the ability to seek asylum in the U.S. The bill fails to treat our migrant brothers and sisters with the dignity we all share as beloved children of God.

Every day, our neighbors arrive at the border asking for help, many fleeing violence and persecution. Yet since the beginning of the pandemic, most of those arriving at our southern border have been expelled without even an opportunity to present their case for asylum.

HR 2 would drastically limit the ability to seek asylum in this country, require the detention of families, and make it much more likely that migrants seeking safety are deported into dangerous situations. Furthermore, it would cause chaos at the border and significantly undermine the ability of humanitarian organizations to provide essential services.

While the United States has a responsibility to protect its borders, it also has an obligation to provide protection to those fleeing violence and persecution in their own countries. This legislation falls well short of that obligation, violating central tenets of the Christian faith that call us to welcome the stranger and love our neighbors as ourselves.

As people of the Gospel, we ask you to oppose these efforts and help keep our country a place where those fleeing persecution can find safe haven.

Sincerely,

REV. TED PENTON, SJ,
Secretary of Justice and Ecology.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CLOUD).

Mr. CLOUD. Mr. Speaker, Ronald Reagan once said that it isn’t that our

liberal friends are ignorant; it is just that there is so much they know that isn’t so.

As you hear the talking points coming from the left concerning this bill, with all the Chicken Little arguments that they are presenting about how the world is going to collapse, farmers won’t be able to grow things, and our economy will crumble if we secure our border, it is just plain ridiculous.

I live in south Texas in what they call the “fatal funnel,” in between two highways that lead from the border into Houston, which has become known as the human trafficking capital of the United States.

I visited facilities where 50 percent of the young women there, of hundreds of young women, will admit to being assaulted along the journey. I have visited the border and seen the families that have had their lives destroyed by what is going on at the border. Of course we know about the fentanyl deaths, hundreds of thousands of them.

To hear the talking points coming from the left that securing our border is un-Christian is absolutely ridiculous. I am both a Christian and the husband of an immigrant. I can tell you; I was there when my wife put her hand on her heart and said the Pledge of Allegiance for the first time as an American, and it really meant something. That is the right way to do it.

We have a legal process, and we have an illegal process that the left continues to fund and continues to partner with the cartels and continues to allow them to profit to the tune of billions and billions of dollars, to advance an illegal process when we need to enforce the legal process. We have a right way to do it, and we can do it.

This bill secures our border. The fact of the matter is that the Democrats just don’t seem to really care. They don’t care about the lives that are being destroyed. They don’t care about the people that are dying. They don’t care about the young girls being sold into the sex trade.

This administration has lost tens of thousands of kids and so for all the tears that were happening under the Trump administration as he worked to secure the border, where is the outcry for the tens of thousands of kids this administration cannot track?

They are willing to fund the border in other countries. They just funded a bill in December. We passed an omnibus bill where they were willing to fund border security in Libya, Lebanon, Pakistan, Nepal, and Turkey. But here in the United States of America, securing our border is not something the Democrats want to do.

Of course, yeah, we will get around to it. We just won’t vote for anything that will do it. They had the chance to do it. They did not do it.

This bill will help secure our border. We need to pass it. I encourage a “yes” vote.

Mr. THOMPSON of Mississippi. Mr. Speaker, the Congressional Budget Office estimates that the bill would “affect the legal status of about 4.4 million people who would be granted parole or asylum under current law.”

Parolees fleeing war in Ukraine and the Taliban in Afghanistan, as well as those from Haiti and other failed countries in this hemisphere would be required to leave the United States, and CBO anticipates that “half would reside unlawfully in the United States.”

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Tennessee. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Speaker, I am up here in my capacity as not only a United States Congressman, but also one of the co-chairs of the House Border Security Caucus.

On a monthly basis, we have had dozens of speakers come to speak to our Caucus. Normally, there are probably 30 who are present, but we have an enrollment in our Caucus of about 60 to 70, quite frankly.

It is amazing to me to hear our colleagues and friends on the other side of the aisle talk about humanity and humane treatment because I remember in the previous administration, when we had these so-called kids in cages.

I took a congressional delegation down to the Rio Grande Valley, we went to Donna, Texas, to see one of the detention facilities. After that, we went out to Carrizo Springs to the HHS facility there. Then we went, at a later time, to Fort Bliss out in El Paso. At each one of those, we saw these so-called kids in cages.

Then we went back after the change of administration and dramatically, there was nothing really different, except the enormous numbers of detainees in pods that were equipped to hold maybe 25 or 30, and they had a couple hundred people packed in these little pods.

I remember being told by the facilities there that the administration, the Biden administration, at the time that these unaccompanied children were coming in—and we are talking about 13,000 per month of unaccompanied children coming in now—that they were being so well cared for, and they were being reunited with their families and their loved ones.

I remember asking the folks who were in charge of these facilities, okay, if they are being taken care of, let me ask you a question because I have 17 grandkids. Kids mean a lot to me. My wife and I have been married 50 years. We have 5 children and now 17 grandkids. Kids need to be cared for, without question.

I said, are you doing any vetting of these so-called families?

Are you doing background checks?

Are you doing criminal history checks on them?

Oh, well, we don't have the resources to do that.

Are you doing DNA testing?

Well, we don't have DNA. We don't have the resources to do DNA testing, as well. Although during the Trump administration they were doing some DNA testing.

So now we come to the point where there are 85,000 unaccounted for children, UACs, under this administration's watch.

Where are these kids?

They are supposed to be followed up on by the authorities and the administration where these children are being sent. There are 85,000 that are unaccounted for.

We have seen a skyrocketing of violations of child labor laws. We know that there are some real shady deals going on in this country and that human trafficking, sex slavery, et cetera, is rampant.

□ 2030

Is this part of that deal? I am not up here pointing fingers in an accusatory way. But if you can't keep up with 85,000 UACs, we have got some real problems in this administration.

We have also had conversations with Alejandro Mayorkas, who is the DHS Secretary. I actually led that meeting. Of course, he is not under oath talking to our caucus.

The SPEAKER pro tempore (Mr. MOLINARO). The time of the gentleman has expired.

Mr. GREEN of Tennessee. Mr. Speaker, I yield an additional 1 minute to the gentleman from Texas.

Mr. BABIN. Mr. Speaker, we are being told that Mr. Mayorkas says that he has operational control over the border. We are being told that his policies are actually being successful. We are told that we have a secure border.

Let me tell you something: We have anything but a secure border when you have 5 million people who come across our border, all of them getting a free education.

I am 300 miles away from the border. My district is Houston over to Louisiana. We have a school district there that is growing faster than just about any district in the country, and it is because of the influx of illegal aliens. We are mandated to not only provide them with healthcare but also with an education.

This is an enormous burden on our people, the local governments, and the school districts that we have. This bill needs to be passed. I urge my colleagues very strongly to vote “yes” on this.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Republicans claim that the Biden administration's policies have led to open borders, but nothing could be further from the truth.

President Biden has, with little help from Congress, worked to dissuade migrants from taking the dangerous journey northward. The Biden administration is surging resources to the border.

Even as it ramps down title 42 removals, it is using title 8 authorities to promptly remove and bar reentry from certain crossers.

At the same time, the Biden administration is working to make the asylum process more orderly through the CBP One app.

It has also stood up a parole process for certain Venezuelan, Nicaraguan, Cuban, and Haitian migrants that in March were credited with a drop of 72 percent in the 7-day average from a high of 1,231 in January.

H.R. 2 would take those tools away from DHS.

Mr. Speaker, in the unlikely event that this cruel, extreme, and unworkable bill makes it to the President's desk, he has promised to veto it.

To quote the Statement of Administration Policy: “H.R. 2 does nothing to address the root causes of migration, reduces humanitarian protections, and restricts unlawful pathways, which are critical alternatives to unlawful entry.” It goes on to say: “This bill would make things worse, not better.”

Mr. Speaker, I include in the RECORD the administration's statement.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2—SECURE THE BORDER ACT OF 2023—REP. DIAZ-BALART, R-FL, AND 15 COSPONSORS

The Administration strongly supports productive efforts to reform the Nation's immigration system but opposes H.R. 2, the Secure the Border Act of 2023, which makes elements of our immigration system worse. A successful border management strategy must include robust enforcement at the border of illegal crossings, deterrence to discourage illegal immigration, and legal pathways to ensure that those in need of protection are not turned away to face death or serious harm.

The Biden-Harris Administration's approach to border management is grounded in this strategy—expanding legal pathways while increasing consequences for illegal pathways, which helps maintain safe, orderly, and humane border processing. However, the Administration is limited in what it can achieve by an outdated statutory framework and inadequate resources, particularly in this time of unprecedented global movement. H.R. 2 does nothing to address the root causes of migration, reduces humanitarian protections, and restricts lawful pathways, which are critical alternatives to unlawful entry.

The bill would cut off nearly all access to humanitarian protections in ways that are inconsistent with our Nation's values and international obligations. In addition, the bill would make processing less efficient by prohibiting the use of the CBP One mobile application to process noncitizens and restricting DHS's parole authority, such that successful programs, like “Uniting for Ukraine,” would be prohibited. The bill would also reduce authorized funding for essential programs including the Shelter and Services Program that provides a critical source of funds for state and local governments and reduces pressure at the border.

While we welcome Congress' engagement on meaningful steps to address immigration and the challenges at the border, this bill would make things worse, not better. Because this bill does very little to actually increase border security while doing a great deal to trample on the Nation's core values and international obligations, it should be rejected.

If the President were presented with H.R. 2, he would veto it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take an opportunity to correct the record on a couple of things.

We often hear from our colleagues across the aisle that 90 percent of the fentanyl is seized at the ports of entry. Well, if you make the statement that 90 percent of the fentanyl that is seized is seized at the ports of entry, that is correct. But oftentimes, what we hear from the left, is that 90 percent of fentanyl coming into the country is seized. We know for a fact that that math is absolutely wrong.

If you put the amount seized at the ports of entry as the numerator and the total amount seized as the denominator, yes, that is 90 percent of what is seized. On the denominator would be 90 percent plus 10 percent, right? But what is missing in that denominator is all of the fentanyl that gets into our country that we have no idea is seized, so you can't technically say we are seizing 90 percent of the fentanyl that is coming into the country. That is factually incorrect. It makes no mathematical sense.

In fact, the Border Patrol itself is saying that we are actually catching about 5 to 10 percent of the fentanyl. So if it is 90 percent of what is seized at the ports of entry, which I agree that statement is correct, it is 90 percent of 5 to 10 percent of the total. That is an important point of distinction.

I would also like to talk a little bit about this CBP One app that my colleague from Mississippi mentioned and all of the other efforts that have been elaborated on by this administration, their efforts to maintain control of our border.

When they came into office, the budget didn't increase suddenly. The number of border patrol agents didn't decrease suddenly. There was no new legislation that was written.

What happened was 89 effective policies of two administrations were completely undone by executive orders, and it resulted in an immediate incentive to come to the United States. They did away with all of the disincentives, the pull factors, of people coming into our country.

What happened is, people came, they tested the system, and they were immediately released into the country. Deportations were ordered to be halted. Over a million people with deportation orders that a legal process had determined they were supposed to be returned, we are just not going to deport. Phone calls went home, and people poured across our southern border.

This incentive then was seized on by the drug cartels. They saw a huge opportunity, and so they flooded the

crossing sites with people, interestingly enough, paying coyotes to bring them there.

That is sort of at the strategic level. They neutralized the Border Patrol at the border crossing sites, and then the fentanyl and other things come around between the ports of entry. That is the fentanyl we are seizing. By the way, that is the fentanyl that has resulted in the street price of fentanyl in Tennessee going from \$95 in January of 2021 to \$28 just recently, according to the sheriffs of Tennessee. That supply-demand means more fentanyl is pouring into this country.

If you talk about 90 percent of it being seized; that is a false statement. If you talk about the policies that supposedly are attempting to gain or are getting border control, that is incorrect. The incentives have allowed and empowered the drug cartels to take advantage, neutralizing the Border Patrol at the crossing sites.

Back to the tactical level, on one of my visits in Arizona, we actually saw a scout from the cartels. And the Border Patrol agents and the law enforcement in that area informed us that those scouts have military-grade encrypted radios. They have military-grade optics that they are using and from their vantage point are observing Border Patrol. They then notify someone else with this encrypted radio. They send 20 to 30 people to basically overwhelm that Border Patrol agent on the border. While that individual is tied up, they send the fentanyl. That is when the carpet-shoe-wearing, backpack fentanyl carriers result in drop sites just inside the border where I saw hundreds of empty backpacks and carpet shoes, where the drugs are then placed into the hands of the courier in the back of a truck and transported to cities all across America, resulting in that supply.

Make no mistake about it: The actions of this administration to remove those policies have resulted in this crisis. One of the other policies that they so effectively have taken care of—title 42, that will end tomorrow and will result in a catastrophe of epic proportions—is already breaking records, and we see them massing throughout Central America to come into the United States.

You can have good intentions of wanting to help every person on the planet. That is great. But by making that something that taxpayers have to do, you are basically determining what someone else should be doing with their charity.

Maybe somebody in Tennessee, our taxpayers, wants to do something for Gold Star families. Maybe they want to give to a different charity. Maybe they want to give to one of the NGOs that want to do something. But they should be the ones getting to decide, not the Federal Government telling them how their charity should be given. That is not freedom.

I will tell you, the policies that have been canceled that have resulted in

this crisis, that have resulted in the cartels taking over five of our sectors of our southwest border, all on Joe Biden and Alejandro Mayorkas. Title 42 being canceled and what is about to happen, states of emergency in cities all across the southern border, coming across and making every State a border State, is on Joe Biden and Alejandro Mayorkas. I think it is really important we correct the record on some of this stuff.

I will make one other point, and I want to warn my colleagues across the aisle. President Biden promised to veto the D.C. crime bill. Remember that? He said: We are going to veto that bill. The Senate said: We are not going to vote for that. You know what our Democrat colleagues did here in the House? They all voted "no."

Then the furor happened in America, and the President realized, boy, that would be a mistake. The Senate said: Oh, my gosh, we are not going to do that either. So the Senate voted for the D.C. crime bill.

Now, the Democrat colleagues here in the House are going to have to go back and explain why they voted "no" when their party on the other side of the aisle voted "yes," and their President changed his mind and signed that bill into law.

Now, you watch the next couple of days as the border gets worse and worse and Americans become more and more and more aware. We are going to pass this bill. You can vote "no" on it, but as those Senators get more and more aware of this crisis and the President has to look at what is happening to El Paso and Brownsville, he just might change his mind again. Guess who is going to be left holding the bag?

You don't want to vote "no" on this bill. This bill will secure our southern border. This isn't an immigration bill. We never set out to handle immigration with this. That is coming. This bill secures the border so that we can deal with the immigration issues.

What we can't do is create even more incentive with an open border. That just does what Mr. Mayorkas and Mr. Biden have done, create more incentive that brings more people in and overwhelms our social services, overwhelms our schools and hospitals.

As this thing unfolds over the next few days, don't be surprised if the President changes his mind again and you are left holding the bag.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of my time for closing.

Mr. Speaker, it is remarkable that Republicans are getting behind the child deportation act, a bill that would blow a \$6.1 billion hole in our Federal budget at the same time that they are feigning concern about the Federal deficit.

Today, the other side has said a lot about how the Biden administration is

handling the ending of title 42, but remarkably, not one of them acknowledged that they voted to lift it in February.

Enactment of H.R. 2 would do nothing to keep fentanyl out of our communities or protect unaccompanied children.

□ 2045

Just for the record, in our section of the bill, fentanyl is not even mentioned. I would hope at some point the other two discussions tomorrow might talk a little more directly about fentanyl if it is in there. It is not in our section at this point.

For the record, the information that we have about 90 percent of the fentanyl coming into the country comes from the Chief of the Border Patrol. It is his information. We can only take him at his word.

Those five ports of entry that the chair talked about, that was not what he said. He said it was in Mexico, not in the U.S., in terms of being controlled by the cartels. I think we all will admit the cartels do not control the border within the boundaries of the United States. It is a play on words, but at least we can be accurate with that.

In terms of how we determine who comes, who is captured, and how the fentanyl is collected, I suggest that you talk to the FBI, Homeland Security Investigations, or DEA. They are the persons who interview the people who are caught at our ports of entry.

More importantly, most of the people who we catch at our ports of entry are American citizens. They are not, for the most part, immigrants or aliens, or whatever you want to call them, trying to come into this country illegally. They are American citizens.

In terms of guns, the cartels are a violent operation. There is no question about it. We need to do everything that we can to stop them. We can't keep American guns from going to Mexico unless we come up with an enhanced policy to do that.

We have to acknowledge that the majority of the guns that the cartels are using are coming from the United States. As the record will reflect, there is only one gun store in the entire country of Mexico. It takes months for an individual to even get cleared to buy a gun. We just want the record to reflect the truth.

Enactment of H.R. 2, as I said, would do nothing to keep fentanyl out of our communities or protect unaccompanied children. What it will do is penalize communities and religious organizations that care for vulnerable people.

Section 115(b) is so broad that a non-profit hospital that admits an undocumented migrant would be deemed as facilitating unlawful activities. Cartels and smugglers are champing at the bit to see this bill enacted into law.

H.R. 2 would create conditions where desperate people will be left with few

options but to try to enter the U.S. illegally between ports of entry. It would be a boon for smugglers' illicit business.

We should be coming together to enact sensible border and immigration policies that support our communities and economy. We can do better than the child deportation act.

Mr. Speaker, I urge a "no" vote on this extreme MAGA bill, and I yield back the balance of my time.

Mr. GREEN of Tennessee. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the American people cannot wait any longer for secure borders and safe communities. Securing the border should not be a partisan issue. It is an American issue. It is the Federal Government's responsibility to do so. When they fail, Congress, a co-equal branch of government, should step in and hold them accountable. That is what we are doing here today.

The Biden administration produced the catastrophic humanitarian tragedy we are seeing today, dismantling all semblance of law and order and sending a clear message to the cartels that our border is open.

We have all seen what has been happening in the past few days as title 42 comes to an end. It is a fact that the border is in shambles.

Frontline law enforcement personnel are overwhelmed and overworked as they are stretched physically and mentally amid this crisis. State and local resources are quickly depleting as they attempt to do the job that this administration has not done since its first day in charge: secure the borders and enforce the law.

The current situation at the border is unsustainable. Yet, over the past 2-plus years, my colleagues across the aisle have refused to hold the Biden administration accountable for its ineffective policies, have watched the border fall into the hands of violent cartels, and have completely ignored the disaster that has only gotten worse by the day.

That must end today. The American people are fed up with inaction.

The Biden-Mayorkas border crisis is a national security threat that must be addressed immediately. I encourage my colleagues to join House Republicans in passing this very important legislation.

Mr. Speaker, I will close by addressing the patriots serving on the front lines of this crisis with no support or appreciation from this administration. Many of us have visited the border on several occasions, across multiple sectors, and have seen firsthand the work our Customs and Border Protection officers and agents do every single day to risk their lives for this great country.

To the officers and agents on the ground dealing with this crisis, on behalf of the American people, we appreciate you. We support you, and we have your back.

Mr. Speaker, I urge my colleagues to support H.R. 2, and I yield back the balance of my time.

SECURE THE BORDER ACT OF 2023

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 2) to secure the borders of the United States, and for other purposes, is postponed.

HOURLY MEETING ON TOMORROW

Mr. GREEN of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow for morning-hour debate and 11 a.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CELEBRATING THE SERVICE OF DOUGLAS J. ERICKSON

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to celebrate the retirement and longtime service of Patton Township Manager Douglas J. Erickson, who has served the Centre County community for over 25 years.

Douglas Erickson began as township engineer and director of public works in 1998 before becoming township manager in 2006. While 18 township supervisors have come and gone since his first day as a township employee, Erickson has remained committed to public service.

In his time, Doug oversaw the rapid expansion and development of the State College suburb and left a long legacy of accomplishments.

Under his leadership, Patton Township has seen unprecedented growth, including adding thousands of new residents and the construction of nearly 3,000 new homes.

The township government has grown to include more than 15 employees in police, public works, administration and finance and engineering, and planning and zoning departments. Doug has secured an incredible \$30 million in grants for township projects, helping to improve the quality of life for all the township's residents.

Mr. Speaker, I thank Douglas J. Erickson for his commitment to serving his community of Patton Township, and I wish him a very happy retirement.

REPUBLICANS' CALLOUS ATTITUDE TOWARD DEBT CEILING

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today to discuss the unnecessary debt ceiling crisis.

The MAGA Republicans want to hold the American economy hostage to