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PROCEEDINGS AND DEBATES OF THE 118th CONGRESS, SECOND SESSION

Vol. 170 WASHINGTON, FRIDAY, FEBRUARY 9, 2024 *No. 24*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON DC,
February 9, 2024.

I hereby appoint the Honorable ADRIAN SMITH to act as Speaker pro tempore on this day.

MIKE JOHNSON,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Merciful God, we offer to You this day and our everydays—our ordinary lives of work and play, and the extraordinary moments—the challenging and the rewarding. We place all of this before You as an offering of gratitude for the grace and love You have shown us.

As we proceed into our day, help us not to become fixated on the popular appetite for greed and power, caught up in the widespread inclination toward selfishness and exclusion. Prevent us from becoming so comfortable with this status quo that we would not be compelled to act without thought or consideration for truth and justice.

Instead, may we fix our attention on You. Change us from the inside out that we will be able to discern what it is You desire and that we would be quick to carry it out.

Holy God, bring out the best in us this day as we mature in faith and walk in the way You would have us go.

Upheld by Your righteous name we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House the approval thereof.

Pursuant to clause 1 of rule I, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday, February 13, 2024.

There was no objection.

Thereupon (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Tuesday, February 13, 2024, at noon for morning-hour debate and 2 p.m. for legislative business.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2023, pursuant to Public Law 95–384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED ARAB EMIRATES AND IRELAND, EXPENDED BETWEEN DEC. 8 AND DEC. 12, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Kelly Armstrong	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Frank Pallone	12/8	12/10	UAE		2,536.41		[3] 7,227.40				9,763.81
Hon. Michael Burgess	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Timothy Walberg	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Buddy Carter	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Jeff Duncan	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. John Curtis	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Mariannette Miller Meeks	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Diana DeGette	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Kathy Castor	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Scott Peters	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Ann Kuster	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED ARAB EMIRATES AND IRELAND, EXPENDED BETWEEN DEC. 8 AND DEC. 12, 2023—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nanette Diaz Barragán	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Hon. Garret Graves	12/8	12/11	UAE		2,536.41		[3] 8,928.90				11,465.31
Hon. Brandon Williams	12/8	12/11	UAE		2,536.41		[3] 8,928.90				11,465.31
Nate Hodson	12/8	12/11	UAE		2,536.41		[3] 8,928.90				11,465.31
Tiffany Guarascio	12/8	12/11	UAE		2,536.41		[3] 5,640.50				8,176.91
Sarah Burke	12/8	12/11	UAE		2,536.41		[3] 8,928.90				11,465.31
Mary Martin	12/8	12/11	UAE		2,536.41		[3]				2,536.41
Peter Spencer	12/8	12/11	UAE		2,536.41		[3]				2,536.41
Tara Hupman	12/8	12/11	UAE		2,536.41		[3]				2,536.41
Katelyn Arey	12/8	12/11	UAE		2,536.41		[3]				2,536.41
Sydney Greene	12/7	12/11	UAE		3,381.88		[3] 8,125.80				11,507.68
Joseph Tuley Wright	12/8	12/11	UAE		2,536.41		[3]				2,536.41
RADM Brian Monahan	12/8	12/11	UAE		2,536.41		[3] 8,692.70				11,229.11
Hon. Cathy McMorris Rodgers					2,136.63						2,136.63
Hon. Richard Hudson					2,136.63						2,136.63
Hon. John James					2,136.63						2,136.63
Hon. Bill Johnson					2,136.63						2,136.63
Mary Martin	12/11	12/12	Ireland		165.00		[3] 1,150.60				1,315.60
Peter Spencer	12/11	12/12	Ireland		165.00		[3] 1,115.60				1,280.60
Tara Hupman	12/11	12/12	Ireland		165.00		[3] 1,150.60				1,315.60
Katelyn Arey	12/11	12/12	Ireland		165.00		[3] 1,150.60				1,315.60
Sydney Greene	12/11	12/12	Ireland		165.00		[3] 1,150.60				1,315.60
Joseph Tuley Wright	12/11	12/12	Ireland		165.00		[3] 1,150.60				1,315.60
Committee total											205,571.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. MIKE JOHNSON, Jan. 17, 2024.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Debbie Wasserman Schultz	10/6	10/8	Saudi Arabia		1,113.47		14,773.93		471.05		16,358.45
	10/8	10/9	Bahrain		375.34				318.08		693.42
	10/10	10/10	Israel						434.24		434.24
	10/9	10/11	Jordan		607.40				125.32		732.72
Hon. Mario Diaz-Balart	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. Steve Womack	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. Guy Reschenthaler	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. David Valadao	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. Ben Cline	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. Scott Franklin	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. Henry Cuellar	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. Andy Harris	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Susan Adams	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Erin Kolodjeski	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Craig Higgins	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Meghan Gallagher	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Clelia Alvarado	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Brenan Tjelmeland	10/27	10/29	Italy		1,314.33				3,088.53		4,402.86
	10/29	10/30	Spain		525.86				309.18		835.04
Hon. Mike Quigley	10/29	10/29	Poland		276.00		12,593.60		1,419.33		14,288.93
	10/30	10/30	Ukraine		95.00						95.00
Hon. Steve Womack	11/19	11/20	New Zealand		300.50		20,275.80		532.43		21,108.73
	11/20	11/24	Antarctica		4.00						4.00
	11/24	11/25	New Zealand		300.50						300.50
Hon. Tony Gonzales	11/19	11/20	New Zealand		300.50		20,265.50		532.43		21,098.43
	11/20	11/24	Antarctica		4.00						4.00
	11/24	11/25	New Zealand		300.50						300.50
Hon. Guy Reschenthaler	11/19	11/20	New Zealand		300.50		20,234.40		532.43		21,067.33
	11/20	11/24	Antarctica		4.00						4.00
	11/24	11/25	New Zealand		300.50						300.50
Hon. Henry Cuellar	11/19	11/20	New Zealand		300.50		20,261.70		532.43		21,094.63
	11/20	11/24	Antarctica		4.00						4.00
	11/24	11/25	New Zealand		300.50						300.50
Hon. Ed Case	11/19	11/25	*Cancel Fees						70.00		70.00
Stephanie Gadbois	11/19	11/20	New Zealand		300.50		23,763.40		532.43		24,596.33
	11/20	11/24	Antarctica		4.00						4.00
	11/24	11/25	New Zealand		300.50						300.50
Elizabeth Barczak	11/19	11/20	New Zealand		300.50		20,611.40		532.43		21,444.33
	11/20	11/24	Antarctica		4.00						4.00
	11/24	11/25	New Zealand		300.50						300.50
Nora Faye	11/19	11/20	New Zealand		300.50		20,611.40		532.43		21,444.33
	11/20	11/24	Antarctica		4.00						4.00
	11/24	11/25	New Zealand		300.50						300.50
Hon. Norma Torres	12/7	12/10	Guatemala		460.80		720.00				1,180.80
Committee total					32,925.67		174,111.13		54,132.97		261,169.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. KAY GRANGER, Chairwoman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Larry Buchson	11/10	11/11	Djibouti		380.00		([3])				380.00
	11/11	11/12	Kenya		243.40		([3])				243.40
	11/12	11/13	Italy		466.62		([3])				466.62
Hon. Gary Palmer	12/9	12/10	Argentina		797.55		9,058.40				9,855.95
Committee total					1,887.57		9,058.40				10,945.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. CATHY McMORRIS RODGERS, Jan. 25, 2024.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Darrell Issa	10/5	10/11	Bahrain		126.00		21,548.69				21,674.69
	10/6	10/8	Saudi Arabia		284.00						284.00
Hon. Michael McCaul	11/10	11/13	U.K.		171.00		2,902.22		788.03		3,861.25
Hon. Gregory Meeks	11/10	11/13	U.K.		171.00		11,761.32		788.03		12,720.35
Hon. John James	11/10	11/13	U.K.		171.00		4,745.52		788.02		5,704.54
Hon. Jared Moskowitz	11/10	11/13	U.K.		171.00		3,025.60		788.02		3,984.62
Hon. Michael Lawler	11/10	11/13	U.K.		171.00		2,868.22		788.02		3,827.24
Hon. Madeleine Dean	11/10	11/13	U.K.		171.00		2,192.32		788.02		3,151.34
Mike Levine	11/10	11/13	U.K.		171.00		4,029.72		788.02		4,988.74
Robert Markus	11/10	11/13	U.K.		171.00		2,192.32		788.02		3,151.34
Rachel Walker	11/10	11/13	U.K.		171.00		2,972.22		788.02		3,931.24
Rachel Shedd	11/10	11/13	U.K.		171.00		2,893.32		788.02		3,852.34
Hon. Michael McCaul	11/12	11/12	Israel		510.00				484.73		994.73
Hon. Gregory Meeks	11/12	11/12	Israel		510.00				484.73		994.73
Hon. John James	11/12	11/12	Israel		510.00				484.73		994.73
Hon. Jared Moskowitz	11/12	11/12	Israel		510.00				484.73		994.73
Hon. Michael Lawler	11/12	11/12	Israel		510.00				484.73		994.73
Hon. Madeleine Dean	11/12	11/12	Israel		510.00				484.73		994.73
Mike Levine	11/12	11/12	Israel		510.00				484.72		994.72
Robert Markus	11/12	11/12	Israel		510.00				484.72		994.72
Rachel Walker	11/12	11/12	Israel		510.00				484.72		994.72
Rachel Shedd	11/12	11/12	Israel		510.00				484.72		994.72
Joe Foltz	12/18	12/23	Rwanda		236.00		10,750.92		1,568.58		12,555.50
Jimmy Walsh	12/18	12/23	Rwanda		236.00		10,750.92		1,568.58		12,555.50
Olivia Late	12/18	12/23	Rwanda		236.00		10,750.92		1,568.57		12,555.49
Brandon Ramsey	12/18	12/23	Rwanda		236.00		10,750.92		1,568.57		12,555.49
Joe Foltz	12/20	12/22	South Africa		132.00						132.00
Jimmy Walsh	12/20	12/22	South Africa		132.00						132.00
Olivia Late	12/20	12/22	South Africa		132.00						132.00
Brandon Ramsey	12/20	12/22	South Africa		132.00						132.00
Committee total					8,692.00		104,135.15		19,001.78		131,828.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MICHAEL T. McCAUL, Jan. 31, 2024.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Stephen Lynch	10/28	10/31	Poland		371.00		15,228.60				15,599.60
Hon. Maury Greenberg	10/8	10/12	Austria		768.07		2,194.97				2,963.04
Hon. Clark Abourisk	10/8	10/12	Austria		830.82		2,230.62				3,061.44
Committee total					1,969.89		19,654.19				21,624.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JAMES COMER, Jan. 31, 2024.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SAM GRAVES, Feb. 5, 2024.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MIKE BOST, Feb. 2, 2024.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2023

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jason Crow	11/17	11/19	North America		773.20		1,704.57				2,477.77
Hon. Stacey Plaskett	12/7	12/12	Europe		2,936.06		1,798.60				4,734.66
Wyndee Parker	12/7	12/10	Europe		1,589.00		1,240.20				2,829.20
Kathy Suber	12/7	12/12	Europe		2,936.06		1,798.60				4,734.66
Payson Ruhl	12/7	12/12	Europe		2,936.06		1,798.60				4,734.66
Kathryn King	12/7	12/12	Europe		2,936.06		1,798.60				4,734.66
Hon. Brian Fitzpatrick	12/17	12/23	Asia		1,424.91		16,049.70				17,474.61
Kelli Parks	12/17	12/23	Asia		1,198.91		7,530.80				8,729.71
John Tucci	12/17	12/23	Asia		1,424.91		8,554.20				9,979.11
Hon. Josh Gottheimer	12/19	12/21	Middle East		510.00		9,667.72				10,177.72
Aaron Thurman	12/19	12/21	Middle East		510.00		10,799.32				11,309.32
Griffin Decker	12/19	12/21	Middle East		510.00		10,799.32				11,309.32
Rick Trimble	12/19	12/21	Middle East		510.00		10,834.32				11,344.32
Committee total					16,479.05		52,239.85				68,718.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MICHAEL R. TURNER, Jan. 29, 2024.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC–3088. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-392, ''Minor Access to Medical Records and Appointments Regulations Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3089. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-391, ''Childhood Continuous Coverage Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3090. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-390, ''Home Visiting Services Reimbursement Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3091. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-389, ''Proactive Inspection Program Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3092. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-379, ''School Improvement Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3093. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-377, ''Term Clarification Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3094. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-380, ''Reverse Mortgage Insurance and Tax Payment Program Second Extension Temporary Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3095. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-381, ''Fairness in Renting Notice Clarification Temporary Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3096. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-382, ''Home Purchase Assistance Program Protection Temporary Amendment Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

EC–3097. A letter from the Chairman, Council of the District of Columbia, transmitting DC Act 25-378, ''Shirley Chisholm Elementary School Redesignation Act of 2024'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Accountability.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WESTERMAN: Committee on Natural Resources. H.R. 3195. A bill to rescind Public Land Order 7917, to reinstate mineral leases and permits in the Superior National Forest, to ensure timely review of Mine Plans of Operations, and for other purposes; with an amendment (Rept. 118–377). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 3397. A bill to require the Director of the Bureau of Land Management to withdraw a rule of the Bureau of Land Management relating to conservation and landscape health; with an amendment (Rept. 118–378). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS of Texas: Committee on Small Business. H.R. 6591. A bill to amend section 8 (a) of the Small Business Act to require the Administrator of the Small Business Administration to regularly reassess the asset and net worth thresholds for qualifying as an economically disadvantaged individual, and for other purposes; with an amendment (Rept. 118–379). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DESAULNIER (for himself, Mr. RASKIN, and Ms. NORTON):

H.R. 7306. A bill to amend the Internal Revenue Code of 1986 to include publication of written news articles as a tax-exempt purpose for organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLINARO (for himself and Ms. CRAIG):

H.R. 7307. A bill to amend the Public Health Service Act to establish a grant program to expand the number of allied health professionals in underserved communities and rural areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACON (for himself and Mr. EVANS):

H.R. 7308. A bill to direct the Attorney General to establish a grant program to establish, implement, and administer violent incident clearance and technology investigative methods, and for other purposes; to the Committee on the Judiciary.

By Mr. BURCHETT:

H.R. 7309. A bill to repeal certain formula grants under the Elementary and Secondary Education Act of 1965 and use such funds to

award block grants to States; to the Committee on Education and the Workforce.

By Mr. DIAZ-BALART (for himself, Ms. LOIS FRANKEL of Florida, Mr. GIMENEZ, Ms. WASSERMAN SCHULTZ, Ms. SALAZAR, and Mr. WALTZ):

H.R. 7310. A bill to require the Secretary of Housing and Urban Development to provide a disclosure notice to homebuyers of properties owned by the Department of Housing and Urban Development that are located in special flood hazard areas, and for other purposes; to the Committee on Financial Services.

By Mr. GUEST (for himself and Mr. MCCAUL):

H.R. 7311. A bill to amend the Homeland Security Act of 2002 to enhance the operations of U.S. Customs and Border Protection in foreign countries, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KUSTER (for herself, Mr. BALDERSON, and Ms. LETLOW):

H.R. 7312. A bill to provide for requirements for electronic-prescribing for controlled substances under group health plans and group and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUTTRELL:

H.R. 7313. A bill to require the Secretary of Defense to brief Congress on progress in capturing the leadership of the Jalisco New Generation Cartel; to the Committee on Armed Services.

By Mr. MEEKS (for himself and Ms. LEE of California):

H.R. 7314. A bill to create a task force within the Department of Commerce to oversee and promote diversity, equity, inclusion, and accessibility in the tech industry; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORCROSS (for himself, Mr. FITZPATRICK, Ms. BUDZINSKI, Ms. CASTOR of Florida, Mr. ROBERT GARCIA of California, Ms. PEREZ, Mr. JOYCE of Ohio, Mr. KEAN of New Jersey, and Mr. MORELLE):

H.R. 7315. A bill to direct the Secretary of Labor to support the development of pre-apprenticeship programs in the building and construction trades that serve underrepresented populations, including individuals from low income and rural census tracts; to the Committee on Education and the Workforce.

By Mr. TIFFANY:

H.R. 7316. A bill to make improvements in the enactment of title 54, United States Code, into a positive law title and to correct related technical errors; to the Committee on the Judiciary.

By Ms. WILSON of Florida:

H.R. 7317. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to award grants to nursing homes, assisted living facilities, and other long-term care facilities to improve their preparedness for power outages; to the Committee on Energy and Commerce.

By Ms. WILSON of Florida:

H.R. 7318. A bill to combat child human trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESAULNIER (for himself, Mr. RASKIN, and Ms. NORTON):

H. Res. 1005. A resolution expressing the sense of the House of Representatives regarding the importance of local print and digital journalism to the continued welfare, transparency, and prosperity of government at every level and the continuation and freedom of the United States as it is known today; to the Committee on Oversight and Accountability.

By Ms. CLARKE of New York (for herself, Mr. JOHNSON of Georgia, Ms. VELÁZQUEZ, and Mr. PAYNE):

H. Res. 1006. A resolution recognizing the birthday of legendary reggae artist Robert ''Bob'' Nesta Marley; to the Committee on Education and the Workforce.

By Ms. PORTER (for herself, Mr. KRISHNAMOORTHI, Mrs. RAMIREZ, and Ms. WILLIAMS of Georgia):

H. Res. 1007. A resolution amending the Rules of the House of Representatives to permit certain resolutions to be privileged only if they are based on conduct which was the subject of an investigation and report by the appropriate committee of jurisdiction or if they are offered by direction of a party caucus or conference; to the Committee on Rules.

By Mr. THOMPSON of Pennsylvania (for himself and Mr. BISHOP of Georgia):

H. Res. 1008. A resolution supporting the designation of a ''Boy Scouts of America Day'' in celebration of its 114th anniversary; to the Committee on Oversight and Accountability.

CONSTITUTIONAL AUTHORITY AND SINGLE SUBJECT STATEMENTS

Pursuant to clause 7(c)(1) of rule XII and Section 3(c) of H. Res. 5 the following statements are submitted regarding (1) the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution and (2) the single subject of the bill or joint resolution.

By Mr. ADAMS:

H.R. 7269.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

The single subject of this legislation is:

To prohibit certain discrimination against athletes on the basis of sex by intercollegiate athletic associations, and for other purposes.

By Mr. DESAULNIER:

H.R. 7306.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

The single subject of this legislation is:

addressing challenges facing the local news industry.

By Mr. MOLINARO:

H.R. 7307.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

The single subject of this legislation is:

Health Care

By Mr. BACON:

H.R. 7308.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The single subject of this legislation is:

To direct the Attorney General to establish a grant program to establish, implement, and administer violent incident clearance and technology investigative methods

By Mr. BURCHETT:

H.R. 7309.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The single subject of this legislation is:

This bill repeals certain formula grants under the Elementary and Secondary Education Act of 1965 and uses the funds to award block grants to states.

By Mr. DIAZ-BALART:

H.R. 7310.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution

The single subject of this legislation is:

This bill requires the Department of Housing and Urban Development (HUD) to disclose certain flood hazards to prospective buyers when listing a one-to-four-unit residential property for sale. The requirement applies to every such HUD-owned property located in a special flood hazard area and requires HUD to disclose (1) the estimated monthly cost to insure the property under the National Flood Insurance Program in the zip code where the property is located and (2) whether the property is a severe repetitive loss property,

By Mr. GUEST:

H.R. 7311.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

The single subject of this legislation is:

To amend the Homeland Security Act of 2002 to enhance the operations of the U.S. Customs and Border Protection, Air and Marine Operations, in foreign countries.

By Ms. KUSTER:

H.R. 7312.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof.''

The single subject of this legislation is:

group and individual health plans

By Mr. LUTTRELL:

H.R. 7313.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 8 of the Constitution, Congress has the power ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

The single subject of this legislation is:

Defense of the United States by the Armed Forces

By Mr. MEEKS:

H.R. 7314.

Congress has the power to enact this legislation pursuant to the following:

Article 1

The single subject of this legislation is:

To create a task force within the Department of Commerce to oversee and promote

diversity, equity, inclusion, and accessibility in the tech industry.

By Mr. NORCROSS:

H.R. 7315.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Clause (Art. 1, Sec. 8, Cl. 18)

The single subject of this legislation is:

Apprenticeships

By Mr. TIFFANY:

H.R. 7316.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

Technical corrections to title 54

By Ms. WILSON of Florida:

H.R. 7317.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

Improving disaster preparedness of nursing homes, assisted living facilities, and other long-term care facilities during power outages.

By Ms. WILSON of Florida:

H.R. 7318.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

Addressing Child Sex Trafficking in a multi-agency approach.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 148: Mr. MCCAUL and Mr. HIGGINS of Louisiana.

H.R. 305: Mr. MAGAZINER.

H.R. 309: Ms. MOORE of Wisconsin.

H.R. 311: Mr. CRENSHAW and Mr. HIGGINS of Louisiana.

H.R. 343: Mr. BEAN of Florida.

H.R. 431: Mr. COLE.

H.R. 445: Ms. PORTER.

H.R. 531: Mr. COLE.

H.R. 619: Mr. DUNCAN and Ms. STANSBURY.

H.R. 620: Mr. DOGGETT, Mrs. MILLER of West Virginia, Ms. TOKUDA, Ms. STANSBURY, and Mr. DUNCAN.

H.R. 661: Mr. NEHLS.

H.R. 737: Mr. GOLDMAN of New York.

H.R. 807: Mrs. MILLER of Illinois, Mr. FEENSTRA, and Mr. THOMPSON of California.

H.R. 827: Ms. PORTER.

H.R. 889: Mr. GRAVES of Missouri.

H.R. 903: Mr. MOORE of Alabama, Mr. KELLY of Pennsylvania, Mr. BABIN, and Mrs. LESKO.

H.R. 1083: Mr. FROST and Ms. PORTER.

H.R. 1167: Ms. KELLY of Illinois.

H.R. 1179: Mrs. LESKO and Mr. PAPPAS.

H.R. 1203: Mr. CRANE.

H.R. 1251: Ms. PORTER.

H.R. 1267: Mrs. HAYES.

H.R. 1323: Mr. CLEAVER.

H.R. 1342: Ms. CASTOR of Florida.

H.R. 1413: Mr. LEVIN.

H.R. 1462: Mr. ROSE.

H.R. 1698: Ms. PORTER.

H.R. 1774: Mr. NUNN of Iowa.

H.R. 1787: Mr. RYAN.

H.R. 1831: Ms. CROCKETT and Mr. PASCRELL.

H.R. 2456: Ms. PORTER.

H.R. 2666: Mr. CISCOMANI.

H.R. 2724: Mr. BANKS.

H.R. 2802: Mr. MOULTON.

H.R. 2803: Mrs. RAMIREZ.

H.R. 2845: Mr. CRAWFORD.

H.R. 2940: Mr. WENSTRUP and Mr. CUELLAR.

H.R. 2974: Ms. PORTER.

H.R. 3037: Ms. PORTER.

H.R. 3183: Ms. BUSH.

H.R. 3199: Mr. BARR.

H.R. 3207: Ms. PORTER.

H.R. 3470: Mrs. TRAHAN.

H.R. 3474: Mr. KRISHNAMOORTHI.

H.R. 3492: Mr. FEENSTRA.

H.R. 3507: Ms. SALINAS, Ms. HOYLE of Oregon, Mr. BARR, and Mr. HARDER of California.

H.R. 3625: Ms. WASSERMAN SCHULTZ.

H.R. 3646: Ms. PORTER.

H.R. 3702: Ms. TOKUDA, Mrs. BEATTY, Ms. CASTOR of Florida, Ms. STANSBURY, Mr. GOMEZ, Mr. HARDER of California, and Ms. PORTER.

H.R. 3851: Ms. BARRAGÁN, Mr. CONNOLLY, and Ms. BLUNT ROCHESTER.

H.R. 3940: Ms. DELAURO, Mrs. RAMIREZ, Mr. RUPPERSBERGER, Ms. TLAIB, Ms. NORTON, Ms. DEGETTE, and Mr. DUARTE.

H.R. 4184: Ms. LEE of Pennsylvania.

H.R. 4327: Mr. DUARTE.

H.R. 4346: Mr. WILLIAMS of Texas.

H.R. 4390: Mr. GOMEZ.

H.R. 4391: Mr. PHILLIPS.

H.R. 4417: Mr. HUDSON.

H.R. 4456: Ms. GARCIA of Texas.

H.R. 4565: Mr. MEUSER.

H.R. 4581: Mr. THANEDAR.

H.R. 4646: Mr. TRONE.

H.R. 4845: Mr. GARCÍA of Illinois.

H.R. 4848: Mr. PERRY and Mr. MOORE of Alabama.

H.R. 4867: Mr. CALVERT.

H.R. 4942: Ms. CRAIG, Mrs. CHERFILUS-MCCORMICK, and Ms. LEE of Florida.

H.R. 4993: Mr. MENENDEZ.

H.R. 4998: Ms. FOXX.

H.R. 5077: Ms. BONAMICI.

H.R. 5182: Mr. MOORE of Alabama.

H.R. 5254: Ms. PORTER.

H.R. 5256: Mr. MEUSER.

H.R. 5266: Mr. LUTTRELL.

H.R. 5359: Mr. PANETTA.

H.R. 5403: Mr. CISCOMANI, Mr. HUNT, Mr. EZELL, and Mr. BAIRD.

H.R. 5577: Mr. LANGWORTHY.

H.R. 5740: Ms. DAVIDS of Kansas.

H.R. 5856: Mr. VALADAO.

H.R. 5931: Mr. GOTTHEIMER.

H.R. 6090: Mr. FLEISCHMANN and Mr. CISCOMANI.

H.R. 6248: Ms. UNDERWOOD.

H.R. 6331: Mr. KILDEE.

H.R. 6451: Ms. TOKUDA.

H.R. 6457: Ms. PORTER.

H.R. 6516: Mr. THOMPSON of California.

H.R. 6519: Ms. SCHOLTEN.

H.R. 6608: Ms. PORTER.

H.R. 6612: Mr. WEBER of Texas.

H.R. 6631: Mr. MOLINARO and Mr. HARDER of California.

H.R. 6634: Mr. THOMPSON of Mississippi.

H.R. 6734: Mr. LUTTRELL and Mr. BANKS.

H.R. 6744: Mr. TONY GONZALES of Texas.

H.R. 6749: Ms. BROWNLEY and Mr. CISCOMANI.

H.R. 6795: Mr. TIMMONS.

H.R. 6814: Mr. CARL.

H.R. 6928: Mr. HARDER of California.

H.R. 6934: Mr. TIMMONS.

H.R. 6972: Mrs. HOUCHIN.

H.R. 7040: Mr. D'ESPOSITO.

H.R. 7050: Mr. RYAN, Mr. GOLDMAN of New York, Mr. MORELLE, and Ms. SEWELL.

H.R. 7089: Mrs. HOUCHIN.

H.R. 7131: Mr. MOYLAN, Mr. FITZPATRICK, and Mr. GOTTHEIMER.

H.R. 7145: Ms. CASTOR of Florida and Mr. CASE.

H.R. 7152: Mr. FITZPATRICK.

H.R. 7176: Mr. CUELLAR, Mrs. PELTOLA, Mr. HIGGINS of Louisiana, Mr. RESCHENTHALER, Mrs. MILLER of West Virginia, Mr. NEWHOUSE, Mrs. HOUCHIN, Mr. KEAN of New Jersey, Mr. EDWARDS, Mr. LUTTRELL, Mr. ELLZEY, Mr. CARTER of Texas, Mr. PENCE, Mr. ARRINGTON, and Mr. HUDSON.

H.R. 7187: Mr. MCCORMICK.

H.R. 7204: Mr. CARTWRIGHT.

H.R. 7218: Ms. TOKUDA.

H.R. 7257: Ms. SCHAKOWSKY.

H.R. 7263: Mr. SWALWELL.

H.R. 7271: Mr. NORMAN, Mr. CLYDE, and Ms. Boebert.

H.R. 7272: Ms. WILLIAMS of Georgia, Mr. GOLDMAN of New York, Mr. THOMPSON of Mississippi, and Ms. LEE of California.

H.R. 7273: Mr. WILLIAMS of Texas.

H.R. 7285: Ms. MCCOLLUM.

H.R. 7288: Ms. LEE of California, Mr. COSTA, Mrs. BEATTY, Mr. MCCLINTOCK, Ms. STEVENS, and Ms. MALLIOTAKIS.

H.R. 7297: Mr. STEIL.

H.R. 7299: Mr. VARGAS and Mr. PAYNE.

H.J. Res. 16: Ms. PORTER.

H.J. Res. 76: Ms. OMAR, Ms. BARRAGÁN, and Mr. DESAULNIER.

H. Con. Res. 29: Mr. LAWLER.

H. Con. Res. 33: Mrs. PELTOLA.

H. Con. Res. 47: Ms. PORTER.

H. Res. 50: Mr. LUTTRELL.

H. Res. 439: Ms. PORTER.

H. Res. 915: Mrs. HINSON.

H. Res. 990: Mr. THANEDAR, Mr. GOTTHEIMER, Ms. OMAR, and Ms. MOORE of Wisconsin.

H. Res. 993: Mr. GRAVES of Missouri.

DISCHARGE PETITIONS—ADDITIONS AND WITHDRAWALS

The following Members added their names to the following discharge petition:

Petition 8 by Ms. DEGETTE on House Resolution 916: Ms. Underwood, Mr. Carter of Louisiana, Mr. Neal, Mr. Neguse, and Mr. Castro of Texas.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *118th* CONGRESS, SECOND SESSION

Vol. 170 WASHINGTON, FRIDAY, FEBRUARY 9, 2024 *No. 24*

Senate

The Senate met at 12 noon and was called to order by the Honorable CHRIS VAN HOLLEN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, may our hearts be open to receive Your guidance. Help us to bow to Your will and live lives devoted to Your providential leading.

Bless our Senators. Let faith, hope, and love abound in their lives. Lord, use them to heal our hurting Nation and world and to be forces for harmony, goodness, and peace. May they hunger for Your wisdom and make decisions that will honor You. Open their minds, and give them a vision of the unlimited possibilities available to those who trust You as their guide.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 9, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRIS VAN HOLLEN, a Senator from the State of Maryland, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. VAN HOLLEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

REMOVING EXTRANEOUS LOOPHOLES INSURING EVERY VETERAN EMERGENCY ACT—MOTION TO PROCEED UPON RECONSIDERATION—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 815, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 30, H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SUPPLEMENTAL FUNDING

Mr. SCHUMER. Mr. President, I will be brief.

Yesterday, the Senate cleared the first major procedural hurdle to passing the national security supplemental. It was a good and very important first step. We now resume postcloture debate on the motion to proceed. If we don't reach a time agreement, we will hold the next vote on the motion to proceed at approximately 7 p.m. tonight, but I hope our Republican colleagues can work with us to reach an agreement on amendments so we can move this process along. Democrats are willing to consider reasonable and fair amendments here on the floor as we have shown on many occasions in the past 3 years. Nevertheless, the Senate will keep working on this bill until the job is done.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SUPPLEMENTAL FUNDING

Mr. MCCONNELL. Mr. President, when the Biden administration released its request for supplemental appropriations in October, I said the Senate would need to do its own work to meet the demonstrated needs of our national security.

The President's decisions over the past 3 years have directly contributed to the web of serious security challenges demanding the Senate's attention—from an embarrassing retreat from Afghanistan that emboldened terrorists and shredded credibility with our allies, to a halting response to Russian escalation that kept lethal capabilities off the frontlines of Ukraine's defense, to an Iran policy that tried trading deterrence for detente.

The Senate can and will continue to urge the Commander in Chief to do the right thing, but we also have a responsibility of our own to provide for the common defense and equip the next Commander in Chief with the tools to exercise American strength.

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That responsibility is in front of us right now, and addressing national security challenges with serious legislation starts with recognizing some pretty basic realities about how the world works:

First, America has global interests and global responsibilities, and to the extent the President has neglected them, the Senate ignores them at the Nation's peril.

Second, alliances and partnerships are essential to advancing our interests. They lower the costs of keeping the peace, reduce the direct risks to America, and facilitate the commerce that drives our economy. But these alliances and partnerships rely on American leadership and American credibility.

Finally, there is a growing list of adversaries who wish us harm. There is growing evidence that they are working together, and there is no doubt that they are emboldened by American weakness.

These are not opinions. They are plainly observable facts borne out by history. Denying them does a disservice to the American people, and it is impossible to engage productively on decisions about U.S. national security without acknowledging them.

So a great number of our colleagues have worked diligently on legislation that confronts Russian aggression against the West, Iran-backed terror against Israel and U.S. forces, and the rise of an aggressive China head-on. The product before the Senate resolves the significant shortcomings of the President's request.

For example, thanks to Senate Republicans, it requires the Commander in Chief to submit a strategy that identifies the specific objectives, requirements, and metrics from our assistance to Ukraine. It shifts $4 billion away from direct budget support to Kyiv into security investments instead. And it fully funds the special inspector general for Ukraine created by the NDAA last year, further expanding already unprecedented visibility into how U.S. assistance is actually being used.

The legislation also designates $9 billion above the President's request for U.S. defense needs, including $2.4 billion for ongoing operations against Iran-backed terrorists in the Middle East. And, thanks to Republican efforts, it imposes strict new oversight measures on humanitarian assistance and ensures that not a single penny of U.S. taxpayer funds goes to the U.N. agency whose employees stoke hatred in Gaza and actually participated in the slaughter of Jews in Israel.

Underneath these essential provisions sit historic and urgent investments in American hard power, which is critical to our national defense.

Our allies and partners in Ukraine and Israel are fighting our shared adversaries, degrading their military capacity, and working to restore deterrence. Our friends in the Pacific are working to deter yet another one.

Together, they are facing the raw end of authoritarian aggression and terrorist savagery. Our colleagues have heard me say this before: American assistance to these efforts is not charity. It is an investment in cold, hard U.S. interests.

This is not a rhetorical device. It is not referring to some vague lines of efforts from which America expects to receive some trickle-down benefit. I mean quite literally spending tens of billions of dollars here in America, upgrading our capabilities, creating American manufacturing jobs, and expanding our defense industrial capacity to help us better compete with advanced adversaries.

Of just the funds this supplemental designates to support Ukrainian's defense, $19.85 billion of it will be spent right here in America on replenishing our own arsenal. Another $3.5 billion will be spent—again, here in America—to expand our industrial base's capacity to produce artillery and air-defense and long-range weapons. And $15.4 billion will be spent—one more time, here in America—on weapons for Ukraine to continue degrading the military strength of a major U.S. adversary.

These investments create capacity that we, the United States, need for serious competition with our adversaries.

Of course, this doesn't even account for the massive streams of funding our allies and partners around the world are investing in American capabilities themselves, including more than $120 billion and counting from NATO allies.

Overall, even accounting for direct assistance sent to allies like Israel, more than 75 percent of this legislation is bound for investments right here in America, and more than 60 percent of it goes to the defense industrial base, where increasing capacity is a direct investment in long-term strength abroad and prosperity here at home.

This is about rebuilding the arsenal of democracy and demonstrating to our allies and adversaries alike that we are serious about exercising American strength.

I can present these facts as frequently as necessary. It is what I have been doing quite literally for years.

Every one of our colleagues is capable of understanding that security assistance appropriated in support of Ukraine is money invested right here in America. Every one of our colleagues is capable of understanding that the investments this legislation makes in expanding production capacity—from artillery rounds to rocket motors, to submarines—are investments in readiness for long-term competition with China, a competition America cannot afford to lose.

Every single one of us knows what is at stake here, and it is time for every one of us to deal with it head-on.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. Mr. President, let me say at the outset that I thank the Senator from Kentucky for his words on the floor in support of assistance to Ukraine in its hour of need. I thank him for being consistent in that message.

Yesterday, after months of delay, 17 Republican Senators joined in a bipartisan effort to advance critical security and humanitarian aid. I want to thank them for stepping up and urge them to continue moving this bill to final passage and moving it to passage in the House of Representatives.

All the while, while we were giving our speeches here on the floor of the Senate and other places, Vladimir Putin has been sitting back and waiting for the United States to finally walk away from the Ukrainians, as they fight bravely to repel his bloody onslaught. Putin is hoping that Donald Trump will be reelected and that this Congress will discontinue aid to Ukraine. Meanwhile, the ''message man'' for the MAGA movement, Tucker Carlson, was in Moscow interviewing the former communist KGB agent Vladimir Putin, hoping, no doubt, to further his cynical strategy.

Is there anyone here who could remotely have imagined that many in the party of Ronald Reagan and John McCain would be actively voting against aid to stop Russian tyranny, that they would bend to the will of former President Trump, who has spoken favorably of the Russian despot?

This photograph captures a moment a few years ago. It captures a moment, 37 years ago, at the Brandenburg Gate, between East and West Germany, where President Reagan stood resolutely for freedom and told Gorbachev to tear down the wall.

This second photograph is more personal to me. About 10 years ago, when Senator John McCain and I were part of a delegation that represented colleagues from Arizona, North Dakota, Rhode Island, and Wyoming, we went to Ukraine's Maidan Square in Kyiv to honor those who had been killed in the fight for freedom.

I am not alone in asking the same question that was asked yesterday by the Polish Prime Minister, Donald Tusk. He said, ''Ronald Reagan, who helped millions of us win back our freedom and independence, must be turning [over] in his grave'' with what is happening now in Washington.

The Polish people are staunch allies of Ukraine and the United States, and they have long memories of Soviet tyranny. They know that critical American resolve is part of overcoming that tyranny, and we should never forget it.

I am proud to represent the city of Chicago and the State of Illinois. There are many Polish Americans there—great people. I think what they have done during this Ukrainian war is an amazing story. They have literally embraced the refugees from Ukraine. As one of the Polish officials told me: Senator, you won't find a refugee camp for Ukrainians in Poland. We bring them into our homes.

It is an amazing outpouring. When you ask them, what is motivating you?

He said: We remembered no one would do that for us when we faced the same tyranny in our own history.

They have made a difference. It is not just because of their love for their neighbors in Ukraine, but it is also the realization that, if Vladimir Putin conquers Ukraine, the next target could easily be Poland or the Baltic nations. They know that this fight, which is being waged against Putin in Ukraine, is their fight. We should realize the same.

Next week, a bipartisan group of us are attending the Munich Security Conference. It is an annual conference in Germany where we bring together the European nations and many others to discuss topics of the day. You can bet the No. 1 topic will be Ukraine. God forbid we fail to pass this defense supplemental before the Munich Conference. I don't know what I will say to our friends and allies in NATO and in Europe who stood by us and by the Ukrainian people for so long if we abandon them here in the U.S. Senate.

The first question that they will ask is, Will we approve the money necessary to buy the ammunition and equipment for the Ukrainians to fight on? We are going to answer that question here in the U.S. Senate in just a matter of hours.

NATO Secretary General Stoltenberg recently said that if Putin isn't stopped, he will continue his war beyond Ukraine, with grave consequences.

And make no mistake, it is not only Putin watching and savoring our failure to act. It is Iran, China, North Korea, and many others.

So let's get this done. Let's show Putin and the other tyrants of the world that they cannot divide and weaken us at home or with our allies abroad.

For months, my Republican colleagues refused to provide critical aid to Ukraine, Israel, Gaza, and Taiwan and to address urgent national security and humanitarian needs until we would consider and pass legislation to secure the American border. This week, we had an opportunity to vote on a bipartisan bill that would help us to secure the border and provide this essential national security funding. I had some concerns about the language in this, but I realized it was a bipartisan compromise.

Senator JAMES LANKFORD, speaking for the Republicans, had been negotiating literally for weeks to get the right language that could appeal to both Democrats and Republicans.

I want to thank Senator MURPHY and Senator KYRSTEN SINEMA for their resolve as well.

While I had some concerns about the proposal, as I said, I was prepared to support it with some changes. I am happy to report that it received the support of the National Border Patrol Council, the union that represents Border Patrol agents.

Despite all of this, Senate Republicans said they wanted to offer amendments. Well, the way to offer an amendment is, first, to pass a motion to proceed to the bill. When that measure came up for support, we didn't have enough Republican support to pass it on the floor. Almost immediately after the bill was released, numerous Senate Republicans had come out in opposition to it.

And when the bill came to floor, they voted not to even consider it. Why? Why? Because Donald Trump told them not to. And he was very bold about it. He said: Blame me, if you will. But any attempt to make border security changes should be stopped now so he can use the issue in the campaign. He said: ''Blame it on me'' if the bill fails.

Well, we will. Trump is apparently fearful that a bipartisan effort to secure the border would undermine his campaign rhetoric.

His interference could not have come at a worse time. We are facing the worst refugee crisis in modern history. With outdated laws and underfunded agencies, our immigration system is not up to the challenge. As a result, many migrants are stuck in our processing backlogs for years, without a work permit.

Most people don't know this fact, but I want to make it for the record. We have had about 36,000 migrants come into the city of Chicago, primarily from Texas. They were sent there under false pretenses that there were accommodations waiting and a job waiting for them. That was not the case. But the Governor of Texas didn't care, and he didn't care about their outcome and their plight—36,000, trying to find shelter for them. Some went to police stations and slept on the floor. Some slept in churches. The Catholic charities did an amazing job, as well as many others, to try to take care of them. And it has been a real hardship on the city of Chicago and the State of Illinois—36,000 people.

There is one thing most people don't realize. In the past year and a half, we have absorbed, in Chicago, 30,000 Ukrainian immigrants who have come from war-torn Ukraine to the city of Chicago.

Now, I hope you can understand that a city that has a section known as Ukrainian Village certainly welcomes these people. Families that sponsor them said that they would stand by them. And they became part of our society and part of our economy quickly, without a lot of rancor and with the understanding of people that they were going to add to America. And they were in desperate need.

So 30,000 Ukrainians were absorbed into Chicago without much fanfare. I have seen them at the churches and their schools, working in restaurants, doing the kind of work that immigrants are used to doing in America.

But the 36,000 who came in as migrants from Texas were sent in by the busload, without any warning and without any effort to try to assimilate them into the area before they arrived. The difference is very stark.

The legislation that we were going to consider before the Republicans killed it would have created a new system to process migrants quickly. It would have funded our frontline officials and immigration officers with $20 billion to ensure that they are processed efficiently.

Think about that. The Republicans have been saying publicly for months that we need more resources at the border to stop the onslaught of people who are arriving. And they also believe—and I share the belief—that we need more surveillance at the border, not only for those coming across the border but also for those bringing across the border narcotics and other contraband dangerous to America.

So the bill, which they stopped this week with their vote on the floor, would have provided $20 billion to ensure that they would be processed efficiently at the border and provide $20 billion, at least, in new technology and resources to stop the onslaught of narcotics and drugs.

It would have ensured that asylum seekers with legitimate claims can get a work permit quickly and start working, as so many businesses across the Nation need.

Despite my concerns about this legislation, because it left out Dreamers, I was prepared to consider it and support it. The DREAM Act was a measure that I introduced some 22 years ago in an effort to give these young people, who were brought to this country by their parents and who grew up here and became part of America, a chance to finally prove themselves and earn their way into citizenship. I think it should be included in any measure that addresses immigration from this point forward.

I hope we can all agree on one thing: We need to work together in a bipartisan way to secure the border, after years of congressional failure. Bipartisanship requires compromise.

After all of the Senate Republicans' TV appearances, campaign photos at the border, and impassioned speeches on the floor, it only took one man to destroy this agreement, this hard-fought bipartisan agreement—Donald Trump.

I know my Republican colleagues understand the urgent need to secure the border. I am disappointed that they would let their fear of one man stop this body from doing its job.

We still have a chance to do the right thing when it comes to security. We can stand behind the people in Ukraine who are fighting bravely every single day.

I cannot imagine how America can explain to the world why it would walk away from this battle against Vladimir Putin. We know his ambitions beyond Ukraine are terrible, and innocent people will suffer. Let's let the Ukrainian soldiers fight bravely with our support with a vote in the Senate today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Mr. President, I don't need to tell the people in this body or on the other side of the Capitol that the public view of Washington, DC, is not very good. Our numbers in public opinion numbers oftentimes are in the single digits, and they are there for good reason. They are there because oftentimes people only see politics here all the time. They see bodies and individuals who work for the parties; they don't work for the good of America.

What we saw earlier this week just confirms that, where we had a bill that came out to address border security—particularly on the southern border, but it does good things for the northern border too. It addresses border security in this country, where we are seeing people coming across the border—the southern border in particular. We don't know who they are, and it is just flat a national security issue.

When I go home to Montana, I hear it from everybody. I hear it from families, from business owners, from policemen to mayors—you name it. In Montana—and I don't think Montana is different from any other State—this is a big issue. People understand the southern border is broken, and they want us, the folks who serve in Washington, DC, their representatives to the government, to do something about it.

Over the last many years, multiple administrations, we have seen people go to the border and talk about how things are really bad down there: They are bad because we have undocumented folks coming across the border in record numbers. They are bad because we have fentanyl coming into this country that is killing people and ruining families.

Then they come back and go around the country talking about how miserably bad it is on the southern border and how it needs to be fixed. They are right.

Unfortunately—this shouldn't be about press releases and emails and newsletters and interviews at night; this should be about getting something done to fix the problem.

So what transpired about 4 months ago is that we had a bill on the floor then—funding for Ukraine. I believe there was funding for Israel, and I believe there was funding for the Indo-Pacific. There were some in this body who said: This bill is going nowhere until we get something that addresses the problems at the southern border.

I was standing right over there when one of the Senators said: We get southern border—Republicans; Democrats get Ukraine funding.

Well, he was wrong. The truth is, the United States gets southern border protection, and U.S. citizens get to help Ukraine and support democracy and make sure that Putin isn't successful in taking over Ukraine and ultimately the rest of the Europe.

But nonetheless, there are three people who went out. They were given the blessing to negotiate a bipartisan—which is the way things should be done around here and are done around here—a bipartisan southern border bill. The two people, the Republican and the Democrat or the Democrat and the Republican—however you want to place it—happen to be the chairman and ranking member of the Homeland Appropriations Subcommittee. The other was a Member who is an Independent who lives in a State that borders the southern border, Arizona.

So these folks went down and they worked and worked and worked. I have been part of these negotiations. Quite frankly, they are never easy. Nobody gets everything they want. There is compromise. There are negotiations. In the end, you thread the needle, and you come up with a bill that actually secures the southern border, that, by the way, any one of those three negotiators would tell you they would not have written themselves, but through the negotiating process, they came up with a bill.

I am going to tell you, it was a pretty darn good bill. They rolled it out last Sunday night for all of us to see, some 300-plus pages. I got to read that bill. But the interesting thing is, before the bill was even rolled out, some of the folks who serve in this body said ''I oppose it.'' Before they even had a chance to look at it, they said ''I oppose it'' because they were told to oppose the bill.

Now, look, we are all elected by our citizens in our States to come here. I would hope we all have a mind, I would hope we all can think, and I would hope we could all discern fact from fiction. But when somebody says ''Vote against it'' and you just vote against it after you have been in your State—you have heard what a big issue this is, and you have considered what can happen if we do nothing versus what could happen if we do something. Yet, for political purposes—not because it is bad policy but for political purposes—a person says ''Don't fix it,'' and, almost like a cult, people here said ''We are voting no.'' Many of them have not read it.

It is unbelievable to me. I have seen a lot of hypocrisy in this place, but it is unbelievable to me the hypocrisy in that vote, as a condition of national security—and folks in this body turn their backs on fixing the problem. Why? Because they want to keep it a political issue, which is exactly why the people look at Washington, DC, and say: Do you know what? Those folks don't represent us. They are in it for themselves. They just want everything to be an upheaval.

It confirms that thought.

So what does the bill do? What does this compromise bill do for America? It funds $20 billion in security for the southern border—for manpower, for technology, and to attack the fentanyl crisis, which is a scourge on this country. It includes the FEND Off Fentanyl Act, which puts serious harm to China's wallet for putting the precursor elements of fentanyl into Mexico.

It changes the asylum laws. It raises the bar—exponentially—and stops folks who come to the border illegally from gaming the system.

It requires—it requires—the President to shut down the border when they can't handle the people. Look, don't take my word for it. The National Border Patrol Council, some 18,000 Border Patrol agents have endorsed this bill. These are the folks that are charged, by the way, with keeping our border safe.

The acting director of Customs and Border Protection endorsed this bill and said it ''would provide the strongest set of tools we have had in decades.'' The chief of the U.S. Border Patrol said on FOX News that ''this bill that would have added additional hundreds of border patrol agents to our rank and file, that would have given us more technology, would have given us more equipment infrastructure. Of course I'm going to be supportive of that.''

And one of the Senators that negotiated this bill—a strong conservative I might add—Republican Senator JAMES LANKFORD from Oklahoma said that this would have stopped 800,000 entries in the past 4 months if it had already been signed into law.

The hypocrisy is stunning. Senators and House Members, who went back to their home States and talked about how bad the southern border was and how we needed to act, now have flip-flopped.

These are politicians who claim to work bipartisanly, but they oppose bipartisan solutions. They are the same ones who have cried loudly for years that we need changes—policy changes—on the border, but they are revealing in plain sight that it isn't about policy issues; it is about politics.

And the disinformation campaign that has come along with this is rich. Claims that 5,000 migrants would be allowed into this country every day is patently false; and if they had read the bill, they would have known it.

There are those who say that Congressional action isn't needed. That also is false. We control the purse strings; we control the policy language. And only Congress can fix our asylum laws; only Congress can make sure we are giving the Border Patrol the resources that they need to secure the border.

I wish this place worked; I really do. This is the greatest country in the world—not by accident, because our forefathers acted responsibly that we didn't have campaign seasons that never end; that we could actually sit down and negotiate, not as Democrats and Republicans but as Americans, to do what is right for this country.

If we don't start acting like adults in this place and start thinking and acting reasonably and listening to our constituents—not listening to one person but listen to the folks that sent you here; even when you disagree with them, you should be listening to them—to try to fix the problems, I fear for this country's future. And I don't say that lightly.

There is plenty of evidence out there that shows that China would love to replace us as the premier economy and the premier military in this world. That is not something that we should take lightly. That is something that we should take very, very seriously.

And when Congress doesn't do their job, when Congress doesn't even debate a bill to deal with a serious problem in this country, it does not speak well of us, and it only empowers our opponents out there, the countries that want to replace us in the world.

I don't know what will transpire with this negotiated border agreement, but I do hope that we get another opportunity to vote on it, on the policy that was negotiated by Lankford and Sinema and Murphy. They worked hard. At a bare minimum, they deserve—they deserve—but more importantly, the American people deserve—to hear a debate on this bill and find out not what Facebook or Twitter or what the internet says about this bill but find out exactly what is in this bill.

Because I can tell you Montanans are tired of DC political games and, quite frankly, so am I.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KELLY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD TAX CREDIT

Mr. BROWN. Mr. President, we have an opportunity. We have an opportunity to come together to cut taxes for American families in my State and for the families of more than 500,000 children, and to cut taxes for American manufacturers.

The deal negotiated by Finance Chairman WYDEN, a Democrat, in the Senate and Ways and Means Chairman SMITH in the House, a Republican, along with their colleagues of both parties, has overwhelming bipartisan support. It passed the committee in the House 40 to 3. It passed on the House floor with 357 votes.

When does that happen here? It is how Congress is supposed to work.

We talk with the people with whom we serve. We hear their concerns, and we act. Families are dealing with costs that are far too high because corporations continue to raise prices to pay for executive bonuses and stock buybacks and higher profit margins.

I often think of this, because I hear, when my wife and I are at the grocery store near our church in Brecksville, when I am out talking to people at a roundtable, or just at an airport, people talk about high food prices. One of the reasons—the biggest reason—when people go to the grocery store, they realize they are paying for stock buybacks and executive bonuses.

The American manufacturers have been telling us they can't compete with countries like China without more investment in research and development, but expiring provisions mean the Tax Code isn't rewarding that kind of investment as much as it should.

I heard in Ohio from people in East Palestine. I am going for, I believe, the ninth time there next week. They are worried. This is the place, the community in Ohio on the Pennsylvania border in eastern Ohio, where the Norfolk Southern train derailed, causing all kinds of hardship for people. But people in East Palestine are worried, they tell me, that they can be hit by a surprise tax bill for the payments they rightly received from Norfolk Southern after the derailment last year. It is unacceptable. People in East Palestine have endured enough.

So we came together to write a bipartisan, consensus bill that does all of those things. At a time when Washington seems pretty broken, we have an opportunity to come together and show the American people we can get things done. We can cut their taxes, we can support their businesses, we can help keep intellectual property in this country, we can help create jobs, and we can help families.

The expansion of the child tax credit will help Ohio working families keep up with rising costs, including all the extra expenses that come with raising kids. It has broad support. Everyone—from the Nuns on the Bus to the National Association of Evangelicals—supports expanding the child tax credit.

I know the Presiding Officer, the Senator from Arizona, and I have talked about how important the child tax credit is.

It supports work. The nonpartisan scorekeepers at the Joint Committee on Taxation confirmed that this bill won't reduce work.

When I hear from Ohio parents, the No. 1 thing they say they use their tax cut for is childcare, so they can work. We know how expensive childcare is.

Also, when we passed this child tax credit—it is a tax cut for working families, where 90 percent of children and the families of 2 million children in my State benefited from it. We passed it 3 or 4 years ago, and it expired, unfortunately. But I got letters from families all the time saying: Now my daughter can play soccer, and we can afford the school fees. Now my son can be in a school play and afford the fees. Now we can maybe go to a movie once a month. These are all the kinds of things that families living on the edge or families not quite living on the edge contend with. It gives them that.

It is key for Ohio manufacturers that invest in research and innovation. It is expensive. It is vital for keeping up with global competitors. These tax credits will allow Ohio companies to compete.

Last month, I did a news conference with two longtime friends of mine, two former Ohio Republican Congressmen, Steve Stivers and Pat Tiberi. Steve Stivers is now president and CEO of the Ohio Chamber of Commerce and Pat Tiberi is now CEO of the Ohio Business Roundtable. They both talked about how crucial these tax cuts are for Ohio businesses.

They are a major priority for American companies, as my Republican colleagues in the Senate have made clear to us all year. That is why Chairman WYDEN and many of us worked with Republicans to write a bill that is a win-win for everybody. It is a true bipartisan process from the start. It includes ideas that have support from both parties.

Take the lookback provision in the child tax credit, allowing parents to use the previous year's income to make sure they get the maximum possible tax cut. This is an idea that Senator CASSIDY from Louisiana and I worked on together during the pandemic. We got support from both parties. This will make this bill work better. It will enable this bill to help children and families more. It is the same option that corporations have in the Tax Code. Why not make it available to families? Corporations often do lookbacks to look at the year before in calculating their taxes. Why wouldn't we make it available to families too?

The way Chairman WYDEN and Chairman SMITH negotiated this bill is how we should do this. We listen to the people we serve.

I know that Chairman WYDEN spoke with a number of Republican members on the Finance Committee. He spoke with me often during this process as we worked on both the R&D tax credit and the child tax credit.

I know that Chair SMITH worked with members of both parties on his committee. That is why he passed it out of his committee 40 to 3. Imagine 40 to 3 on a tax bill in a Congress that has difficulty getting a consensus and getting things done.

We made sure Members of both parties were in the room in these negotiations or were in the room in terms of having discussions. We got something done that brought people together. It supports families. It supports businesses. It includes priorities of both parties. It supports work. It supports American innovation. It won't add to the deficit. It is paid for by cracking down on fraud. There is no reason not to pass this deal.

I mean, again, 357 votes in the House, overwhelming bipartisan support in the committee, then in the House—there is no reason to wait other than playing politics. We see it far too often here.

We need to move. Tax season is underway. Families and businesses need these tax cuts now. Why would we walk away from a bipartisan bill that we could pass today if Members would put aside egos and politics and all that too often gets in the way. Let's come together to cut taxes for working families and cut taxes for Ohio manufacturers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SMITH). Without objection, it is so ordered.

BORDER SECURITY

Mr. RUBIO. Madam President, the Senate will be in session this weekend—including Super Bowl Sunday, which is fine by me—to deal with this bill that now, as everyone knows, is about Ukraine, funding for Ukraine and its war effort, funding for Israel, funding for Taiwan, and some other matters.

I will dispense with the Israel and Taiwan funding because that is a pretty straightforward one that I think has very strong support here. I am for it. I am also for helping Ukraine against Russia. I do believe we have a national interest in helping Ukraine against Russia.

I would just summarize it this way: If you look at China, which most people would agree is the U.S.'s biggest adversary at this point for global influence, the Chinese are hoping one of two things is going to happen. The first is, they are hoping that we are going to get stuck in Ukraine, along with what is happening in the Middle East, and that we are going to be drained by it and we won't be able to focus on the Indo-Pacific. But if we do become disengaged, then what their hope is—they will go around telling people: See, we told you America is unreliable and a power in decline. So I believe our goal when it comes to Ukraine is to be helpful to Ukraine in a way that doesn't drain us, in a way that doesn't harm our alliances around the world.

I have my own personal views on this. I have shared it in the past. I have had further confirmation of it over the last 24 hours—that where I think Ukraine eventually winds up is, I don't believe the Russians can ever achieve their initial objectives no matter what happens, which is to take all of Ukraine, all the way to Kyiv. I also think it is going to be very difficult for a country the size of Ukraine, no matter how much help it gets, to completely destroy the Russian Federation, which, no matter how bad they have been militarily, just has a size advantage.

But I do believe that at some point, both of these countries are going to try to figure a way out. The question is, Which one of the two is going to have the most leverage and the best deal possible, and will Ukraine be able to emerge from this as a democracy, as a nation that is not under the thumb of Vladimir Putin—another Belarus, as an example? I think we have a national interest in the outcome. It is not an unlimited national interest. It doesn't mean we spend however much they need for however long it takes. But there is an interest.

I just wanted to say that at the outset. I say that because obviously I am informed by my work on the Intelligence Committee, the Foreign Relations Committee, and my interest in foreign policy, because I think our job here in the Federal Government—we get involved in a lot of things that are none of our business, but foreign policy and national security are a key part of the Federal Government and what we are supposed to be doing here.

I do believe that in the short and long term, there are things there—I don't think I need to convince anyone about Israel and Taiwan—that involve the national security of the United States and what the world is going to look like in 5, 10, 15 years.

That said, I would imagine—not that I imagine, actually—I know that there are people—if you walked into many places in this country right now and you explained to them what was happening, they would be puzzled. People would say, no matter how they may feel about Ukraine—I think for most Americans, frankly, it is not a priority, not because they like Putin and they like Russia but because we have a lot of problems that people are dealing with in their everyday lives. I think most people would say: OK. But if we are going to do that for Ukraine, if we are going to help Ukraine deal with their invasion, shouldn't we first or at least at the same time deal with our invasion, what is happening to our country?

So you guys are going to meet all weekend. You are going to fight. You are going to call each other names. You are going to drag this thing out. You are going to have this big thing that we never do. We never stay here on Sundays—it is fine with me. But we never do all of this, but when we do it, it is always for somebody else or something that is not as important to us. But for something that is important to us, something that has to do with America, with our country, it never happens.

How, in essence, can you be helping Ukraine with their invasion but not be helping America with its invasion? And it is an invasion, what is happening at our southern border.

These are very conservative numbers, but they are incredibly accurate. They come right from both public and nonpublic—not classified but nonpublic—information. They are products that are produced from the House committee, for example. Let's just say that from January 20, 2021, 3.3 million people have entered the United States illegally and been released into the country. Of those 3.3 million people who have entered the country illegally, 99.7 percent of them are still here. They have not been deported or removed. Of the 3.3 million who have been released into this country, over 617,000 of them—and these are old numbers; these are numbers from last month—of the 3.3 million people who entered the country illegally and were released, 617,000 of them either have criminal convictions or pending criminal charges. So we have had at least 600,000 convicted criminals, suspected criminals, enter the country illegally, free to roam the country now.

People ask, well, how did this happen? Because it has never been zero. Let's be clear. It has never been zero. There have never been zero illegal people entering into America. But how did this happen? Well, let's first start with our law.

When people talk about immigration around here, they pretend it is completely unregulated: We need new laws to fix it because the laws are all messed up, and we don't regulate.

No. The immigration laws in America can be summarized. I mean, it is a complex area of law, but at its core, it is quite simple. Immigration law in America says this: These are the people who are allowed to be in the United States of America, and if someone who is not allowed to be in the United States of America enters illegally, you are to detain them through removal, meaning you are to detain them in immigration detention until their case is either resolved or they are removed from the country. That is the law of the United States, and that has been the law of the United States for quite some time.

With that detention requirement that you hold them until they are removed, we have always had exceptions, narrow exceptions. For example, if the Dalai Lama shows up at the border of the United States and says ''Hey, I am here because the Chinese are trying to kill me''—exception, right? There have always been exceptions.

These are supposed to be narrow exceptions, and they are supposed to apply to individuals case by case—humanitarian, things of that nature. But for the first time in American history, the current President of the United States decided to make the exception the rule—the rule. It became the rule that if you arrived here, we would not detain you. The exception became those we were detaining. I just gave you the numbers of the people who were released. So the exceptions ate up the rule, and that is how this happens.

Why it happens is not hard to understand. I assure you guys—listen, I live in an immigrant community. When it comes to immigration, I have been in the game for 10 years making these things—you know, looking at these things longer. I live it. I live it. My entire family are immigrants. My wife's entire family are immigrants. All of my neighbors are immigrants. I can't drive two blocks and go anywhere and not be—other than Miami, FL—surrounded with immigrants from all over the hemisphere and all over the world. So when I talk to you about these things, I didn't read about it in a magazine; I didn't see a documentary; I didn't have some briefing; I talk to people who show me. They have shown me. They said: Look, this is the cash-

out payment that I sent to some guy to bring my sister and her husband. Here is the Venmo that I sent to some guy to help my family get from Cuba to Nicaragua and from Nicaragua to the United States.

They don't know what the immigration law is. They don't know about exceptions, asylum. Here is what they know: They know people who have come here, turned themselves in, said ''I am here,'' blah, blah, blah, and they were released. They know people who did it, and those people tell other people, and the traffickers advertise it.

So what happens is that when people figure out—and they figure it out pretty quickly. Human beings are incentive-based creatures. All of us are. That is why we pass laws to punish crime. That is why we raise taxes on cigarettes—we want people to smoke less.

We are incentive-based creatures, and when people know that if you can make it inside of the United States and turn yourself in, your chances of being released are 85, 90-something percent, more people are going to come.

The numbers don't lie. I don't have it with me. I tried to blow it up; couldn't print it on time. But there is a graph that shows—it looks like one of those things, you know, those echocardiograms, except this one goes straight up. It basically says, here is the number in December of 2019, January of 2020. February of 2021, it just spikes right up. Why did it spike?

It spiked because we told people, by the way, if you are a single adult—which was the biggest driver that really changed everything—if you are a single adult and you come into America illegally and you turn yourself in, we will interview you—maybe not even interview you—and we will release you into the country. People figure it out.

And the way you solve it is to reverse that. The law didn't change. The immigration law today looks the same as it did in 2019. No immigration law has changed in America. What changed is this policy by Executive order.

Remember, when we pass laws, it has to be executed. So look what is happening with crime. It is illegal in every jurisdiction in America to shoplift, but the places where you see a spike in shoplifting are the places where the prosecutors have decided we are not going to prosecute those cases.

And when you tell people, yes, it is illegal to do something but we are not going to prosecute it, we are not going to go after it, you are going to get it.

So how do you solve this? You solve it the same way you created it: by reversing what created it. That is how you solve it.

And so a lot of us said: Well, look, if we are going to do all this for Ukraine and all of these other countries—but Ukraine was really—and this is something that you really want, it is important, can't we also—so that we look, at least, half sane to the people in this country that can't understand how we can spend all this time and energy not helping ourselves before we help other countries—can we at least deal with the border?

So they said: OK, we are going to do something on the border.

And they spent three, four—what, I don't know—8 weeks, whatever, negotiating a deal, and then they produced it. I didn't have anything to do with that deal. I am not condemning the people that did it. I have done immigration negotiations in the past; it is difficult. This is even more difficult because it is in the midst of a mass-migration crisis.

But they negotiated a deal, but I didn't negotiate it. I didn't even know what was in it until Sunday. And I read it—I read it twice, actually—went through it with the knowledge base that I have. But they negotiated a deal that most of us, for the most part, to be fair, had nothing to do with negotiating. And I realized pretty quickly, this is not going to reverse.

You can call it whatever you want. You can call it border security; you can label it anything you want. But this is not going to solve our problem. And, immediately, they said: Oh, the Republicans are a bunch of liars. The first is: These Republicans, they wanted a border deal; we gave them a border deal; and now they want to tank the whole thing. They changed their minds.

I think that was the President: We gave them the exact deal they asked for, and they changed their mind.

You didn't give me the exact deal I asked for. I asked for measures, steps, that would actually solve the migration crisis. This bill doesn't do that. In fact, I never even asked for a bill. I am not against some of the language that is in there. You want to change the standard on asylum? Long overdue; but that alone is not going to stop the migration crisis. That is what I asked for.

I didn't negotiate it. I didn't even know what was in it, like I told you, until Sunday. And so the solution that I want to see and did want to see and continue to want to see, the solution that we could actually go back to people and say: Guys, we did something real on the border. Yes, we are going to help Ukraine with their invasion, but we actually did—something real is also going to happen with our invasion. That was not this bill, despite whatever people may say about it.

We rejected the toughest border deal imaginable, is the other thing that people say. You know, like, if somehow, they figured out a way—you know, they sprinkled holy water upon a vampire with this thing. Look, I could spell out a bunch of problems in this bill. I don't have time; I am not going to spend the time going through every detail.

This emergency thing they brag about, emergency power to shut down the border, they don't tell you it is limited to 270 days, and the President can suspend it at any time. All the President has to say is: It is not in our national interest. We need to suspend the emergency.

By the way, even in the emergency, you still have to process 1,400 people a day, illegal immigrants a day, even in the midst of an emergency.

But let me focus on what I think is—what I believe to be the most blatant trap that was put in place in this bill. And it is one that people don't necessarily spot right away if you don't understand immigration law and how it has been applied over the last decade.

So there is this thing in the bill—remember, one of the things that people use about immigration is asylum. It takes too long; it takes 8 to 10 years; huge backlog; courts; the like. It is true. And it is one of the incentives, by the way, because people know if you release me pending a hearing, 10 years from now you won't even know where I am, much less show up at a hearing.

So they come back and say: Oh, we are prepared to solve that. How did they solve it? Well, they create what I call the asylum corps. In essence, they are going to go out and they are going to hire thousands of Department of Homeland Security agents—bureaucrats, agents—not judges—to process these claims, potentially right at the border. Right?

So right at the border, these agents will be able to interact with an illegal immigrant, interview them, ask them some questions, and they will have the power, they will have the power right there at the border to do three things.

The first is they could say, no, you don't qualify, you are out of here. Or we are going to detain you, and you are out of here. They could do that. That has not been the history of what has happened until now.

And let me just tell you, from what I know, most of the people who sign up for these jobs and this duty do not sign up to kick people out; they sign up to help people get in. But that is the asylum, so that is the first power.

The other two things are the likeliest one. The first is: We think you might have a claim. We are going to release you pending a hearing before a judge, and you get an immediate work permit.

Right now, you have to wait 6 months for a work permit, even if you are released like these people. An immediate work permit—you want to talk about a migration magnet? When people figure out, if I get there, I have an X percent chance of being given an immediate work permit, that is a migration magnet.

But here is the third thing they can do: They can give you asylum right there and then—not a judge; a member of this new asylum corps can literally give you asylum right there and then.

Now, let me be fair. The law says they can do it under the convention against torture, which is an international treaty.

Well, what is that? Well, let me tell you how that has been applied. How it

has been applied is that the convention against torture isn't just like, we are going to send you back somewhere where they are going to waterboard you.

The convention against torture that has been applied in most of the activists' groups that argue means we cannot remove people from this country if we are going to send them back to a place where they might be kidnapped or where they might be assaulted, not by just the government but by nongovernment criminal gangs.

So, basically, if you come from a country where gangs kidnap people, where gangs kill people, where gangs extort people, where gangs threaten people, where gangs assault people—if you come from a country where that happens, we cannot send you back there under the convention of torture. That is their interpretation of it.

My friends, that is like 100 countries on Earth. That is like almost every country represented in the number of people that arrive at the border. So, basically, what you will have is an asylum corps with the power to grant people asylum right at the border. And let me tell you the difference between the asylum corps and an immigration judge: If an immigration judge makes that decision, the Attorney General can still step in and reverse it. These are irreversible decisions.

And let me tell you what asylum means. Asylum is basically a green card. You are now 5 years away from being a U.S. citizen. That number is not going to be zero. If that law and that provision had been in place today, some of these 3.3 million people would have already been a year or two into their 5-year wait to become citizens and voters of the United States of America. That is in that bill.

And that is what it means when you read past the language and the shalls and the this and that and all of that, that is what that language means. And you want me to vote for a bill so that a year or two from now when the news reports come out that the asylum corps has granted asylum and a 5-year path to citizenship to 500,000 people and everybody here goes: Well, I didn't know that was in that law—that is in the law; that is in that bill; that is there.

And I could go on; there are other things. The point is this was a trap. It was put in there in place, that was the goal. This is not a border—that would actually incentivize immigration, knowing what it is that incentivizes people to come.

The other lie is, whoa, without a law, we can't do anything about the border. I already explained to you how we got here in the first place: We stopped detaining everybody.

Remember, a few years ago it was—again, let's go back and be clear. The children who were being detained was because before we turned them over to some guy who claimed to be their uncle, we had to make sure he wasn't Jeffrey Dahmer; we had to make sure he wasn't some pedophile; we had to make sure it was really their uncle. And in the meantime, you have to put them somewhere. But that was inhumane.

But now it has spread. Now it is the detention of anybody is inhumane. You have people out there saying: By the way, we shouldn't even put ankle bracelets on people who are released; that is inhumane.

But the incentive that drove the immigration was we stopped detaining single adults. And the word got out really fast. And the traffickers—this is a business for them. They traffic people; they move people; they move drugs. They move contraband, and they move people. And they knew this. And they sell it. They advertise it.

I wish I would have brought some of the pamphlets that they hand out or pictures of some of the things they put up on social media in these countries advertising the service.

You don't need a law to fix that because the law hasn't changed. What you need is to reverse the Executive orders, the decisions of the administration. And the President can do that. In fact, I heard yesterday—I think it was NBC News or something reported the President is now considering executive actions on the border.

So at least they have acknowledged that they have that power. A reporter asked me yesterday, well, you guys are always against executive actions. Well, the executive action I think they need to take is to reverse the executive actions that he has taken which created this crisis.

And there are other things that he can do. He can do the ''return to Mexico''; he can do the ''safe third country.'' By the way, the ''safe third country'' one is an interesting one. I was kind of involved when that was put in place. And initially—because it is counterintuitive. Initially, a lot of people said: Why would these countries agree to that? So let me tell you why Honduras would agree to it, why El Salvador agreed to it. Let me tell you why. Because those are transit countries.

And safe third country basically said: If you come through that country, once you step foot in that country, you are automatically disqualified from getting asylum in the United States.

Now, I have nothing against these countries, but I promise you that the migrants that are going through El Salvador, Honduras, and Guatemala were going through. They didn't go to Guatemala, Honduras, El Salvador, or Nicaragua, for that matter, to stay there. They went there because it was on the way to where they were trying to go.

The minute migrants realized if I go there, if I go to Honduras, I automatically cannot get into the United States, they stopped going to Honduras or they stopped going to El Salvador. The countries figured it out. I bet you we can get many more countries to sign up for something like that, because they are bearing the brunt of being in the middle of the migration corridor. We could return to that as well.

And, yes, we can build barriers. I remember after the horrible events of January 6 here in the Capitol, the first thing that went up around this entire building was a fence with barbed wire and National Guard. The first thing they did to protect the Capitol and themselves was to deputize National Guard from all over America and to put fences around the Capitol, some of the biggest fences you have ever seen. And they went up like that.

But, somehow, when our country is being invaded and you put up a fence and you send the National Guard, this administration will go to the Supreme Court and try to stop you. So they will do it to protect themselves, but they won't do it to protect America.

My friends, the truth is that Biden doesn't want to stop the border crisis, and the reason why is politics. I know his memory is probably not the best, but I remember that he spent 3 years repeatedly saying—not just him, all the deputies, people in this Chamber, all these know-it-alls on television: There is no crisis at the border. There is not a crisis. It is being exaggerated, exaggerated by a bunch of xenophobes and racists.

But now it is a top issue in the country to voters. It wasn't a crisis until it became a crisis in New York and Chicago and all these major cities around the country who now suddenly—you know, when it was happening to Texas, when this was happening on the border in Arizona, as if somehow all the people that came here were—3.3 million people were all going to stay in Eagle Pass, TX. But once it got into their cities, once it started impacting them, now it became a problem too. Once you had to start closing schools because you needed to make it a migrant shelter, now it was a crisis. Now when you have a gang of pickpocketers running through New York assaulting police officers, now it is a crisis. Now, when the residents of your own city are screaming at you, ''Why are you spending all this money when we have our own homeless problem?'' now you have a crisis. And voters were saying it too.

And so I imagine—I am certain—that the people involved in the Biden reelection effort came to him and said: Sir, we need to have a plan. We need to have a plan, and the plan needs to be something that, at least, looks like we are trying to stop it but doesn't upset that element of our base who actually believes that anyone who comes here should be allowed to come here.

And that element exists. That element exists. There are people in American politics and in American political discourse who believe that, if you make it across the border, virtually anyone who comes here—unless, like, the worst possible human being—if you make it across the border, you should

be allowed to stay, even if you came illegally.

They had to come up with a plan. So what was the plan? Here was the plan, and I called this out in December. The plan is: Let's do a border deal. Let's call it a border deal, but let's make sure it doesn't stop migration because we don't want to upset our base. But let's also make sure it is bipartisan. Let's get some Republicans to sign on to it, and then let's get it passed through the Senate. And then when the House kills it, we can say: I, Joe Biden, tried to fix the border, but these Neanderthals, MAGA House members, they killed it. So blame them from now on.

In fact, I am not speculating here. There is nothing that I am just like psychically coming up with. There is an article in POLITICO in which an unnamed source in the Biden campaign was saying: This is perfect. If they pass it, we can claim credit for a bipartisan deal and tell people: Now, be patient. It is going to take time to work, but it is bipartisan. If it doesn't pass, he can blame the Republicans and say they own it.

And those talking points were already being said, including by some of my colleagues here on some Sunday shows that I saw. They were already saying that even before the deal was already out there. That was the plan.

But he will never fix it—one, because there are people in the base that don't want it to be fixed. There are people in American politics, as I said already, who think anyone who comes here should be allowed to come and stay. There are others, frankly, who see a bunch of voters. They see a bunch of future voters.

Do you know what? Let's find a way to get people asylum. Asylum is perfect. It puts them instantly on a path to citizenship. In 4 to 6 years from now, we are going to have a bunch of new voters, and they will vote for us, and they will remember we are the ones that let them in.

So that is another element of it.

But I want to go back to the one about the elements of their base that believe in open borders, whether they admit it or not. And some of them actually do admit it. There are actually people who have told me to my face, ''People should be allowed to live in any country that they want,'' which, I suppose, in a free society, you can have a right to any opinion you want. I assure you, it is not a majority position in America. In fact, I assure you, it is not a majority position in any country. But, somehow, they think it should be our position.

And if you don't think that the elements of a base have influence over our politics, I submit to you what is happening right now with Israel policy. So we have already seen, I would imagine, a small minority—but nonetheless a minority—of radical, anti-Semitic pro-Hamas activists who are out there. They are threatening to vote against Joe Biden. They have said it: We will vote. Do not count on our vote. We are going to vote against you. Your name is ''Genocide Joe''—they call him.

They disrupt his speeches. He tried to give a speech the other day. I think there were like 40 interruptions. They have been in the hallways here. It is not just the weirdos from these CODEPINK communist groups, but it is others, screaming at us: You need to do this; you need to do that—all this stuff that is out there.

But they say: Sir, you have a problem. We have an element of our base in some States that say they are not going to vote for you because you are helping Israel too much.

And that is where you see the leak. The first leak that came out is: Oh, the President hung up on Netanyahu.

Then you see another leak a couple of weeks ago: We are going to have a two-state solution.

Never mind the fact that the two most prominent Palestinian groups, sadly, in the region are groups—one of them is going to wind up in the government of the second state—and these are groups that do things like give cash rewards for killing Jews. The more Jews you kill, the more money your family gets if you are a martyr. Pay to slay—it is real. Groups that, for example, in their schools, when their kids are 4, 5, 6 years of age, their school books, their textbooks teach them: Jews are subhuman, and they are evil—groups that are not interested in a two-state solution. These groups are calling for a one-state solution: ''from the river to the sea''—no Jews, only them.

So let's give them their own country. Now, I would love for that to be possible, but not as long as those people are around. But that is the other thing they threw out there.

And then, yesterday, we read that the White House has sent emissaries. Top aides from the White House went to Michigan to meet with some of these upset activists to see if we can somehow bring them along so they will vote for him in November and stop being mean to Joe Biden over Israel.

Well, do you know who some of these people were? Multiple—more than one of them—were people that have openly—openly—been supportive of both Hamas and Hezbollah and call them ''freedom fighters.'' At least one of them is a guy who has publicly said, on multiple occasions, that the U.S. Government is controlled by Zionist money, by Jewish money. That is who the White House went to meet with yesterday.

And then, last night, we are treated to a press conference by the President of the United States, and in what I imagine was an unscripted moment—maybe not—he said Israel's response to Hamas ''has been over the top,'' which is ironic, because I support Israel funding, but here we are today being asked to pass a bill that has all this money for Israel, which I support.

So what are we funding? We are funding Israel's ''over the top'' campaign against Hamas?

So it doesn't make any sense, except for the politics. That is how politics influences all of this. You know, I would conclude by just taking us back to the original point, which is, the reason why I have voted already to move to proceed to this. I just don't know how you go to people in everyday life, hard-working people, and say to them—people who are upset because they feel like our country's border is being overrun, and it is—and they say: How come we are not doing anything about that, something real? Like, why aren't we making that a priority? Why don't we ever read that the Senate is staying in through the weekend arguing and fighting and working on something real to stop the border? How come that never gets a priority?

The growing number of Americans who always feel like, when it comes to a major issue and a major fight, they are always second—behind another country, behind another group, behind somebody else—who have been, for the better part of 20 years, told: We have to take care of others before we focus on your problems. Let's send our jobs and our factories to other countries because it is good for the global economy. I know we have homeless veterans committing record amounts of suicides and these tragedies, but let's spend more money housing migrants in this country illegally to begin with.

People who watched the news last week, OK, a roving gang of migrants from Venezuela—I mean, it is interesting because, for a year now, the Venezuelan community in South Florida has been telling me to be careful because some of the people who are coming from Venezuela now are clearly gang bangers. And, you know, you have to prove that. I am not saying it is zero percent, but they were right. They warned me a year ago, and now we are seeing it. And you saw it last week when—what?—five or seven of them assaulted police officers, were arrested, were released within an hour without any bail, flipped the middle finger to America, and walked right out, back to the migrant shelter, paid for by taxpayers.

You saw it last Sunday, when an illegal migrant of Palestinian descent went to Nassau County in New York, walked up to some guy's house and tore down his Israeli and American flags. When the guy confronted him, he assaulted the guy and started screaming things like: We are going to kill all the Jews.

Those are just two examples. I could give you more, but they are there. People are watching this stuff, and they are angry. They say: Why don't you guys do something about that? Why aren't you staying through the weekend about that? Why aren't those people being deported immediately?

How about these people here on student visas? You are a visitor to the

United States of America on a student visa—on a student visa or whatever visa—and you are in the street calling for ''intifada,'' but we can't deport you. They won't deport you. We know who you are. You are not here illegally; you are here on a visa. If you had said all that stuff, we probably wouldn't have given you the visa, but now that you are here, you get to keep the visa? Deport those people. They won't. Why aren't you fighting about that?

Most Americans have nothing against Ukraine. Most Americans want to help Ukraine, but I don't think it is unreasonable for them to say: Well, what about us? What about our country? What about our invasion? What about our border?

And I want to say this with as much respect as I can. There is nobody in the Senate that can lecture me on immigration. This is not a political drive. I have lived it my whole life.

This is not immigration—3.3 million people released into the country. And 5 to 10,000 people a day illegally arrive in the country. That is not immigration. Immigration is a good thing. Mass migration is a bad thing, and that is what this is. This is mass migration, and it is not good for anyone. It is not even good for the migrants, many of whom are raped and killed along the way.

It is good for the traffickers. It is good for the enemies of this country, but it is not good for the migrants. This is mass migration, and it reminds me, well, if you are against this and you want to be strict about immigration, that is anti-immigrant, which is silly, at least if they say it to me.

But I remember, like, I am not anti-rain. I think rain is a good thing. I think we need rain, right? I am anti-flood. I am not against the rain. I am against flooding. Does being against flooding make you anti-rain? No. And being against mass migration does not make you anti-immigration, because mass migration is not immigration.

And beyond the issues of sovereignty and common sense and the costs involved—beyond all of that—do we really think that you can release 600,000 people with either criminal convictions or pending criminal charges into the country and nothing is going to happen? Do you think you can release 600,000 people with criminal histories and they are, all of a sudden, all going to become entrepreneurs and start some tech company? No. The chances are that a lot of them are going to continue to be criminals. You are going to have a crime wave. It is already starting, and no part of this country will be immune from it.

And do you think ISIS and, for that matter, every terrorist organization in the world, no matter what sewer they live in or some cave they are hiding in—you don't think they are aware that the largest, most effective human smuggling operation in all of human history is operating right on the border of the United States? You don't think they are aware of it? Because the guys that were involved in 9/11—those animals, savages—they actually came here on a visa pretending to be flight students.

The next 9/11, God forbid, they don't have to pretend anything. All they have to say is: I come from a country where people are kidnapped and where people are often victims of crime, and you must let me in. And, for all we know, some of them may actually become citizens because they are going to get asylum.

You don't think that these terrorist groups are aware? I can't and won't divulge any intelligence information. So let's just use common sense. Common sense tells you that these groups and these terrorist organizations understand that the largest human smuggling, migrant smuggling operation in the history of mankind operates right at border of the United States. And we don't think anything is going to come out as a result of it?

Something bad is going to happen. Something bad—really bad—is bound to happen, and, when it does, remember this day, because, when it does, when something really bad happens, when we are overrun by a horrible crime wave and multiple cities—guys, we lived it.

I was a child. I actually didn't live in Miami at the time. We had moved away for a few years. The Mariel boatlift brought 200,000—less than 200,000—people from Cuba all at once. It took Miami 10 years to dig out of that. Bill Clinton lost his reelection because he agreed to take in some of those people into a Federal facility in Arkansas, and they set it on fire.

And there are a lot of people who came through Mariel who did fine, and there were a bunch of criminals and sadists and lunatics as well, because you take a lot of people from anywhere, and you are going to have the good, the bad, and the ugly.

Well, we have something just like this happening not once, over a span of weeks, but, literally, every month we have two Mariels. And you think that you are going to allow a flood of people into America and something bad is not going to happen? Sadly, it is. It is just a matter of time. And when it does—when it does—things that might sound extreme to some aren't just going to sound reasonable, they are going to sound overdue. And do you know what they are going to ask us? How could you have allowed this to happen?

So I end where I began. I know that if all you do is spend your time here and watch those networks and read these columnists and newspapers, you may lose this perspective; but I promise you, in the real world, on planet Earth, in this country among everyday people, most of them are asking themselves: Do you want to help Ukraine? We are for it. Do you want to help Israel? Of course. Yes, we should help Taiwan.

But who is helping America? Why isn't helping our country deal with this migrant crisis No. 1 before those other things? Don't they tell you on the airplane, if the oxygen mask deploys, put on your mask and then put the one on your kid? What good are we, how do you suppose—America, to anyone in the world, to any country on this planet—if we are falling apart inside?

And then, who do we work for? We work for Americans. I am a U.S. citizen, a U.S. Senator. I care about things that are going on in the world. No one has ever accused me of being an isolationist. And those things do matter in America. But you have to start with fundamentals, and that means you have to be strong here at home in order to be strong for our allies.

We are being invaded every single day. Today, 8 to 10,000 people will enter the United States illegally and unlawfully. We don't know who most of them are. Don't let them tell you that they do. You can buy a fake passport. You can buy state travel documents in Brazil. In multiple countries in Latin America, you can buy them. It is an industry.

So I am just telling you, we are going to have something bad happen and people are going to ask: Why didn't you guys fight over that? Why didn't you stay over the weekend about that?

So why are we focused on an invasion of another country—which is important—but not focused on the invasion of our own country?

And it can be solved. The President's executive orders created it, and he can reverse it, but he won't. So here we are.

I yield the floor.

The PRESIDING OFFICER (Ms. BUTLER). The Senator from Indiana.

TRIBUTE TO ABRAHAM LINCOLN

Mr. YOUNG. Madam President, as a Senator from the State of Indiana, I just can't let February pass without offering a tribute to one of our State's favorite sons, Abraham Lincoln.

As we approach his birthday, we celebrate how Lincoln's story is perhaps the ultimate example of American opportunity. Lincoln spent the formative days of his childhood in the Hoosier wilderness, and he ultimately rose from the humblest of circumstances: a log cabin all the way up to the White House.

As President, he helped preserve our Union and end slavery, setting a course so that all Americans, regardless of race or circumstances, could follow his upwards path. Lincoln challenged America to honor the promise in its Declaration of Independence, that all men are created equal. And he reminds us still today that if we fail to do so, government by consent of the governed cannot long endure.

I think all of us here in the U.S. Senate today can attest these are difficult times. We face all sorts of challenges, foreign and domestic; and therefore, our politics are difficult. But I would argue—and I do so here today—that the politics we are facing today aren't nearly as difficult as those that Abraham Lincoln faced.

During a week like this, where passions run high, we have had numerous

debates behind closed doors and on this floor, we should keep perspective, and we should avoid dramatic comparisons and take dire predictions with a grain of salt.

But concern about the national discourse which informs our political system is indeed well founded. Dialogue between Americans so essential to the maintenance of a democratic republic has coarsened and reached the point that at times, it scarcely resembles conversation. This form of estrangement leads to hurt feelings, separateness, civil dysfunction. And my fear and what brings me down to this floor—not just to honor a great man—I fear that this portends much worse divisions moving forward.

Abraham Lincoln knew this. He understood this dynamic. Decades before the Civil War, he identified a remedy in an address that upset the residents of Springfield, IL. You see, 19th century America was awash with passionate reform movements, much like today, in the great American tradition. Many of their followers sought to cure societal ills with great zeal and commitment.

One example was the temperance movement—sort of a dated term—but the temperance movement was a campaign against drinking the ''demon rum,'' alcoholic beverages. On February 22, 1842, the 110th anniversary of George Washington's birthday, Abraham Lincoln spoke to a gathering of reformers at Springfield's Second Presbyterian Church, as part of a temperance festival. It must have been a grand old time.

Lincoln was 33 years old. He was a member of Illinois' House of Representatives. And as he later said, he was ''an old line Whig.'' It was a political party whose base, to borrow a modern term, included members of social reform movements. But Lincoln did not use this occasion to curry favor with his base. No. Instead, Abraham Lincoln offered advice that is still relevant to us today.

The invitation to speak came from Springfield's chapter of the Washingtonian Temperance Society. This organization was founded 2 years prior in Baltimore by six friends, all recovering alcoholics. In a short period of time, the Washingtonians started a revolution in treating addiction. The society's numbers quickly swelled just a few years after its founding. Chapters spread across the country, into the frontier.

In the Washingtonians' success, Lincoln recognized a particular means of building coalitions and addressing intractable problems. At its core was something especially relevant, I would argue, in our era of addition by subtraction, as he put it, ''persuasion''—''. . . persuasion, kind, unassuming persuasion.''

Previous efforts to curb alcoholism, you see, as Lincoln recounted, were often self-righteous in their nature—perhaps that characterization sounds familiar to some when we reflect on the current discourse—self-righteous in their nature and impractical in their demands. Lest I sound quaint, that rings a bit true to me when we reflect on present-day Washington and the debates we sometimes have on this floor.

The Washingtonian's approach and expectations differed, and that is why they were successful. They damned the drink but not the drinker. Their cure, such as it was, was based in compassion, based in understanding, not condemnation. They saw a fellow citizen suffering from the disease as a friend in need of help, not a helpless sinner.

Lincoln contrasted the approach and effect of the Washingtonians with their predecessors, the older reformers. The older reformers, Lincoln recalled, communicated ''in the thundering tones of anathema and denunciation.''

Now, we are all, no matter our political persuasion, familiar with those ''thundering tones.'' The truth is, we are all guilty. We are all guilty of those ''thundering tones'' from time to time. And perhaps, from time to time, those thundering tones are appropriate and necessary, and they have a great deal of impact when used sparingly. We are all guilty from time to time, forgetting that we are erring men and women.

But Lincoln suggested a gentler alternative: ''It is an old and a true maxim,'' he reasoned, ''that a 'drop of honey catches more flies than a gallon of gall.' '' That is how the Hoosier put it.

It is that drop of honey, Lincoln continued, which draws men and women to our sides, convinces them we are indeed friends. Friends—this from one of the most intelligent, successful, effective, polemicist debaters, litigators, and politicians in all of human history; he regarded his opponents as friends.

And this, in his words, is ''the great highroad'' to their reason:

> [W]hen once gained, you will find but little trouble in convincing his judgment of the justice of your cause, if indeed that cause really be a just one.

Some Lincolnian humanity mixed in with age-old wisdom.

Now, across our politics and in our media, we seem so convinced sometimes of our justness, of our cause, that it has become in vogue to cancel—a modern term, ''cancel''—the other side and chase away those on our own who do not see them, that other side, as enemies—tribalism, unleashed.

Where does this tribalistic impulse to cancel and ostracize lead us? It is an easy way to get booked on television these days. It is guaranteed to increase the number of social media followers you have. It might even rile up a rally or a crowd from time to time. But Abraham Lincoln, before the age of social media, predicted exactly where this would lead us.

Deem a fellow citizen a foe ''to be shunned and despised, and he will retreat within himself, close all the avenues to his head and his heart . . .''—it is human nature and, therefore, unchanged and unchangeable. ''Such is man,'' he continued, ''and so must he be understood by those who would lead him, even to his own best interest.''

Abraham Lincoln believed that the American Revolution defied human history by proving men and women capable of governing themselves. Our original birth of freedom led to the design of a republic, a republic in which citizens decide what is in their best interest. Determining it often requires passionate, loud, angry debates properly circumscribed by a social, moral, ethical framework. It includes a balance with generous measures of trust and understanding. An absence of this balance gives way to discord, and that discord makes us all weaker—collectively weaker, even individually weaker.

On the surface, Lincoln's speech in 1842 was about a means of combating alcoholism and achieving reforms. Look deeper, though. Its passages still today illustrate how we can continue to prove history wrong together. Remember—remember the power of reason even in our most passionate arguments. Find the empathy to form a bridge to our estranged countrymen—they are out there—and allow forbearance toward those among them we may disagree with—forbearance.

Abraham Lincoln relied on these values throughout his career even in America's darkest hour. They remain vital to our national harmony and to our common good. So, as we mark the occasion of Lincoln's birthday in 2024, we should call on these values once again.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request.

Mr. YOUNG. Yes.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, let me start by thanking my friend and colleague from Indiana for providing those wise words and good examples from Abraham Lincoln.

SUPPLEMENTAL FUNDING

Madam President, I come to the floor today to discuss the National Security Act, which has many important components, including support for Ukraine, for Israel, and for countries in the Indo-Pacific, as well as humanitarian assistance to help respond to crises around the world, including in Ukraine, in Gaza, the West Bank, Sudan, and elsewhere. It also includes funding for the Nonprofit Security Grant Program to better protect those nonprofits here in the United States, including places of worship, that face elevated risks from hate crimes.

I have spoken many times on this floor about the imperative of providing the people of Ukraine with more desperately needed military assistance to protect their sovereignty and to protect their democracy. We must not abandon them to Putin's brutal onslaught. The Ukrainian people are putting their blood and their lives on the

line to defend their freedom. The least we can do—the least we can do—is provide them, together with our allies, with the weapons and other support they need to do that.

It is not only the freedom of Ukraine that is at stake; abandoning the people of Ukraine to Putin would destroy our credibility with our allies and our adversaries. It would undermine our word with both friend and foe not only in Europe but around the world.

Let there be no doubt that President Xi is keeping one eye on what happens in Ukraine as he keeps the other eye trained on Taiwan.

To my Senate colleagues, you cannot say that you want to deter President Xi from attempting the forcible takeover of Taiwan if you are prepared to wave the white flag in the face of Putin's aggression. You can't say you are tough on China if you are weak on Russia and Putin.

This bill also provides important security assistance to partners in the Indo-Pacific region to protect their sovereignty and support our common vision of a free and open Indo-Pacific. As the chair of the Senate Foreign Relations Subcommittee on East Asia and the Pacific, I have worked hard on a bipartisan basis to advance that goal.

Today, I want to focus the remainder of my remarks on the provisions in the supplemental to provide more U.S. security assistance to Israel.

The horror of the October 7 Hamas terror attacks against Israel cannot, must not, and will not be erased or forgotten. About 1,200 people were brutally murdered, and 240 people were taken hostage. As I have said many times in the aftermath of that heinous attack and those kidnappings, Israel not only has the right but the duty to defend itself and take the actions necessary to prevent any future October 7's. Never forget and never again.

I stand steadfastly with the people of Israel in pursuing that objective and securing the release of all the hostages. Given the terrible news of the deaths of as many as one-fifth of the remaining hostages, the urgency of bringing the rest home could not be more clear.

I also believe that, while it is a just war, a just war must still be fought justly. As President Biden, Secretary Blinken, Secretary Austin, and many others have repeated, how a war is conducted matters. It matters for both moral and strategic reasons.

As Americans, we remember the collective anguish we experienced after the 9/11 terror attacks. We are also acutely aware of the unintended consequences of strategic overreach stemming from shared anger and pain. These were important lessons—lessons that apply today.

We all recognize that Hamas's despicable tactic of operating from among the civilian population makes it more difficult to target the enemy, but that does not absolve the Netanyahu government of the duty to take necessary measures to avoid civilian casualties. That is why, back on December 2 of last year, Secretary Austin said:

Protecting Palestinian civilians in Gaza is both a moral responsibility and a strategic one.

Those sentiments were echoed by Secretary Blinken in December of last year when he said that it is ''imperative that Israel put a premium on civilian protection.'' The Secretary of State has emphasized that point repeatedly since then.

Nor does the horror of the October 7 attack justify the humanitarian catastrophe in Gaza—a catastrophe that began when the Netanyahu government imposed a total siege on the people in that very narrow strip of land, and that has continued as his coalition places unnecessary obstacles in the way of getting vital, desperately needed, life-saving assistance to innocent civilians there.

Over 2 million Palestinian civilians, who have nothing to do with Hamas, are on the verge of starvation and need help to survive. That is why Secretary Blinken has emphasized the importance of getting ''more humanitarian assistance to people who so desperately need it in Gaza.'' The situation is awful, and it is getting worse by the day.

To those who say that all this aid is being diverted to Hamas, let me just say that is factually untrue, and I want to read a statement I received not that long ago from Ambassador Satterfield, who is our humanitarian coordinator in charge of humanitarian assistance to Gaza.

His statement reads:

Today, I have not received any allegations, evidence, or reports of any incidents of Hamas diversion or theft of U.S. or other assistance or fuel from U.N.-delivered assistance from any of our partners or from the Government of Israel since the humanitarian assistance resumed in Gaza on October 21st.

Madam President, I ask unanimous consent that his full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SATTERFIELD STATEMENT

To date, I have not received any allegations, evidence or reports of any incidence of Hamas diversion or theft of U.S. or other assistance or fuel from UN delivered assistance from any of our partners or from the Government of Israel since humanitarian assistance resumed in Gaza October 21.

I have received reports of several incidents of UN and Palestine Red Crescent Society (PRCS) aid trucks being taken for immediate consumption by vulnerable civilians in Gaza, my understanding based on direct conversations with the UN is that these recent incidents are not due to systemic or directed diversion by Hamas but rather undertaken by desperate communities that are experiencing a grave level of scarcity, under threat of constant kinetic operations, and have been displaced, in some cases multiple times.

While my team and I are routinely in touch with the UN on aid assistance delivery and have asked that they report any indications of Hamas-directed diversion to the U.S., we do not have the same visibility on the distribution of aid consigned from the Egyptian Red Crescent to PRCS for onward delivery in Gaza. We can provide further context in a briefing.

We continue to have conversations with COGAT and the UN on the looting and diversion risks in Gaza and have asked them to alert us should there be evidence of Hamas-directed diversion of assistance. All humanitarian assistance in Gaza is reviewed, inspected, and monitored by COGAT. Our teams in Israel and Washington, D.C. continue to engage with the Israeli government on this matter.

Mr. VAN HOLLEN. Unfortunately, the Biden administration's urgent pleas have mostly fallen on deaf ears with Netanyahu's coalition. Just a few days ago, we saw Secretary Blinken in Jerusalem, meeting with Prime Minister Netanyahu, urging that Israel not take military action in Rafah.

What is Rafah? Rafah is a city in Gaza that is right on the Egyptian-Gaza border. Before the war started, there were about 300,000, 400,000 people in Rafah. Today, you have about 1.4 million people crammed into Rafah because over a million people who have been displaced from other parts of Gaza went to Rafah because they were told it was a safe place to go.

Despite what Secretary Blinken said and despite the fact that just the other day, John Kirby, the national security spokesman, said that the United States would not support a major military operation in Rafah—nevertheless, within hours of Secretary Blinken's meeting with the Prime Minister, Prime Minister Netanyahu said that they are going to go into Rafah. It is just one of many, many examples of where our requests have been rebuffed.

We have made some incremental progress from time to time. For example, after many, many requests and urgings, we saw a while back the long-delayed reopening of the Kerem Shalom crossing to allow some more trucks into Gaza. But the reality is that the number of trucks and the amount of aid getting into Gaza is nowhere near what is necessary to meet the dire humanitarian situation.

Here we are 4 months into this war, and over 27,000 Palestinians have been killed, over two-thirds of them women and children, and that does not include those who are still buried beneath the rubble.

Wes Bryant, who helped lead the U.S. targeting against ISIS, has written about the unacceptably high levels of civilian casualties in Gaza.

Madam President, I ask unanimous consent that his op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I LED STRIKE CELLS AGAINST ISIS—ISRAEL'S STRIKE CAMPAIGN IN GAZA IS UNACCEPTABLE

Nearly three months into Israel's war in Gaza, the casualty data that has emerged is deeply troubling to me as an expert in close air support and targeting.

Israel was wholly justified in responding to Hamas's inhuman attack on Oct. 7, 2023, in which the terror group tortured and gunned down hundreds of people and entire families.

But its aggressive campaign across the Gaza Strip has slain almost 22,000 people, up to 70 percent of whom have been women and children, with the majority of deaths attributed to Israeli airstrikes. If these figures are anywhere near accurate, civilian loss from Israel's strike campaign is completely at odds with the standards that my colleagues and I followed for years, including during major urban offensives against ISIS in Iraq and Syria.

I spent a career as a Joint Terminal Attack Controller (JTAC) in the U.S. Air Force—the airpower experts who coordinate and call in airstrikes. In 2014, I was a key member of the special operations response force sent to Baghdad to establish the strike cells that helped bring down the Islamic State of Iraq and Syria. As a senior targeting professional, certified by the U.S. Central Command to conduct collateral damage estimation and analysis, safeguarding the civilian populace from airstrikes was a core aspect of my job. And while the United States may not be perfect in this realm, the reality is that the Israeli military has demonstrated a far higher tolerance for civilian casualties than the U.S. military, even when compared to our most sensitive operations.

In early December, the Israel Defense Forces (IDF) stated that, thus far in the course of its campaign in Gaza, approximately two civilians had been killed for every Hamas fighter. IDF spokesperson Jonathan Conricus defended that ratio on CNN, calling it ''tremendously positive'' in light of Hamas embedding itself within the civilian population.

A modern, first-world military should never view a 2:1 civilian-to-combatant death ratio as acceptable, let alone remotely ''positive.''

This ratio exceeds that of the U.S. operation to destroy ISIS's de facto capital in Raqqa, Syria, which itself became a cautionary tale for civilian harm in dense urban fighting. There, airstrikes by the U.S.-led coalition killed more than 1,600 civilians during months of bombardment, according to an Amnesty International report. The U.S. military has argued that Amnesty's civilian death for Raqqa is significantly overestimated and can be considered a worst-case approximation. Even so, given that Raqqa was the last ISIS stronghold in Syria and harbored thousands of ISIS fighters, we can assess a civilian casualty ratio nowhere near that of Israel's campaign in Gaza.

Yet the civilian casualty rates in Raqqa were still considered unacceptable by U.S. standards and became a significant driver of the Pentagon's civilian harm mitigation and response reforms. The differences between Israeli and American-led air wars goes further.

Nearly half of the munitions Israel has dropped in Gaza since Oct. 7 have been unguided bombs, and Israel has regularly used bombs weighing as much as 2,000 pounds within densely populated refugee encampments and near besieged hospitals. This is almost unheard of in U.S. airstrike planning.

First, refugee encampments and hospitals are protected sites within U.S. targeting methodology. Intentionally striking in, or even within close proximity to, these areas is almost never on the table.

Second, unguided bombs can miss their intended target by dozens of meters. The only time we used them was in areas with little possibility of civilians being present, such as to destroy a weapons cache.

Further, the size of most bombs we dropped in urban areas rarely exceeded 500 pounds—even then, we most often chose warheads with smaller blasts and less fragmentation that were designed to limit collateral damage.

And in all but the rarest of strike operations, my authorized threshold for risk of civilian casualties was zero, meaning that strikes would not be approved if there was risk of even one civilian being killed. The IDF continually carries out strikes in locations where high risk of civilian death is well understood.

The justifications Israeli officials have offered for high civilian casualties include Hamas's use of civilians as involuntary human shields. However, in U.S. strike operations, such excuses are never an option. Regardless of how the enemy is conducting itself—how embedded within the civilian populace they are or how many civilians they are intentionally surrounding themselves with—this never absolves us of the obligation to protect civilians.

Sadly, many U.S. defense analysts have nearly stepped over one another to legally and morally justify the high rates of civilian casualties in Gaza.

In an interview on CNN in December, a prominent defense analyst from the U.S. Military Academy irresponsibly insisted that the IDF strike campaign has been ''proportional, very discriminate, very precise.'' I can state, without reservation, that it simply has not shown any of these qualities.

Just one example of what has, unfortunately, become many in the course of Israel's strike campaign in Gaza includes the IDF's deliberate and continued targeting within densely populated refugee camps, even while knowing that these areas have not been successfully evacuated by civilians. Such strikes demonstrate far from any level of discrimination and precision that I was expected to exercise as a U.S. targeting professional.

I can recount watching our enemies maneuver in real time, or tracking a terrorist cell for weeks to a specific location, yet not being able to strike because we assessed that civilians were potentially within the strike radius. Although it is frustrating to be constrained from striking an enemy when we see him plainly in our sights—this is the humane way to conduct warfare. It is one of the major qualities that separates us from our enemies and, importantly, it is what the international law of armed conflict was created for.

Since October, members of the Biden administration—including President Biden, Secretary of State Antony Blinken and Secretary of Defense Lloyd Austin—have repeatedly spoken against Israel's strike campaign, acknowledging the devastating scale of civilian loss in Gaza. Yet the administration has, thus far, failed to effect any meaningful change on the part of Israel's strike operations, and continues to send arms and munitions. Israel is the top recipient of U.S. foreign military aid, receiving $3.3 billion annually, including the supply of air-to-ground munitions used in their strike campaign.

This is a conversation that must be had, as our actions demonstrate that we are complicit in the massive civilian toll in Gaza. And this carries strategic, legal and moral considerations. In my career hunting America's enemies with airstrikes, it was my job to be calculated and precise in targeting our enemies while being compassionate and vigilant in safeguarding the civilian populace. We can stand by Israel's right to defend its homeland, and the necessity to defeat Hamas, while also doing far more to influence change in its targeting and strike operations in Gaza.

A call for the humanitarian revision of the military actions of Israel is no more antisemitic than valuing Palestinian civilian lives is pro-Hamas. This overriding rhetoric is the definition of logical fallacy, and only blinds us.

Mr. VAN HOLLEN. It is not only the extremely high civilian death toll; it is the over 67,000 wounded, the over 1.7 million displaced. It is the huge damage to civilian infrastructure, including hospitals, schools, mosques, and churches. It is the toll from humanitarian aid workers killed and journalists killed. The level of death and destruction in Gaza is simply inhumane.

For just one small but still powerful example, I urge my colleagues to read the Washington Post story from last Friday—a week ago—about a 6-year old girl, Hind Hamada, who is trying to get to safety in a car with her aunt, her uncle, and her five young cousins. The car was hit by tank fire, and all of those who were in the car with Hind died. She was severely injured. She got on a phone to try to call for help, and there are recordings of her calls for help as her family members lay dead around her in the car. The last recording on the phone call she made to paramedics who were unable to reach her were:

Come and take me.

She was killed.

Madam President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A 6-YEAR-OLD IN GAZA CITY WAS CALLING TO BE RESCUED. DID ANYONE FIND HER?

The Hamada family was trying to get to safety. An order from the Israeli military had gone out earlier last Monday, ordering them to evacuate their neighborhood in Gaza City. Bashar, 44, and his wife Anam, 43, piled their children and their young niece, Hind, into the car.

They would never reach their destination.

The full picture of the tragedy that befell the family remains incomplete. Some details could not be confirmed. What is beyond dispute is that their car came under fire; the parents and most of the children were killed; a 6-year-old girl begged for hours to be rescued; paramedics were dispatched; then communications were lost.

The Washington Post reconstructed the events of that day by interviewing three family members, five members of the Palestine Red Crescent Society (PRCS) and reviewing audio of phone conversations between dispatchers and children in the car. The family's story is emblematic of the ongoing dangers faced by civilians in northern Gaza—even as Israel says it is winding down its military mission there—and the depth of their isolation from the outside world.

Asked for comment multiple times, the Israel Defense Forces said, ''We are unfamiliar with the incident described.'' The Post provided specific coordinates and additional details to the IDF on Tuesday morning and has not received a reply.

In the operations room of the PRCS in Ramallah, the landline was ringing. It was 2:28 p.m. Omar al-Qam, the lone dispatcher on duty that day, picked up.

From 2,000 miles away, in Frankfurt, Germany came the steady voice of Mohammed Salem Hamada: ''My family members are trapped in Gaza City,'' he told Omar. ''They were driving a black Kia Picanto and the car was targeted. Some of the people were killed inside.''

Mohammed gave Omar the phone number for his 15-year-old niece, Layan, who had

called her uncle in southern Gaza to sound the alarm. The uncle, struggling with patchy cell service, called his cousin in Germany, hoping he could find help.

The uncle relayed what Layan had told him: The Israeli army had opened fire on the family's car. Her parents and all four of her siblings were dead—Sana, 13, Raghad, 12, Mohammed, 11 and 4–year-old Sarah.

Layan told her uncle she was bleeding. And that her cousin Hind, 6, was the only other survivor.

Omar, in Ramallah, called Layan. She sounded terrified.

''They are firing at us,'' she screamed into the phone. ''The tank is next to me.''

''Are you hiding?'' he asked.

Then came a burst of fire. Layan screamed. The line went dead.

In shock, Omar said he went to find his colleague, Rana Faqih, in another room. He was trembling, she recalled.

Rana said she walked him back to his chair in the dispatch room and stood next to him as he dialed again.

It was Hind who answered this time.

''Are you in the car now?'' he asked her.

''Yes,'' came the small voice on the other end.

Rana took the phone, telling the 6-year-old she would stay on the phone until help arrived. Hind's voice was so quiet, it was impossible to make out her reply.

''Who are you with?'' Rana asked.

''With my family,'' Hind told her.

Rana asked if she had tried to wake up her family. Hind responded: ''I'm telling you they're dead.''

Rana asked her how the car had been hit.

''A tank,'' Hind said. ''The tank is next to me . . . it's coming towards me . . . it's very, very close.'' Rana's voice was strong and clear and reassuring. Hind's was faint and shaky. Rana urged her to keep talking. They prayed together. Rana read to her from the Quran.

Don't cry, she told the little girl, though Rana was also fighting back tears.

''Don't be scared,'' she told Hind. ''They're not going to hurt you . . . . Don't leave the car.''

Minutes passed. Hind appeared to drop the phone. The silences were longer now.

''If I could get you out I would,'' Rana said. ''We're trying our very best.''

Rana was crying now, but tried to keep her voice steady.

''Please come get me,'' Hind said. Again and again: ''Come get me.''

There was a distant rumble of fire in the background.

''Come get me,'' Hind repeated.

Rana, 37, has been working in Crisis and Disaster Management with PRCS since 2009. She had faced situations like this before, she said, but never with a girl so young.

Her colleagues had located the car in a neighborhood near Al-Azhar University. Getting an ambulance there, inside a closed military zone, would require permission from the IDF. It was a process that involved multiple agencies, communicating on unreliable phone lines. The dispatchers knew it could take hours.

''We have received hundreds of calls from people who are trapped,'' said Nebal Farsakh, a spokesperson for PRCS. ''People just want help evacuating. Unfortunately we do not have safe access.''

Operators told The Post they reached out around 3 p.m. to the Palestinian Ministry of Health in Ramallah, which coordinates the safe passage of paramedics with COGAT—an arm of the Israeli Defense Ministry. Fathi Abu Warda, an adviser at the Palestinian Ministry of Health, confirmed receiving a green light from COGAT to send an ambulance to the area. COGAT did not respond to questions from The Post, referring them to the IDF.

The operators said they tried to stay focused on Hind. Nisreen Qawwas, 56, the head of PRCS's mental health department, took the lead.

''She practiced deep breathing exercises with us, and I told her we would be with her, second by second,'' Nisreen recalled.

But Hind began to grow distant, Nisreen said, and hung up multiple times, growing frustrated that no one had come for her.

Eventually, operators said they reached Hind's mother, who was sheltering elsewhere in Gaza City, and patched her into the call.

''Her mother's voice made a real difference,'' Nisreen said. ''Every moment she said to her mother, 'I miss you momma.' ''

Her mother told her, 'You will be with me in a little while and I will hug you,' '' Nisreen remembered.

The Post was not able to reach Hind's mother in Gaza City, where there is limited connectivity.

At 5:40 p.m.—three hours after the phone had first rung in Ramallah—the dispatchers said they got a call back from the Palestinian Ministry of Health. The ministry told them they had received permission to send paramedics to Hind. Israeli authorities had provided a map for them to follow. PRCS dispatched the nearest ambulance, 1.8 miles away, to the scene with two paramedics.

Nisreen said she tried to keep Hind engaged. They talked about the sea and the sun and her favorite chocolate cake.

But everyone could tell the little girl was fading. She said her hand was bleeding, that there was blood on her body. It was dark now. She was hungry, thirsty and cold, she told her mother.

Dispatchers said the paramedics radioed in as they neared the vehicle. The team in Ramallah encouraged them to move forward, slowly, Nisreen said.

At that moment, dispatchers said, there was ''heavy gunfire.'' The line with Hind was lost. Hind's last sentence, Omar said, was ''Come and take me.''

That was at 7 p.m. last Monday, a full week ago. There has been no word from Hind or the ambulance crew since.

Mr. VAN HOLLEN. On the humanitarian front, millions of Palestinian civilians are desperately trying to cling to life as we speak here. I have met with the leaders of international humanitarian organizations who have operated in conflict zones around the world for decades and for decades. Every one of them—every one—has stated that their organizations have never—never—experienced a humanitarian disaster as dire and terrible as the world is witnessing in Gaza.

That is why 5 weeks ago, Senator MERKLEY and I traveled to the Rafah border crossing between Egypt and Gaza to see for ourselves what was happening, to talk to people on the ground.

What we saw and learned indicated that Palestinians—Palestinian civilians—are on the verge of starvation; that injured children are having their limbs amputated without anesthesia; that sewage continues to spill into the streets and contaminate the water supplies; and health officials are warning of the imminent outbreak of cholera and other diseases. Diseases like dysentery are already rampant, especially in kids.

That is why last week, 25 U.S. Senators wrote to President Biden urging the administration to do more to push the Netanyahu coalition to allow more desperately needed assistance to reach innocent civilians in Gaza. We outlined five specific measures that need to be taken immediately.

That was not the first time many of us wrote to President Biden to express our concerns about the conduct of the war in Gaza. We wrote to the President over 3 months ago, posing a series of questions, including what mechanisms are in place to ensure that U.S.-provided equipment is used in accordance with international humanitarian law? We did that because the United States is not a bystander in this conflict.

Israel is the largest annual recipient of U.S. security assistance, totaling more than $39 billion over the last 10 years alone. And right now, bombs and artillery made in America and paid for by Americans are being used in Gaza. So the U.S. Government and the U.S. Senate has an obligation to the American people to ensure that their tax dollars, our tax dollars, are used in the manner that aligns with our values and aligns with our interests.

That is why 19 Senators filed an amendment to the National Security Act, the supplemental national security provision that is before the Senate now and soon will be considered. That is why we filed an amendment to ensure that all recipients of U.S. military assistance in that bill—whether Ukraine, whether Israel, or whether it is one of our East Asian partners—use these U.S. taxpayer dollars in line with our values and our interests.

Our amendment is designed to create an accountability structure to ensure that countries that receive U.S. security assistance promise to adhere to humanitarian law and other applicable law.

It is designed to ensure that recipients of U.S. assistance promise to help facilitate and not arbitrarily restrict the delivery of U.S.-supported humanitarian assistance in conflict zones.

And our amendment included a provision to maintain accountability by requiring reporting be presented and provided to the Congress on whether or not the recipients of U.S. military assistance were, in fact, complying with those commitments on international law and allowing humanitarian aid to flow to conflict zones.

Importantly, the reporting requirements in our amendment also require information and an assessment about whether recipient countries—countries receiving U.S. military aid—are employing best practices to prevent civilian harm.

That is what our amendment does. We filed that amendment to this bill just a few days ago. In the meantime, since we first proposed this amendment in December, we have remained in regular communication with the Biden administration.

I want to thank all of my colleagues who cosponsored this amendment, including the original cosponsors—Senator KAINE, Senator DURBIN, and Senator SCHATZ—but also the 15 other colleagues, including the Presiding Officer who joined together in this effort to call for an amendment that made sure that we better align our military assistance with our values.

Our amendment applied these requirements to every country receiving military assistance in the supplemental national security bill, but our intention all along has been to expand this worldwide, to make sure that as the United States uses taxpayer dollars to provide security assistance to countries around the world, that we can tell those taxpayers that their money is being used and the military equipment purchased with their money is being used in a manner consistent with our values.

We began that conversation with the President's team at the White House. We had a chance to talk with them about our goals and the purposes of the amendment.

At the time we introduced this amendment, we said our goal is to get these provisions implemented, whether through amendment or through other means.

I want to salute the President of the United States—President Biden—because just last night, at 8:30 p.m., the President issued a historic national security memorandum, National Security Memorandum No. 20.

Madam President, I ask unanimous consent to have that printed in the RECORD.

NATIONAL SECURITY MEMORANDUM ON SAFEGUARDS AND ACCOUNTABILITY WITH RESPECT TO TRANSFERRED DEFENSE ARTICLES AND DEFENSE SERVICES

As outlined in National Security Memorandum 18 of February 23, 2023 (United States Conventional Arms Transfer Policy) (NSM–18), supporting foreign partners of the United States through appropriate transfers of defense articles by the Department of State and the Department of Defense is a critical tool for advancing United States foreign policy and national security objectives, including to:

(a) strengthen the collective security of the United States and its allies and partners by enhancing interoperability and supporting United States-led diplomacy in building and maintaining international coalitions;

(b) promote international peace and stability, and help allies and partners deter and defend themselves against aggression and foreign malign influence;

(c) strengthen United States national security by reinforcing respect for human rights, international humanitarian law, democratic governance, and the rule of law;

(d) prevent arms transfers that risk facilitating or otherwise contributing to violations of human rights or international humanitarian law; and

(e) strengthen ally and partner capacity to respect their obligations under international law and reduce the risk of civilian harm, including through appropriate tools, training, advising, and institutional capacity-building efforts that accompany arms transfers. Equally critical is ensuring that adequate safeguards and accountability exist with respect to transferred defense articles and defense services. Under the Arms Export Control Act (22 U.S.C. 2751, et seq.), both the Department of State and the Department of Defense implement end-use monitoring programs.

In addition, as a matter of policy, the United States always seeks to promote adherence to international law and encourages other states and partners to do the same. United States policy, including as reflected in Executive Order 13732 of July 1, 2016 (United States Policy on Pre- and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force), is for executive departments and agencies to engage with foreign partners to share and learn best practices for reducing the likelihood of and responding to civilian casualties, including through appropriate training and assistance. In order to effectively implement certain obligations under United States law, the United States must maintain an appropriate understanding of foreign partners' adherence to international law, including, as applicable, international human rights law and international humanitarian law. As a matter of international law, the United States looks to the law of state responsibility and United States partners' compliance with international humanitarian law in assessing the lawfulness of United States military assistance to, and joint operations with, military partners.

For these reasons, I am issuing this memorandum, which requires the Secretary of State to obtain certain credible and reliable written assurances from foreign governments receiving defense articles and, as appropriate, defense services, from the Departments of State and Defense, and requires the Secretaries of State and Defense to provide periodic congressional reports to enable meaningful oversight. In addition to the requirements of this memorandum, the Secretaries of State and Defense are responsible for ensuring that all transfers of defense articles and defense services by the Departments of State and Defense under any security cooperation or security assistance authorities are conducted in a manner consistent with all applicable international and domestic law and policy, including international humanitarian law and international human rights law, the applicable ''Leahy Law'' (22 U.S.C. 2378d, 10 U.S.C. 362), and NSM–18.

Section 1. Policy. (a) Except as provided below, the policy outlined in this memorandum applies prospectively to the provision to foreign governments by the Departments of State or Defense of any defense articles funded with congressional appropriations under their respective security assistance and security cooperation authorities, including with Foreign Military Financing and Ukraine Security Assistance Initiative funds, pursuant to 10 U.S.C. 333, and pursuant to Presidential drawdown authority under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318). Prior to the Departments of State or Defense providing such defense articles to the recipient country and, as applicable, consistent with the timelines set out in subsection (c) of this section, the Secretary of State shall:

(i) obtain credible and reliable written assurances from a representative of the recipient country as the Secretary of State deems appropriate that the recipient country will use any such defense articles in accordance with international humanitarian law and, as applicable, other international law; and

(ii) in furtherance of supporting section 6201 of the Foreign Assistance Act of 1961 (22 U.S.C. 2378–1) and applicable international law, obtain credible and reliable written assurances from a representative of the recipient country as the Secretary of State deems appropriate that, in any area of armed conflict where the recipient country uses such defense articles, consistent with applicable international law, the recipient country will facilitate and not arbitrarily deny, restrict, or otherwise impede, directly or indirectly, the transport or delivery of United States humanitarian assistance and United States Government-supported international efforts to provide humanitarian assistance.

The assurances described in this subsection shall be enforceable consistent with subsection (b) of this section.

(b) Upon an assessment by the Secretary of State or the Secretary of Defense that the credibility or reliability of assurances provided by the recipient country as required by subsection (a) of this section has been called into question and should be revisited, the Secretary of State or the Secretary of Defense, as appropriate, shall report to the President, through the Assistant to the President for National Security Affairs, within 45 days of such assessment and shall indicate appropriate next steps to be taken to assess and remediate the situation. Such remediation could include actions from refreshing the assurances to suspending any further transfers of defense articles or, as appropriate, defense services.

(c) Recognizing that a reasonable period of time is necessary to obtain the assurances required by subsection (a) of this section from foreign governments already receiving such defense articles from the Departments of State or Defense as of the date of this memorandum, the Secretary of State shall obtain the required assurances from those countries within the following time periods:

(i) For any country to which subsection (a) of this section applies and that is deemed by the Secretary of State to be engaged, as of the date of this memorandum, in an active armed conflict in which defense articles covered by this section are used, the Secretary of State shall obtain the assurances outlined in subsection (a) of this section not later than 45 days after the date of this memorandum and shall provide an update to the President, through the Assistant to the President for National Security Affairs, regarding the recipient countries that have provided such assurances. If the Secretary of State does not obtain such assurances within 45 days of the date of this memorandum, the transfer of defense articles and, as applicable, defense services, shall be paused until the required assurances are obtained.

(ii) For any country to which subsection (a) of this section applies and that is not deemed by the Secretary of State to be engaged, as of the date of this memorandum, in an active armed conflict in which defense articles covered by this section are used, the Secretary of State shall obtain the assurances outlined in subsection (a) of this section not later than 180 days after the date of this memorandum and shall provide an update to the President, through the Assistant to the President for National Security Affairs, regarding the recipient countries that have provided such assurances. If the Secretary of State does not obtain such assurances within 180 days of the date of this memorandum, the transfer of defense articles and, as applicable, defense services, shall be paused until the required assurances are obtained.

(d) This memorandum does not apply to (1) air defense systems; (2) other defense articles or defense services that are intended to be used for strictly defensive purposes or are exclusively for non-lethal purposes other than in armed conflict; (3) defense articles or defense services that are non-lethal in nature; or (4) transfers strictly for the operational needs of the Department of Defense.

(e) This memorandum shall apply to the provision to foreign governments by the Departments of State or Defense of any defense services the Secretary of State or the Secretary of Defense determines to be appropriate under their respective authorities in furthering the aims of the policy outlined in this memorandum.

(f) in rare and extraordinary circumstances justified by an imperative associated with the national security of the United States, and with concurrent notification to the President, including an articulation of the relevant justification, the Secretary of State or the Secretary of Defense may waive the requirements of this section. Such waiver should be as limited in time, scope, and nature as deemed necessary to advance the interests of United States national security.

Sec. 2. Congressional Reporting. (a) Not later than 90 days after the date of this memorandum, and once every fiscal year thereafter, the Secretaries of State and Defense shall report in written form and, to the extent additionally appropriate, through verbal briefings by appropriate senior officials of their respective departments, to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and, upon request, other congressional national security committees as appropriate. The written report shall address defense articles and, as appropriate, defense services, provided by the Departments of State or Defense described in subsections 1(a) and 1(e) of this memorandum, and shall include:

(i) any new assurances obtained since the prior report;

(ii) an assessment of any credible reports or allegations that such defense articles and, as appropriate, defense services, have been used in a manner not consistent with international law, including international humanitarian law; such assessment shall include any determinations, if they can reasonably be made, as to whether use has occurred in a manner not consistent with international law, and if so, whether the recipient country has pursued appropriate accountability;

(iii) a description of the procedures used to make the assessment described in subsection (a)(ii) of this section;

(iv) an assessment and analysis of (1) any credible reports indicating that the use of such defense articles and, as appropriate, defense services, has been found to be inconsistent with established best practices for mitigating civilian harm, including practices that have been adopted by the United States military, and including measures implemented in response to the Department of Defense's Civilian Harm Mitigation and Response Action Plan or incidents reviewed pursuant to the Department of State's Civilian Harm Incident Response Guidance; and (2) the extent to which efforts to induce effective implementation of such civilian harm mitigation best practices have been incorporated into the relevant United States security assistance program;

(v) a description of the procedures used to make the assessment and analysis described in subsection (iv) of this section:

(vi) a description of any known occurrences of such defense articles and, as appropriate, defense services, not being received by the recipient foreign government that is the intended recipient, or being misused for purposes inconsistent with the intended purposes, and a description of any remedies undertaken;

(vii) an assessment and analysis of whether each foreign government recipient has abided by the assurances received pursuant to section 1(a)(ii) of this memorandum, whether such recipient is in compliance with section 6201 of the Foreign Assistance Act of 1961 (22 U.S.C. 2378–1), and whether such recipient has fully cooperated with United States Government efforts and United States Government-supported international efforts to provide humanitarian assistance in an area of armed conflict where the recipient country is using such defense articles and, as appropriate, defense services; and

(viii) a description of any challenges to conducting the assessment and analysis described in subsections (a)(i)–(vii) of this section, including whether or not there is available information responsive to the subsections above.

(b) The written report and, where applicable, accompanying verbal briefing provided under subsection (a) of this section shall be unclassified but may be supplemented, to the extent necessary, with classified reporting as appropriate for the protection of classified national security information.

(c) The first report provided under this section shall include available information on the use, since January 2023, of defense articles and, as appropriate, defense services, provided by the Departments of State or Defense described in subsections 1(a) and 1(e) of this memorandum by recipient countries that engaged in armed conflict during calendar year 2023.

(d) The Secretaries of State and Defense shall notify the congressional committees specified in subsection (a) of this section within 7 days following any report provided to the President pursuant to section 1(b) of this memorandum and within 7 days following any notification provided to the President of the exercise of a waiver pursuant to section 1(f) of this memorandum, and shall notify the same committees of assurances newly received pursuant to section 1(a) of this memorandum within 30 days of receiving such assurances if not otherwise reported to the Congress within that time period.

Sec. 3. Definitions. For purposes of this memorandum, the terms ''defense article'' and ''defense service'' have the meanings given in section 47 of the Arms Export Control Act, 22 U.S.C. 2794.

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The requirements in this memorandum are not intended to reflect an understanding that they are required by treaty or customary international law, and this memorandum should not be understood or cited to that effect.

JOSEPH R. BIDEN, Jr.

Mr. VAN HOLLEN. What this national security memorandum does is effectively implement the terms of our amendment. It makes the provisions of that amendment effectively the law of the land and does other things as well.

I not only want to salute President Biden, I want to salute his National Security Advisor Jake Sullivan, the entire NSC team, and the entire White House team for taking this very important, deliberate, historic action. It is a very big deal.

What does it do? As our amendment, it pushes forward in a number of big areas.

First, it requires that every recipient of U.S. military assistance promise in writing, before receiving that military assistance, that they will comply with international humanitarian law and, as applicable, other international law. They have to promise in writing to do that before the delivery of U.S. military assistance.

No. 2, it requires that every recipient of U.S. military assistance must promise in writing to facilitate and not to arbitrarily restrict the delivery of U.S.-supported humanitarian assistance into conflict zones where U.S. weapons are being used by the recipient country. That promise also has to be made before the delivery of that military assistance.

And this national security memorandum has enforcement mechanisms to ensure compliance and to make sure that the U.S. Government has the tools to take action in cases of noncompliance.

It focuses, in the first instance, on countries that are currently in armed conflict and using U.S. weapons. That would include Israel. It would include Ukraine. It would include other countries that today are using U.S. weapons in conflict zones.

And it indicates that if those countries do not make these assurances, make these promises within the next 45 days, U.S. security assistance will be suspended.

It also has a provision that says the Secretary of State will inform the President of the United States if there is any information that the recipient countries that have made these promises are not keeping those promises to the American people and the American taxpayer and when the Secretary of State makes such notification to the President, that Congress will be informed.

The national security memorandum also has the robust reporting requirements included in our proposed amendment to help monitor compliance with the promises made by the recipient countries. They are promises to use U.S. military assistance in accordance with international humanitarian law and other international law as applicable. They are promises to facilitate and not arbitrarily restrict the delivery of humanitarian assistance.

The report will tell the Congress whether or not those countries are, in fact, doing those things and provide an assessment of what is happening.

The report will also include other provisions called for in our amendment. One of them, very importantly,

is that the report must assess and analyze whether or not the recipient countries that are engaged in armed conflict are deploying and using best practices to prevent civilian harm. Let me say that again. This report will require an assessment and analysis of whether countries that are receiving U.S. military assistance, engaged in armed conflict now, whether or not they are employing best practices to prevent civilian harm.

The national security memorandum prioritizes this reporting on countries that are currently using U.S. weapons in armed conflict. For those countries, the first report will be due in 90 days. Those countries include Ukraine, include Israel, and any other countries that are using U.S. weapons in armed conflict today.

And, very importantly, the reporting period that is covered will be a reporting timeframe starting January of 2023. So Congress will receive a report in 90 days on whether or not the recipients of U.S. military assistance are in compliance throughout last year and on into this year with those requirements set out in the national security memorandum requirements that we had in our amendment.

This really is a historic moment. This is a transformational moment in making sure we align U.S. security assistance with American values. It is a very sweeping memorandum.

As of 8:30 p.m. last night, it is the law of the land in the United States of America. It will give the President of the United States many more tools and more leverage to better ensure that countries that are using U.S. military assistance comply with the commitments they now have to make in writing—whether it is Ukraine, whether it is Israel, whether it is another country.

I spoke a little bit earlier about the fact that despite repeated requests from the Biden administration of the Netanyahu coalition to reduce the level of civilian casualties, to allow more humanitarian assistance into Gaza, that, for the most part, with some minor exceptions, those requests have fallen on deaf ears.

So we hope and believe and are quite confident that this national security memorandum, which adopts our amendment, will provide the President with the leverage, additional leverage needed to close that gap between our request and reality.

I urge the President and his team to make effective use of these new provisions.

(Ms. BALDWIN assumed the Chair.)

I urge the President's team to do that not just with respect to Israel but with any country that is receiving U.S. military assistance, because American taxpayers must be assured that the U.S. Government is doing everything in its power to make sure that as we provide assistance to partners around the world, that they are complying with their values and complying with the principles of adherence to international humanitarian law, international law, that they will help facilitate and not obstruct the delivery of humanitarian assistance to people in desperate need.

I want to again thank all of the cosponsors of this amendment, because there were many people who opposed this amendment. But I never understood the opposition to the straightforward principles that U.S. taxpayer dollars and U.S. military assistance should go to countries that commit to us that they will use that help that we are providing in accordance with international humanitarian law and commit that if they are engaged in armed conflict using U.S. weapons, that they will support U.S. efforts and other U.S.-backed efforts to provide humanitarian assistance to innocent civilians who are caught up in the crossfire through no fault of their own.

These seem like very straightforward principles, and it is about time that we took what has previously really been the sentiment of the United States and turn it into substance, to take rhetoric and make it more of a reality.

So I want to thank all my colleagues, including the new Presiding Officer, who helped make that happen.

I want to thank the President of the United States. I want to thank President Biden, who has said from the beginning that the United States must continue to be a beacon of hope and that we must have a foreign policy based on values, based on the rule of law, based on human rights. If we want to do that, we need to make sure that our laws match those ambitions. We need to make sure that we have requirements on the books that achieve those aspirations because aspirations that are not backed up with real leverage sound good, but they are not made real in the world we live in.

Thank you to all of the cosponsors to this amendment. Thank you to the President of the United States. This is an important new chapter in how the United States provides military assistance around the world and how we conduct our foreign policy, and I hope it will lead to a brighter chapter in the years ahead.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise today to urge my colleagues to pass the important national security package that is in front of us. This will reaffirm our Nation's commitment to our partners across the globe.

Earlier this week, many of us felt very strongly that we should move forward on the combination of bills that Senator LANKFORD, Senator MURPHY, and Senator SINEMA had negotiated. I strongly supported that bipartisan compromise and worked with them on a portion of the bill regarding our Afghan allies who had served with our troops, and I was really impressed by the thorough nature of their negotiations.

We know how important that bill was for our own national security. It would have given the President emergency authority to shut down the border when our border agents are overwhelmed. It would have made changes to our asylum system. It would have addressed processing issues and backlogs. It would have actually expanded legal immigration for things like work permits and visas.

I am grateful that the package we are considering today does include the bipartisan bill that I am part of to declare fentanyl trafficking a national emergency and allow us to impose tough sanctions on criminal organizations and fentanyl supply chain hubs, but I will note that this bill—because the other piece of this regarding fentanyl was not actually included yet in this bill, that would be the resources that we need to crack down on fentanyl trafficking at our border and ports of entry.

So not only was the bill that our colleagues sadly voted down good on giving the emergency authority to the President on the border to protect our own Nation's security—something they had been asking for—but it also did a very important thing when it came to fentanyl.

Why is this such a problem? In Hennepin County alone in the State of Minnesota, the sheriff recently seized enough fentanyl to kill every single person in that county—the biggest county in my State—and we are seeing similar things to that across our Nation.

So what this bill would have done—the original bill would have done—with the negotiation is that it would have actually given modern-day technology, cutting-edge technology to our ports of entry—all ports of entry, including airports and the like, including help we may need on the northern border, the Canadian border, when it comes to things like fentanyl. So that is why I hope that someday our colleagues will reconsider and join us in advocating for strong border security as well as for the work that needs to be done on the fentanyl epidemic.

The original package, as we know, is not being considered, but we also know how important it is to go forward when it comes to our leadership around the world, whether that means standing with our allies after the terrorist attack in Israel, whether it means making sure that humanitarian aid gets to innocent people in Gaza and across the world, or whether it comes to Ukraine.

I did want to spend some time talking about Ukraine, as I have been there a number of times in the last few

years. The first time I went was actually with Senator McCain and Senator GRAHAM during the first invasion back in January 2017. In fact, I spent New Year's Eve of 2016 on the border with Senator GRAHAM and Senator McCain and the former President of Ukraine. It was there that I learned so much about the Ukrainian troops. Even back then, there were snipers killing the troops at unbelievable rates, but they kept going back to protect their own homeland.

Fast-forward, of course, and we see an even more significant invasion by Vladimir Putin and Russia once again. Just as Vladimir Putin has shown his true colors, the Ukrainian people have shown theirs, defending their democracy in brilliant blue and yellow. They have succeeded in taking back a number of lands that the Russians have seized, and that is because of their unbreakable resolve, yes, but it is also because America took the lead, joined by dozens and dozens of allies across the world, from Japan to South Korea to Europe.

Now is not the time to give up. In the words of the NATO Secretary General, the war has become a ''battle for ammunition.'' Russia is firing nearly 10,000 rounds a day, while Ukraine is only managing 2,000. Our friends need our support more than ever.

In my last visit to Ukraine, with Senator Portman in the middle of the war, we visited Irpin. We saw the bombed-out maternity wards and the apartment buildings reduced to rubble. We saw the mass graves. Those atrocities have been met, of course, with the resilience of the Ukrainian people: the chef cooking meals for the troops on the frontlines; the nurse who traded in scrubs for camo and now serves as a field medic; the martial arts teacher leading an 11-man recon unit to keep his village safe. Those are people who stood up, and our country must stand with that democracy.

We must never forget President Zelenskyy's words on that worst evening in September, when everyone had counted them out, when all the pundits thought Russia would just roll over their country with their tanks and with their planes. What did President Zelenskyy do? He went down to the street corner and he said this. He said, ''We are here.'' Those simple words—''We are here.'' Well, that is our job now. We have to say the same thing—that we are here for them.

U.S. aid has empowered the Ukrainian people to take back the territory that is rightfully theirs. It has saved lives. It has given families hope that there will be a future—but not if we turn our backs on them right now.

Throughout our Nation's history, we have been there for free nations across the globe, and we must be there again. That gets to something that is not in the bill right now. It was in the original compromise agreement, and just like Ukraine, just like the Pacific, just like the help to Central Command and the help we must give given that our own troops are being attacked in the Middle East—it is the covenants we make.

I am here talking about the Afghan refugees, 80,000 of them approximately in the United States. They served alongside our troops. They served as interpreters. They served as intel gatherers. They put their own lives and their families' lives at risk. And they have been here. They have been in the United States.

That is why a bipartisan group of Senators have for now, sadly, years been working on a simple bill to make it clear that they are no longer in limbo. Many conservatives are supporting this bill.

I am filing a bipartisan amendment—that was just filed—with Senator MORAN. I thank him for his leadership as the ranking Republican on the Veterans' Committee and for joining me on this bill, along with Senator GRAHAM, who is a longtime lead author of our base bill on the Afghan refugees. Again, Senator GRAHAM, ranking member on the Judiciary Committee; Senator WICKER, Republican of Mississippi, ranking lead Republican on the Armed Services Committee, is filing this amendment with me; Senator CASSIDY; Senator MULLIN; Senator TILLIS; Senator MURKOWSKI; Senator CRAPO; Senator ROUNDS; Senator CAPITO; Senators COONS and BLUMENTHAL and many other Democrats as well.

We have that magic number to get over what we call our 60-vote threshold. We will win this vote, but we will win more than a vote if we are allowed to advance this amendment by both sides as they negotiate which amendments go forward. We will be more than just getting a vote; we will be standing up for keeping our covenants.

I am thinking of the people I have met, the Afghans, over the last year, the women I met with who served in the Afghan national army's Female Tactical Platoon. Our troops relied heavily on this platoon during the war. As our soldiers pursued missions hunting down ISIS combatants in unforgiving terrain and freeing prisoners from the grip of the Taliban, these women had their backs. They worked with our military's support team and facilitated discussions between our soldiers and the Afghan women whom they crossed paths with in the field.

After the war, they and so many others fled Afghanistan to build a safer, brighter future in America. One of the platoon's commanders even said that once she gets her green card, her plan is to join the U.S. Army. That is right. Even knowing everything she sacrificed for our country, leaving her family behind, putting herself in peril, she would do it all over again if we gave her the chance. I am in awe of her grit and her patriotism. Unfortunately—and this is a big ''unfortunately''—she and countless others like her are living in limbo, and it is our turn to do right by the people who stood with us.

When the Hmong and the Vietnamese came to this country—I know this well because my State has a very large Hmong population—we didn't leave them in limbo and tell them: Well, you are standing here on the ground in the United States of America after helping us out, but there is a trapdoor under you because every year you have to reapply, and you don't know what is really going to happen if you have to go back.

Are we going to send these people who stood with our troops back to the arms of the Taliban or are we going to do what is right?

This bill, which I have worked on with numerous Republican leaders, has a heavy-duty vetting—vetting—process. And I remind my colleagues that the vast majority of these people are here already. They are on our soil. We already know what they have been doing. In fact, we know that one of them, sadly, was murdered—an interpreter who was working as a driver late at night in the State of Virginia. I don't know if that is what he would have been doing if he wasn't in limbo. But that happened on our soil.

So all we are saying is that they be vetted and that they be able to get out of this legal limbo and treated with the respect they deserve.

Time and time again, our Nation's history has shown us that people who stand with us in combat don't diminish America; they strengthen America.

Our effort has earned the support of more than 60 organizations, including With Honor Action; including No One Left Behind; including Operation Recovery; the American Legion—was just with them yesterday as Senator MORAN and I and Coons and Blumenthal and others discussed this bill; the VFW—this is a major priority for the VFW; as well as some of the Nation's most revered military leaders who have lent their names.

At one point earlier last year, I went through hundreds of names of generals, retired generals who led our troops in times of war who support this bill, but today I mention Mike Mullen, ADM Mike Mullen, William McRaven, and Generals Richard Myers of the Air Force, Joseph Dunford from the Marine Corps, and Stanley McChrystal from the Army.

Maybe we should listen to them when we think about how we treat those who saved the lives of our troops, how we must keep our covenants because in the next conflict when we are standing up for democracies or standing up for American interests, what do you think people are going to say if they think they help our country, and our troops make literal, individual promises to them, and then they come back, and they don't know what is going to happen to them? Some of them are in hiding right now across the world because they know that they or their families will be killed if this continues.

We have built such a broad coalition of support because Americans from

across the political spectrum agree that it is our moral obligation.

When I am at home, vets come up to me—as I know they do to you, Madam President—they come up to me about all kinds of things; they always have: about their service, about their benefits, about what is happening with healthcare and burn pits. And we have advanced so many things to help them. But I have never seen anything more emotional for our soldiers that have served in Afghanistan than this, because they know the people that saved their lives and stood with them deserve better than this.

What we are asking for is a vote on this bipartisan amendment, and we know we can pass this amendment because we have enough sponsors on it to pass this amendment. This is the perfect bill. Why? Because it is a national security package. It is about our national security. It is about that; it is about standing with our partners; and, most of all, it is about showing the world when the United States of America makes a promise, makes a covenant, we keep it.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Vermont.

Mr. SANDERS. Madam President, one of the worst humanitarian disasters in modern history is now unfolding before our eyes in Gaza today—right now. And we, as the government of the United States, are complicit.

It has been 4 months since Hamas's terrorist attack started this war, and what we in Congress do right now could well determine whether tens of thousands of people live or whether they die. Already, the human costs of this Israel-Hamas war has been staggering. Madam President, 1,200 innocent Israelis were killed in the initial terrorist attack, and more than 100 are still being held hostage.

And as I have said many times, Israel has the right to defend itself against Hamas terrorism, but it does not have the right to go to war against the entire Palestinian people. As of today, Israel's response has killed more than 27,000 Palestinians and injured more than 67,000—two-thirds of whom are women and children. Let me repeat: Two-thirds are women and children.

Madam President, 1.7 million Palestinians have been driven from their homes, and, unbelievably, some 70 percent of the housing units in Gaza have been damaged or destroyed. This is an unheard of level of destruction—80 percent of people driven from their homes and 70 percent of housing units damaged or destroyed.

And while 1.7 million people are displaced from their homes, they have no idea where they will be tomorrow or whether or not they will ever return to their homes. And many of these men, women, and children have been displaced multiple times. They go here; they go there; they go there.

Most of the infrastructure in Gaza has been destroyed. Very few water wells or bakeries are functioning. The electricity has been cut since the beginning of the war. Sewage is running into the streets. Cell phone service is spotty or nonexistent. Most of the healthcare facilities in Gaza are not operational. Bombs falling, people getting hurt; and yet healthcare facilities not operational. Many facilities have been damaged in air strikes, and numerous, numerous healthcare workers trying to keep children alive have been killed. The facilities that are operational today lack the basic medical supplies that heroic doctors and nurses need in order to save lives and treat their patients.

And as horrible as all of this is, let me tell you what is even worse. As a result of Israeli bombing and restrictions on aid entering Gaza, only a tiny fraction of the food, water, medicine, and fuel that is needed—desperately needed—can get into Gaza. Even then, very little of that aid can reach beyond the immediate area of Rafah near the Egyptian border.

And let us be very clear and take a deep breath and understand what all of this means. It means that, today, hundreds of thousands of children are starving and lack clean drinking water. The United Nations says the entire population of Gaza is at imminent risk of famine, and some 378,000 people are starving right now. According to the U.N., 1 in 10 children under the age of 5 in Gaza is now acutely malnourished.

And when malnutrition impacts young children, it often means permanent physical and cognitive damage that will impact them for the rest of their lives. In other words, if food got in tomorrow, healthcare got in tomorrow, damage has already been severely done to tens of thousands of beautiful, innocent little children. If nothing changes, we will soon have hundreds of thousands of children literally starving to death before our very eyes.

And, unbelievably, that situation could even get worse in the immediate future. Roughly 1.4 million people—more than half of the population of Gaza—are now squeezed into the Rafah area. That is right up against the Egyptian border. Rafah was a town of just 250,000 before the war. It is a very small area, roughly 10 miles by 4 miles. Most of the people there are now packed into crowded U.N. shelters or sleeping out in tents. It is a daily struggle for them to find food or water.

Yet Prime Minister Netanyahu, the leader of Israel's extreme-right wing government, says that Israel will soon launch a major ground offensive against Rafah, where all of these people currently are. He will soon be forcing hundreds of thousands of desperate people to evacuate once again. In other words, exhausted, traumatized, and hungry families will be driven onto the road with no plan as to where they will go, how they will receive essential supplies or protection for their physical safety.

I cannot find words to describe how horrific this situation is and could become. Prime Minister Netanyahu has repeatedly said that the goal of Israel's military efforts is total victory. Yet asked recently what total victory would look like, he responded chillingly by saying that it is like smashing a glass ''into small pieces, and then you continue to smash it into even smaller pieces and you continue hitting them.''

And the question that we as Americans and as the U.S. Congress must ask is: How many more children and innocent people will be smashed by Netanyahu in this process? It is quite clear that beyond total destruction of Gaza, Netanyahu has no plan.

Yesterday, President Biden acknowledged the severity of this crisis, and I thank him for doing that. He said that Israel's response in Gaza ''has been over the top'' and added that ''there are a lot of innocent people who are starving. There are a lot of innocent people who are in trouble and dying. And it's got to stop.'' That is President Joe Biden.

President Biden is absolutely right. It does have to stop. It has to now, and that is in our hands. President Biden and Secretary of State Blinken have been trying to negotiate an agreement where Israel pauses its military operation while Hamas releases the remaining hostages. All of us hope that this deal comes together. We all want the hostages freed and the slaughter ended. But Netanyahu is resisting this proposal. In large part, this is because he is politically weak at home. Most Israelis likely blame him for creating this crisis. And in my view—my view—he is trying to prolong the war to avoid facing accountability for his actions.

Netanyahu didn't even wait for Secretary Blinken to leave the region this week before he publicly dismissed the hostage deal as delusional and brushed aside United States' concerns about expanding the ground offensive in southern Gaza. The Associated Press called this a ''virtual slap in the face'' to Blinken and the United States—a virtual slap in the face—and they are right.

Unbelievably—unbelievably—despite all of this, the U.S. Congress is prepared to spend another $14 billion on military aid to Netanyahu's rightwing government—$14 billion more, and 10 billion of this money is totally unrestricted and will allow Netanyahu to buy more of the bombs he has used to flatten Gaza and to kill thousands and thousands of children.

This is American complicity at its worst, and it is really quite unbelievable. Does the U.S. Congress really want to provide more military aid to Netanyahu so that he can annihilate thousands and thousands more men, women, and children? Do we really want to reward Netanyahu, even while he ignores virtually everything the President of the United States is asking him to do? Do we want to give even more support to the leader of the most

rightwing government in Israel's history, a man who has dedicated his political career to killing the prospects of a two-state solution?

That is really hard to believe, but that is exactly what this legislation before us will do. And what is even harder to understand is that in the midst of this horrendous humanitarian crisis, the legislation before us contains a prohibition to funding for UNRWA, the largest U.N. agency operating in Gaza and the backbone of the humanitarian aid operation. Israel's allegations against the agency are serious, and they are being investigated seriously. But you don't starve 2 million children and people and women—you don't starve 2 million people because of the alleged actions of 12 UNRWA employees.

The whole world is watching. Netanyahu is starving the children of Gaza. We cannot be complicit in this atrocity. As long as this bill contains money to fund Netanyahu's cruel war, I will do everything I can to oppose it, and I urge my colleagues to do the same.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to talk about some of the important issues that we are debating here on the Senate floor. Actually, they are quite important, and we are having a good debate. I want to just talk about some of the votes that we have taken in the last couple of days.

We voted on what I think was termed—really focused on—the Senate's border bill. A lot of people worked hard on that. I know the Presiding Officer did and Senator LANKFORD.

I did not vote to proceed to consider that bill. There are a whole host of reasons. I think the most important, from my perspective, was this administration—the Biden administration—came in and said: We are going to have a policy of full open borders—which they have. There is no doubt about that. Every American knows it, sees it. It impacts people in Alaska negatively—over 300,000 illegal immigrants in December, an alltime record, and on track for 10 million.

In my view, the border bill did not go far enough, and it is hard to trust the administration, even on provisions that we would want them to enforce, given their disastrous record for the last 3 years. So I was a no on that.

Then we turned to the national security supplemental. I want to talk a lot about that this afternoon because it is very important. I voted, actually, to proceed to the debate, to start debating—hopefully, amending—this important bill.

It is being called many things. Some are calling it the Ukraine bill, the Ukraine aid bill, the Israel bill. Having read it, having worked hard over the last 4 to 5 months to actually shape it, I think it should have a different name, maybe this name: the fighting authoritarian aggression national security bill. But probably the best title for this piece of legislation that we are now debating should be the national security industrial base renaissance bill.

I hope my colleagues take a look at it. I hope they read it. But I am going to explain why I think it should be called that, and then we are obviously going to have a good debate on this bill.

I am hoping that this bill—and I have mentioned this to my Republican colleagues, in particular—when people look at it and we debate it and try to make it better here on the floor, that it will unify the Republican conference, and, at the end, hopefully, get more support, because I think there is an important reason.

There are a lot of reasons why I think this can unify Members of the Senate, Members of the Republican conference. First, let me just go into one of the most obvious, which I think almost everybody agrees with. If you don't, maybe you are not reading the news. But we are in a real dangerous period, led by this guy—this new era of authoritarian aggression, as I call it, where you have dictatorships on the march, very aggressive. That is Xi Jinping, the dictator of China. They are going through the biggest peacetime buildup in world history of their military—biggest peacetime buildup ever, of any country ever.

I keep close tabs on what the Chinese are doing. This guy likes to dress up in fatigues. He is an aggressive, authoritarian dictator, working very closely with Putin; working very closely with the ayatollahs, the terrorists in Tehran; working very closely with Kim Jong Un, the dictator in North Korea.

These dictatorships are all working together. I won't go into all of it, but if you go to Armed Services hearings and Intel hearings, they are working closely together, and they are willing to use military force, particularly against their democratic neighbors, either directly or through proxies—like Hamas, when they invaded Israel—to try to undermine American interests and those of our allies. That is happening.

We are in one of the most dangerous periods since World War II right now. That is one reason that a bill like this should unify us.

Another is that our industrial base in the United States has dramatically withered, particularly in its ability to protect us. What do I mean by ''protect us''? To produce weapons systems, to produce ammunition. Again, this is a fact. If you don't believe that, well, maybe you should do a little more research.

Our industrial base is withering. It is a shadow of its former self during the Cold War, certainly, during previous wars.

Mr. President, let me just give you an example. You know a lot about submarines. We are supposed to be building 1.2 Virginia-class subs a year. That is our goal. We can barely build one a year. This is making our sub fleet, which is one of our greatest asymmetric advantages over this guy, shrink.

Even worse, 37 percent of our attack submarine fleet—that is about 18 subs—are in maintenance or idle or awaiting maintenance, just sitting there because we don't have the industrial capacity to maintain our submarine base. Anyone who studies this knows this is a giant, giant problem.

We all know this. If the bullets start flying, if a dictator like this launches a war against one of our allies, or Putin does or Iran does—they are trying to sink U.S. ships in the Red Sea right now, anyway, literally troops under attack—when the bullets are flying, that is not the time you need to build up your industrial base. So if we are in a real dangerous period, which we are, and the American ability, in terms of our industrial base, to protect our own country has withered, which it has, that is another reason we should be thinking: Let's do something about it.

A third reason the people on my side of the aisle should be taking this legislation seriously is that it is an opportunity to make up for what has been an incredibly weak Biden administration approach to national security. I talk about this a lot, but this administration is not serious about national security. The President has put forward three times in his budget each year Department of Defense cuts, inflation-adjusted cuts. He will crank up the EPA and the Department of the Interior 20, 25, 30 percent. The DOD, every year, Joe Biden cuts it.

The current budget shrinks the Army, shrinks the Navy, shrinks the Marine Corps. Do you think he is impressed by that? He is not.

In next year's budget, the Biden budget will bring the United States below 3 percent of GDP on military spending. It is probably the fourth or fifth time we have been below 3 percent in 80 years. Do you think he is impressed with that? He is not.

We have an administration, led by civilians at the Pentagon, who are not focused on lethality, who are not focused on warfighting, who have been distracted by some of these far-left social issues, which, in my view, have no business being in the Pentagon with our warfighters.

So this bill that we are debating right now is a chance to start a course correction in the dangerous world we are facing because of dictators like this and the very weak response of the Biden administration's approach to national security and defense, which they have always—go look at the budgets—always prioritized dead last of any Federal Agency.

So what does it do? Let's take a look. This is from an article from the Washington Post based on a study by the American Enterprise Institute on what this supplemental—this is actually where it was in November—what this does.

I think the most important point that I want to emphasize here is that this bill is primarily focused on rebuilding our military industrial base in this new era of authoritarian aggression. That is the principal focus.

Over half of the dollars that are in this bill—over half, over $50 billion—go directly to America's capacity, our capacity in States all across this great Nation, mostly in the Midwest and on the east coast, some out in California, to build weapons, to build ammo, and to be ready for war if it comes—over $50 billion. There will be thousands and thousands of jobs created by these direct investments in America.

This is a generational investment in our ability to defend ourselves. What do I mean by ''generational''? Some of these investments we will see 15 or 20 years from now, hopefully, still producing weapons, submarines.

Let me just give you a few examples. Let's start with submarines. Our greatest comparative advantage, relative to China—they are catching up in a whole host of areas, but not in terms of subs. This has $3 billion to go directly into the American submarine industrial capacity, which will unlock another $3 billion from our AUKUS agreement with Australia. That is $6 billion to our industrial base for submarines. There is $5 billion for 155 artillery shells; over half a billion for counter-UAS systems. On the other weapons systems, this is directly invested in America—Patriots, GMLRS, Javelins, Harpoons, Tomahawks, HARMs, TOW missiles—built by Americans for our defense.

Do you get the picture? Over $50 billion of this bill will go directly into our industrial base to defend ourselves. Working-class Americans, America's national security will benefit.

This is replenishing our weapons stocks, our ammunition stocks, for the U.S. military and, yes, for our allies to purchase, some of whom are at war today—Ukraine, of course, and Israel.

Now, there is a lot of focus on Ukraine and a lot of arguments about whether to provide continued lethal aid. I strongly support that. But this bill also focuses on other allies, which, like I said, in the Republican conference, I believe unifies us. Ukraine has been a debate. But let me start with Israel.

I have been out to Israel twice in the last year, including about 10 days after the October 7 attacks, with a bipartisan group of Senators. It is, obviously, our most important ally in the Middle East—one of our most important allies in the world.

Here is what I think a lot of people miss. Right now, if you go there, you will see it; you will feel it; you will understand it. Israel is under an existential threat to the very existence of their State and their people, as clear as day—Iran, all the proxies, Hamas, Hezbollah, the Houthis. This is not an exaggeration.

This Defense bill has close to $17 billion for Israel in U.S. forces, in U.S. Central Command, that, right now, are being attacked—right now: Iron Dome, David's Sling, interceptors—about 2½ billion for CENTCOM operations for our U.S. Forces, who are literally taking missiles from the Houthis right now on Navy ships in the Red Sea. I think everybody agrees: You have to fund our troops.

Let me give you another area that I think unifies us; should unify all Senators; I think it unifies a lot of Republicans. And that is Taiwan and INDOPACOM.

Taiwan has been kind of—not kind of—a big focus of mine throughout my career. I just retired from the U.S. Marine Corps last week, actually, as a colonel, after 30 years of service. My first deployment as a U.S. Marine was to the Taiwan Strait in 1995 and '96. Two carrier strike groups and a Marine amphibious ready group that I was a young infantry officer on, we were there as a U.S. commitment when the PLA was threatening to invade Taiwan. That is called the third Taiwan Strait crisis. It was their first Presidential election. American commitment was there.

I finished out my Marine Corps time as the chief of staff with the Marine Force's Pacific Command, which is a whole focus on Taiwan. The first time I ever visited Taiwan as a U.S. Senator, I will never forget. A number of Senators were there. We got on the bus. The head of our AIT embassy, essentially—not really an embassy, unofficial embassy—he welcomed us, an American citizen: Welcome to Taiwan. One of the most dynamic economies, one of the most vibrant democracies on the planet. And the only reason it exists today is because of the commitment of the U.S. military and America. For eight decades, we have kept Taiwan free.

The initial supplemental that came up to the Senate, it didn't have a lot for Taiwan or INDOPACOM. A number of us knew why. President Biden was getting ready to meet with President Xi Jinping. They didn't want to ruin the mood music at that meeting, so they didn't put much in to defend Taiwan—help us defend Taiwan—as the Taiwan Relations Act requires. So a number of us worked together—Senator COLLINS, in particular, and my office. This bill has about $16.4 billion for INDOPACOM relevant munitions, security assistance, capacity expansion to deter China in the Taiwan Strait and throughout the INDOPACOM theater.

Mr. President, I ask unanimous consent for the list to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SUPPLEMENTAL INCLUDES MORE THAN $16.4 BILLION FOR INDOPACOM-RELEVANT MUNITIONS, SECURITY ASSISTANCE, AND CAPACITY EXPANSION TO BOLSTER DETERRENCE AGAINST CHINA

$3.9 billion in security assistance to Indo Pacific allies and partners.

Unlocking Taiwan Assistance. $1.9 billion to replenish U.S. military stocks so DOD can transfer existing equipment and weapons on hand to Taiwan using Presidential Drawdown Authority provided in the FY23 NDAA. This is the quickest way to arm Taiwan for its own self-defense.

Indo-Pacific Foreign Military Financing. $2 billion for partners and allies in the Indo-Pacific to purchase U.S. defense articles, services, and training.

$542 million for INDOPACOM unfunded requirements.

$134 million for campaigning and Joint Training, Exercise and Experimentation.

$49 million for Joint Training Team Taiwan.

$25 million for Joint Task Force Micronesia.

$19 million for Joint Experimentation and Innovation.

$51 million for operationalizing near-term space control.

$147 million for Guam defense system.

$117 million for Persistent Targeting for Undersea.

$132 million for cruise missile motor capacity expansion that is chokepoint for long-range missiles such as Harpoon, Tomahawk, LRASM, and JASSM.

$3.3 billion to enhance the submarine industrial base in support of AUKUS and U.S. submarine production, including $282M for military construction.

$250 million for Treasury to provide a credible alternative to China's coercive financing practices.

The following defense investments funded in other categories of the supplemental (e.g. Ukraine, Israel, Central Command) also benefit INDOPACOM.

$2.7 billion to expand domestic production capacity of INDOPACOM-relevant munitions.

$755 million to increase production capacity for PATRIOT air defense missiles.

$158 million for solid rocket motor capacity expansion, a key components for numerous missiles relied upon by the U.S. military.

$199 million to expand industrial capacity for energetics, precision bombs, and batteries.

$1.6 billion to increase production capacity of 155mm artillery rounds and components to reach 100K rounds per month by the end of FY2025. Taiwan uses 155mm rounds.

$5.6 billion to increase U.S. inventories of INDOPACOM-relevant munitions.

$2.65 billion for additional munitions to include air defense and anti-tank weapons.

$915 million to replenish and modernize anti-radar HARM missiles.

$550 million to max out production of long-range precision artillery rockets (GMLRS).

$1.5 billion to procure 600K artillery rounds, a key capability for U.S. Forces Korea.

Mr. SULLIVAN. Mr. President, these are areas that I think can unify us: industrial base, workers, Taiwan, Israel. Like any bill, there are things in here I don't like: too much direct support to Ukraine, direct budget support. I think the European Union—Europeans—should be doing that, not us. Senator COLLINS did a good job of limiting that. It still has too much.

If we have an amendment process here, I have an amendment that would strip that. Focus on lethal aid, not budget support where the Europeans can do that. There are other amendments out here to enhance what we give our allies.

President Biden's team recently said we are not going to send any more LNG to Asia or Europe.

I just spoke with a very senior European elected official who thinks that is a real bad idea. We have an amendment that said you can't do that, Mr. President. We have to send energy to our allies. So there is a lot more we can do to improve this bill.

I will end with this. You know, one of the arguments against this bill will say: Well, you know what, we don't have to do anything in Ukraine; we will let Putin roll. But we will be real strong in Taiwan. We will be real strong all over the rest of the world. We will deter these authoritarians there; don't worry so much about Ukraine.

But, as you know, that is not really how the world works. It is not how the world works. Deterrence is not divisible. American credibility is not divisible. You can't say we are going to be real strong in the Taiwan Strait, but, you know, no problem in Ukraine or with Israel.

These authoritarians are working together, and we need a strategic response through this very dangerous period. And how do we know deterrence is not divisible? I think the Biden administration demonstrated it with their botched withdrawal from Afghanistan.

When that happened, a number of us, myself included, said: Watch. Watch. The authoritarian regimes around the world are going to test. They are going to probe. They are going to go into different areas and press. And, of course, that happened. I don't think you have the Ukraine invasion by Russia without the botched Afghanistan withdrawal.

But, again, what I am trying to do here with my colleagues—Democrats and Republicans—is say: It is not a perfect bill. I want to amend it. I certainly hope we can get to an amendment process. I know a lot of people want to get to that. But there is a lot in this bill—more than half dedicated to American industrial base, billions dedicated to Taiwan, billions dedicated to Israel—that I think should unite us. And I am hopeful that is going to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, there have been a lot of discussions over the last few days about a bill—a bill many months in the making; a bill that has been discussed, debated, and drafted, largely in secret. We saw it for the first time Sunday evening, at 7 p.m. eastern time.

That bill has a lot of material in it. As it was released to us Sunday night, it spent somewhere just shy of $120 billion. Since then, it has gone through some changes. It now spends just a little under $100 billion, about $95 billion. And it has been modified. Its scope has been narrowed.

I want to talk, first, just for a few minutes about how we got here or where we are in that process and then about some concerns I have with the bill as it now stands.

Last fall—the fall of 2023—there was a push spearheaded primarily by the White House but a push that included most Senate Democrats and some Senate Republicans—a push to get more aid to Ukraine.

Now, remember, the total aid the United States has spent on Ukraine throughout the duration of this conflict is somewhere in the neighborhood of $113, $114 billion. It is an enormous amount of money. The military aid component of that itself—at least until fairly recently—was more than the military aid provided by any other country or any other group of countries. It is an enormous sum of money.

All of this is going on at the same time that the American people are enduring some challenges—challenges that relate to an economy in which the dollar can purchase less and less every day. This is the inevitable, foreseeable, and, in fact, foreseen and widely warned of consequence of a government—this government based here in Washington, DC—that has been spending too much money for many years, that has been spending money to the tune of trillion-dollar and then multitrillion-dollar deficits year after year after year.

This has happened, by the way, not during a widespread economic depression but, really, during the top of an economic cycle in which most of the last few years, unemployment has been really low.

These are not things that the government has borrowed to spend more money on because of the fact that the economy has been severely sluggish and, therefore, unable to produce as much output as we would normally hope to have. No, this is just regular government spending run amok at the peak of the economic cycle.

And as a result of this spending—this spending that has involved multitrillion-dollar deficits for the last few years, including and especially during this Presidential administration—that many years of adding that much debt to our already gargantuan national debt, which now stands above $34 trillion, those things have a consequence. When we add that much debt—especially that much debt that quickly—because of the way in which the acquisition of new debt works in the United States, it has the same basic effect on the economy as just printing more money. Essentially, what is happening here is that we are contributing to the money supply; we have turned up the pace at which we are contributing to the money supply; and as a result, every dollar buys less.

How much less? Well, depending on which study you point to, a very conservative estimate is that the average American household has to spend about $1,000 a month every single month to buy the same basket of goods and services of basic necessities—from housing to healthcare, from gas to groceries—$1,000 a month more every single month to buy just the same basic necessities that they were buying prior to the day President Biden took office. And that is not very long. That does produce an effect. And it produces a type of misery that looks something like the following. Now, if people are on a salary, one way or another, it is a relatively fixed budget that most households operate on and, usually, a relatively fixed sum of money that they have to live on, whether that is through a salary or through a combination of sources, if they are independent contractors or if they are retired and live on a pension or something like that.

So that sum of money now has to take into account that everything costs about $1,000 a month more for basic necessities every single month, working out to about $12,000 a year. For some families, this may be more; for some, it may be a little less. But everyone is feeling the pinch. It is what happens with inflation. It hurts everyone. But it hurts the poor, middle-class Americans more than anybody else.

Rich people, interestingly enough, can find a way to get even richer, even faster, during times of great inflation. So it is one of many reasons why we ought to be concerned anytime we are going to spend a significant sum of money—a significant sum of money that is in addition to the ordinary operations of this government, the Federal Government—the government based right here in Washington, DC.

That is why it is important to think about what we are spending, how we are spending it, why we are spending it, and what consequences that spending might have.

For many of these same reasons, when this latest push to provide tens of billions of additional dollars over to Ukraine a few months ago, a number of Republicans, a number of Members—mostly Republicans, including Republicans in the Senate and Republicans in the House of Representatives—expressed concern over doing that. There was a wide range of concerns expressed. And I won't attempt to enumerate all of them. But I will just say that most of them followed along a few things. No. 1—the one that I just mentioned—inflation. The fact that we are spending a lot more money than we have, that causes inflation to become worse. The more we add to that dumpster fire, the more misery inflation is likely to create.

No. 2, this money is going to a war, a war half a world away, to which we have already contributed substantially. We have European allies that are much closer to the action—European allies that have provided some aid, provided far less military aid than we have; who have not been as quick to defend their own backyard turf as we would like and not nearly as quick to defend their turf as we have been as a country.

This matters. This matters in a number of ways. Remember, many of these allies of which I speak that are much closer neighbors to this conflict, much

closer to what is happening there, much more likely to be affected by the conflict in a direct way, are countries that belong to NATO. Remember, through NATO, for decades, the United States has been providing a significant portion of the European security umbrella, an umbrella that has benefited not only NATO allies but also their neighbors for many years.

Now, an understanding has evolved over time. There should be a certain percentage of GDP that NATO allies should be contributing to NATO. A certain percentage of their GDP should be devoted to security, to defense. A lot of those nations have not kept up with this and have missed it chronically and by a pretty significant margin. We have continued to provide our portion of the security umbrella to NATO, which is huge. It is enormous. It allows it to operate. It allows these nations to rely, to a significant degree, on our security umbrella.

Year after year, when many of those nations failed to fulfill their duties, their part of the expectation of what it means to be a NATO member, in time they get trained. They get acclimated to the fact that, hey, this is OK. This is a pretty good deal. As a result, they can spend money on whatever else they want. They can spend more money on their social welfare programs or whatever it is that they spend money on in Europe—maybe it is more wine, cheese, I don't know—whatever their governments are spending money on that is not defense when they fail to meet their NATO obligation. So as a result of that, they grow more and more dependent on what we spend.

Then, when there is a bad guy—Vladimir Putin—with a country—Russia—who goes in and without provocation attacks Ukraine, again, for the second time in a decade, then they look to us. It is understandable why they do that. They looked to us for a long time. We have shouldered a lot of burdens around the world. And in many respects, we have a lot to be proud of for that.

But this is a conversation that needs to happen because at what point should they have to match—no—at what point should they have to exceed as a percentage of GDP, perhaps collectively, those European nations in real dollars, what we have spent before we consider putting more on the line? That is a significant concern.

Some have also expressed the concern that we are devoting all this time, attention, and an enormous sum of money to securing Ukraine's borders when our own borders are insecure. We have been flooded with what some estimate to be about 10 million people who have come into this country without documentation since January 2021 when Joe Biden took office. They wonder why we are doing so much to secure the borders of another country half a world away while doing little or nothing to secure our own.

Some have also noted, whenever we get involved in a proxy war—spending a lot of money through another country to fight yet another country—that is very often how we get involved in a much larger conflict. This wouldn't be the first time that has happened or the second time. It has happened a number of times. The most familiar one people think of is Vietnam. We start out with proxies. We build, we get drawn in, and we are eventually direct combatants.

It is worth considering, worth taking into account, not necessarily dispositive of whether we get involved in any war, but this is a war we have been fighting through a proxy—Ukraine—against an adversary—Russia—with a very large nuclear arsenal, one that is large enough to destroy the United States many, many times over. That has to be taken into account. That question becomes more meaningful every time we invest more money, every time we increase the lethality, the type of weapons assistance that we are providing to them. Those all need to be taken into account.

Sometimes we don't have those conversations. For those and other reasons, a number of people, mostly Republicans—Republicans in the House and Republicans in the Senate—have expressed some concern about providing additional Ukraine funding.

Last fall, when this push started in earnest, Republican leadership in the Senate suggested: Look, maybe what we should do, given that most or all Democrats in the Senate really want this funding to Ukraine, and we have some Republicans who want to be supportive but not as many—maybe we should offer up something else to achieve a compromise, to achieve something else that is important to most, nearly all—I would hope all Republicans in the Senate—and that is U.S. border security.

So for the last few months, we have anticipated what would come of some negotiations, which, unfortunately, became a lot more clandestine than I would have preferred. I speak not critically of our negotiator, JAMES LANKFORD, who is a dear friend and a good man. I think he was doing the best he knew how to do with the cards he was dealt. But those negotiations, to my great dismay and disappointment and that of many of my colleagues, occurred without our day-to-day awareness of what was happening. We were not kept informed of exactly what was in there. We were given very few details, and those details emerged mostly in the last few weeks before this document was made public Sunday night at 7 p.m. Eastern Standard Time, when we finally saw that measure.

The reason why we shouldn't have months of secret negotiations in which most Senate Republicans were kept out of the loop became more apparent. The objectives of the negotiating team had drifted pretty far from the original stated concerns of many, if not most, Senate Republicans when we embarked on this process.

The idea was to use the fact that we have a lot of enthusiasm on our side of the aisle to secure America's border and to pass legislation that would force that, that would virtually guarantee that, that would make it very difficult—very difficult to the point of being impossible—and that we would continue to set all the wrong records, as we did in the month of December and as we have so many times during this administration, on the number of people coming across the border, the number of people trafficked into the United States by international drug cartels.

The drug cartels, by the way, are earning many billions—probably tens of billions of dollars—every year smuggling human traffic into the United States and with that human traffic are bringing in a whole host of other problems carried by them and inextricably intertwined with the human traffic they brought into the country, including enough fentanyl that in the last couple of years has killed over 100,000 people per year, enough fentanyl that if distributed widely enough, could kill every American living in this country, every single man, woman, and child.

I was told by the Border Patrol during a recent visit I made to the border in the Rio Grande Valley that for the first time since the 1860, since the adoption, in fact, of the 13th Amendment prohibiting slavery and indentured servitude in America, we now have significant numbers of people living in indentured servitude, many of them in the form of sex slavery, paying off the debts that they incurred while being smuggled into this country by the drug cartels. There was a lot of enthusiasm, for that reason, to stop that, to make it more difficult for that to continue. And that was the whole point of merging those efforts.

So when the legislation came out Sunday night and we saw that—you know, while there were some changes in law that might have been helpful over time—there was nothing in there requiring the border to be materially more secure. There were enough loopholes in there, as I read it, enough loopholes in there that not only did it not guarantee a significantly better result on border security, but in some respects it could actually make some problems worse. It could at least prolong the problem.

Those concerns were expressed. On a dime, it seemed, Senate Republican leadership turned on that very legislation they had been touting for months: It is under development. Wait until you see it. Instead of trying to fix that, instead of saying: All right, let's go back to the drawing board and see where the problem areas are, what we can fix, what we can't fix, they said: Let's not do it at all. They started quoting Republican Senators, Senators like me who had said the President of the United States can use existing law. And with that existing law, he can make material steps toward securing the border to the same degree that was achieved in the last administration

using the exact same laws; that the border security crisis, as we see it now, is not itself something that exists for want of adequate legislative authority in the hands of the President.

No, it is a willful choice on the part of the President and the Secretary of Homeland Security not to enforce those laws aggressively; in fact, in many cases not to enforce them and in some cases to openly flout the law, as he has, by admitting a couple of million people into this country under so-called immigration parole authority, parole authority which is supposed to be used only on a case-by-case basis and never a categorical basis, as it has been recently by this administration, to admit millions of people into this country. The President still could enforce the border.

Republican leadership then made the unfortunate choice to say: Well, you Republicans who care about border security have been saying it is not the lack of adequate legislative authority that the border is not being enforced. Therefore, you guys shouldn't be pushing for any border security language at all, so we will jettison that part.

That was never the point. The point was we were going to achieve a compromise. True compromise between the party should entail getting one thing one party likes and another thing another party likes and enough steam for both of them to pass when neither of them can pass. So they missed the point.

By missing that point, they also missed a real opportunity, perhaps, to get something done there. That is unfortunate. Now, we still had a chance. I made the case over the last few days that we could still offer up something. In order to do that, Republicans would have to come together, and they would have to debate both of the cloture motions we had over the last 48 hours. And after defeating both of those, say we are working on a proposal that could actually get us there—one that could include material reforms, like H.R. 2, which has been passed by the House of Representatives. I know it is something that Senate Democrats don't necessarily dream about passing—not necessarily wild about it—but it is something that would materially advance the cause of border security and materially change the circumstances on the border.

Even though the President doesn't have to have new legislative authority, this would force that, and we could force that by harnessing the enthusiasm for Ukraine aid.

But, alas, 17 or 18 Senate Republicans chose last night to move forward—or yesterday afternoon, rather—to move forward and vote for cloture on the motion to proceed, notwithstanding the fact by then, they had cut off anything having to do with border security.

This was unfortunate. We waited for months for this language. This language didn't do the job. We could have come up with other language, but we had to stick together as a team. So much for teamwork. That didn't pan out. That really is tragic.

We now find ourselves faced with a bill that focuses on this supplemental aid package, an aid package of $95 billion, the vast majority of which—close to two-thirds—goes to Ukraine. Some of it goes elsewhere. We will talk more about that in a moment.

There is a lot in here, a lot to cover, but let's start with the fact that in addition to the aid sent to Ukraine or sent to the Pentagon to replenish stockpiles of weapons that have been released to Ukraine under Presidential drawdown authority or otherwise, in addition to all that, it provides some $238 million—roughly a quarter of a billion dollars—to cover deployments of U.S. troops to Europe.

That is significant. It begs all kinds of questions. Why is that happening? Where is it going exactly? If we are doing that, does that mean we are getting ready to be involved directly or kinetically in this war? What does that mean? Why are we doing this, by the way, without a plan, a comprehensive strategy for Ukraine? What is it that we want to achieve? How far are we willing to go to get there? Are we going to be directly involved? At what point will we be adopting or must we consider an authorization for the use of military force or a declaration of war? All those questions are left unaddressed by this as we spend roughly a quarter of a billion dollars on additional troop deployments to Europe.

It allows for an additional $7.8 billion worth of weapons to leave our stockpiles, U.S. stockpiles, immediately. This is a pretty big sum of money.

Now, keep in mind that for many of these weapons, especially many of the weapons that seem to be the most talked about and the most useful here, a lot of them, including the weapons systems known as HIMARS, Javelins, ATACMS—those are things that are being deplenished, have been depleted very rapidly from our stockpiles, as we have been sending them to Ukraine. They also happen to be many of the same weapons that may become very valuable, very much in demand, and very much are now in short supply should additional need for them break out in, for example, Taiwan or Israel.

So as the planet is becoming a more dangerous place and we are depleting those, yes, we are authorizing an additional $7.8 billion of weapons to leave our stockpiles immediately. Now, why is this significant? Ordinarily, there is a default rule set into law that says you can't have more than $100 million in weapons leave our stockpiles through Presidential action alone without a new law being passed by Congress to allow that—$100 million, one-tenth of a billion dollars. This is many times that. And I understand that this is a deliberate choice. Congress can do that. After all, it is a statute that imposes a cap. Congress, having adopted that cap, can increase or decrease the cap anytime it wants to. But let's think about why. Let's think about how much this makes sense. Let's think about whether and to what extent this is in our interest—$7.8 billion. This is almost 80 times, about 78 times the ordinary drawdown authority that we would allow absent some extraordinary action.

Now, when those weapons are released—as many of them already have been under previous authorities—we are still looking at years before many of them can be replenished. This is not stuff that we can just produce tomorrow. You can't just turn on a switch or place an order. This is not like ordering a new set of double-A batteries from Amazon. No, this takes a fair amount of time. In fact, for some of these weapon systems—many of them, in fact—I am told it may well be impossible for us to replenish them prior to 2030. Who knows where we will be then. Who knows what conflicts might require their use by then. And will we find ourselves unprepared? One can easily imagine scenarios in which we could.

If we have to engage, for example, in the Indo-Pacific in the near future—let's say Beijing fulfills the fears of many for years and decides to make a move on Taiwan—what happens then if our shelves are barren, left barren because of this conflict? I think that needs to be discussed more than it has been.

That is one of the most unfortunate offshoots—and there are many—of the way this bill has been handled over the last few months. We put it on the back burner while it has been negotiated and negotiated, we thought initially—we hoped, believed initially—under terms that would involve our being apprised and informed regularly about what was happening and allowed to see text. That didn't happen.

When we finally saw text, that text didn't contain what most of the Senate Republican conference asked for at the outset. Now, because of concerns with that part of the bill, that part of the bill was just jettisoned, and we are back to just the foreign aid stuff to be spent mostly in the same three areas we had talked about at the very beginning.

As a result of all of that, it is as though there has been a distraction. One could use this to distract people from conversations like this one. So we shouldn't be rushing this one. We should have conversations about that and figure out whether it makes sense and what we are going to do in order to protect ourselves in current and such future conflicts as may arise, as to which we have no ability to predict right now.

The legislation also allows for the Department of Defense to enter into new contracts for a total of $13.7 billion in new equipment—new equipment specifically for Ukraine through the Ukraine Security Assistance Initiative—with no requirement whatsoever

for the Biden administration to prioritize contracts for our own readiness, for America's defense.

Why should we be worried about that? Well, as we are worried about replenishing the stockpiles of the weapons I just referred to a moment ago, we are placing new orders, new contracts, new money—$13.7 billion for additional weapons—and those are all going out without any obligation on the part of the Biden administration to negotiate in a preference for a priority basis for weapons to be used by the United States to be placed back in the U.S. stockpiles. Where does that leave us? Well, I think it leaves us back in a similar position to what I described a moment ago.

Look, our military is the most feared force in the world with good reason. We have the best and the brightest men and women in the whole world ready to fight for us at a moment's notice, and we also have the best weapons systems in the world. But when you get to be king of the hill, as our military currently is and I hope will be for the entirety of the time I am on this planet and I hope in perpetuity, you don't get to that point and then consider yourself immune to the risk of being thrown off that hill. The minute we deplete our weapons stockpiles is a moment that we should be concerned.

The legislation also funds the Ukrainian National Police. It funds the Ukrainian National Police and State Border Guard in Ukraine with $300 million. That is great. I am glad that Ukrainians are concerned about Ukraine's borders—enough that they have apparently asked us for this assistance—but this bill contains nothing to secure our border. Last I checked, Ukraine is not being besieged by immigrants from all over the world, including a lot of people on the Terrorist Watchlist, including people from countries as far from Ukraine as the United States is from Afghanistan and Syria and China and all kinds of countries that are not in or connected to Latin America.

See, that is another thing I learned on my most recent trip to McAllen, TX, from the Border Patrol, who told me that this is not what we have seen in the past, not what we normally expect to see coming across the borders. You have people from all over the world, including parts of the planet where there are a lot of people who don't like us very much and are known to plant people, to come into our country without let's say gestures of good will on their minds—yet another reason why this bill should give the American people pause. It should give us pause.

If we are willing to spend that on Ukraine's border security, why not ours? Yes, I know they are at war, and that is significant. That is tragic. Yes, Vladimir Putin is a bad guy, and we don't want him to be able to pursue his ambitions. Our job first and foremost is to protect this country. When we can protect other countries half a world away, we ought to have that discussion, and we ought to have that discussion in a way that makes very clear to the American people how that benefits them directly, how that makes them safer.

I don't mean to suggest that any of these questions are easily answered, but I do mean to say emphatically that American border security, which is at risk in ways that it never has been not just in my lifetime but in the entire existence of this country—at least since the end of the War of 1812 but in other ways, since it came to be—we are in deep trouble with our border security.

People are pouring across who do not mean us well, and we have to be concerned about this. This bill turns a blind eye to that, even while fetishizing border security in another nation half a world away.

I don't think the American people will take enormous comfort when they hear these and other concerns, when they learn that $7.8 billion to be sent to Ukraine through this legislation will go to ensure that Ukrainian bureaucrats don't miss a paycheck. We send this thing over as part of the economic support fund for Ukraine, and it is there, as I understand it, to make sure that every government employee in Ukraine doesn't miss a paycheck, gets paid for an entire year. Billions of dollars to subsidize all kinds of things in addition to paying their government workforce. My understanding is that it is also going out in various grants to subsidize everything from clothing stores to people who sell concert tickets for Ukraine, all while making sure their budget is fully funded for an entire year.

All this is happening while Americans are living paycheck to paycheck and where that paycheck doesn't last very long, like it used to, because they have to shell out an additional $1,000 a month every single month, and this trend has been ongoing ever since January 20, 2021, when Joe Biden took office, and, not coincidentally, this inflationary cycle steadily became worse and worse.

The bill also begins Ukrainian reconstruction. Now, this one is interesting. In most parts, it sends $25 million for the transition initiatives account of USAID, and it sends this out for frontline and newly liberated communities, communities reclaimed from previous Russian occupation.

There are a couple things about this that concern me. No. 1, I am not aware of a lot of communities that have been reclaimed. I am sure there are some. I am told there are a few, but they are few and far between.

Sending $25 million—I suppose the only reason it is that small a number—you know, most Americans think of $25 million, and they say that is an enormous sum of money, and it is. It certainly is. And that has been hard-earned by the people who have paid it. But compared to the rest of this bill, it is a tiny drop in a very large bucket.

So why should that be concerning? Well, for setting the predicate now for the fact that it is going to be the United States on the line—U.S. taxpayers on the line most notably—in order to fund these transition initiatives. Does that mean we are going to be responsible for rebuilding Ukraine as, if, when this war is won? Is that our job? Do we have to rebuild these buildings? Is it a hard-working mechanic from Denver, a plumber from Boston, a police officer from Provo? Why exactly are their paychecks and their dollars and their bank accounts and their hard-earned money being tapped for that? And more to the point, if they are going to be on the hook not just for these isolated, Marshall communities, then does that mean if—when—this war is finally won, we will be doing all of that? They will be concerned about that, and they have every reason to be.

(Mr. OSSOFF assumed the Chair.)

Now, the legislation does ask for a multiyear strategy for Ukraine, and it is a good thing to have a strategy. I wish we had a strategy for how this war is going to be won and how our role in it helps bring an end to that and how to prioritize different actions that we might undertake and what they might cost, what they might entail. But this strategy of which I speak places the United States at its helm, and as I understand it, it doesn't do the things that I just described that need to happen, but it does put the United States at the helm, sort of in a pole position, as the people in charge of this outside of Ukraine.

I am not sure that is a great idea. It seems like yet another gift to woke and complacent European allies already not meeting their NATO obligations that refuse to own up to the responsibility of protecting and securing their own continent in their own backyard.

Now, that takes us to another area of concern, to a different part of the world. The nearly $10 billion for humanitarian aid in this bill—somewhere between $9 and $10 billion when you add up a couple of accounts—that by the terms of the legislation may be used in and around Ukraine and in and around Israel, some of that money, one has to assume—in theory, all of that money—could end up going to Gaza, humanitarian relief in Gaza. Of course, there are dire humanitarian conditions in Gaza, and that is heartbreaking. But there is nothing in this bill that, as I view it, prevents that money or such money as goes to Gaza from ending up in the hands of Hamas and benefiting Hamas. And as I look at—I am not sure there is a way to do it. And that is one of the reasons why I am concerned that there isn't a restriction on aid to Gaza here because Gaza itself is under the thumb, not of a state, not of a government as we would conceive of it—it is unlike anything we have ever known here and hopefully anything we ever will know on this continent, certainly in this country. But to say we are

going to give aid to Gaza, but without it benefiting Hamas, it is almost impossible to conceive of.

Let's remember what has happened in the past with other conflicts where we have sent humanitarian aid to other entities, places like, I don't know, Afghanistan, for example. Don't worry. This is humanitarian aid, and it is not going to get into the hands of al-Qaida and its affiliates—the bad people in Afghanistan who rule over Afghanistan with an iron fist—and it did. It empowered them. It emboldened them. It ultimately helped arm them.

We are fooling ourselves if we think this is going to be any different. So it troubles me that we didn't draw a hard line there, acknowledging that almost any aid that we make available for Gaza is going to end up helping Hamas. And when you help Hamas, you are helping Iran and its proxies wage a war of terror, not only against Israel but against the United States, against Western civilization.

This should concern all of us: Democrat, Republican, Independent. I don't care. It should be worrisome. We saw the devastation that rained down on Israelis who had, themselves, done nothing—nothing—to deserve this on October 7. We saw the inhumanity unfolding there.

It is the tip of the iceberg compared to what they want to do, what they have promised to do, what we may well unwittingly equip them to do if we are not careful, and we have not been careful here. Shame on us.

It also perpetuates the cycle of endless, unconditional wars in the Middle East, wars bought and paid for by the United States. It encourages escalating conflicts in the region to the tune of $2.4 billion going to Central Command, risking direct engagement with Iran. Whenever we do this, we risk that. There is so much in this bill that risks imminent conflict with Iran, and you don't think we are talking about that?

We have been so caught up talking about the palace intrigue associated with these phantom border security provisions that we didn't get to see for months. And when we saw them, we had concerns about them. And when we voiced those concerns to Republican leadership, we were told too bad, too late. We are going to characterize you as the reason this failed, and we are not going to consider anything else. We are going to join up with the Democrats to support cloture on the motion to proceed to legislation that unites the Democrats—all but one in yesterday's vote—and sharply divides Republicans. What were there? Seventeen Republicans who voted to support them. Uniting Democrats, sharply dividing Republicans, while advancing Democratic policy interest. This is deeply concerning.

I want to get back to Gaza for a moment. I think a lot of Americans would be absolutely shocked and horrified to learn that Congress has almost no visibility into how our funds are used within the United Nations and other multilateral globalist organizations.

With Ukraine alone, our own government admits that ''routing U.S. assistance funds to Ukraine through multilateral institutions . . . where U.S. donations will merge with funding streams from other international donors [and that that] has the potential to reduce transparency and oversight.''

So I use this here in the context of Gaza by comparison. We know what we are doing. This is not a surprise. When we put money out there into the stream of international commerce, into the stream of international government-to-government business dealings, we know full well that that is going to end up in the hands of others, will be placed, in turn, in the hands of others. And before we know it, we have lost any opportunity to have transparency or to achieve any degree of oversight.

So why would we expect that routing our assistance for Gaza through the United Nations will be any different, that it will be 1 degree different. We shouldn't. We are foolish to think that. In fact, think about it: decades of the United States bankrolling the entire United Nations' system. We are, by far, the United Nations' largest benefactor, much to my dismay. We have been for some time. But decades of the United States bankrolling that whole system in the United Nations has made taxpayers complicit in all sorts of things that Americans don't like, don't want, and have every reason to oppose. But somehow we, and the United Nations, end up being shielded from this because of how many times those dollars change hands.

Well, it is not on us anymore. It is on this person. It is on the United Nations. The United Nations says: Well, we give it to this entity. We give it to that entity. Before you know it, nobody is in charge. Nobody is accountable for where the money went, how it was spent, and whether it harmed those who worked many hard hours to pay their taxes in the United States to fund those things.

And in doing that, we made taxpayers complicit in all kinds of things: in terrorism; in blatant, virulent forms of anti-Semitism; and in the indoctrination of generations of children living in Gaza.

That is one of the reasons why, once we are past this phase, once we are past the motion-to-proceed phase—assuming we pass it, which appears far too likely for my comfort—I will be introducing an amendment, an amendment to clarify that not only will our dollars stop funding UNRWA—which, mercifully, this legislation does. Mercifully, this legislation says none of it can go to UNRWA, a U.N. entity that has been particularly problematic in promoting anti-Semitism, violent rhetoric, advocating for acts of violence against Jewish people, and other hateful rhetoric. Not only will our dollars stop funding UNRWA, but they will no longer fund any U.N. organization operating in Gaza.

Look, we have been down this road before, funneling our aid dollars through multilateral institutions, and we know exactly how this ends. Without my amendment—I have got others, lots of others, in fact—but without this particular amendment of which I now speak, there is nothing in this bill to prevent the administration from taking funds that would otherwise have gone to UNRWA and redirecting them to any of the or any combination of the nearly 2 dozen other U.N. entities that happen to operate in Gaza, where we lose all visibility into where our dollars end up and how they are used.

Look, enough is enough. Like most multilateral institutions supported by the United States as the principal benefactor or not, the U.N. is a bloated, corrupt system far past its prime, and it has proven adversarial to U.S. interests, interests of the United States as a whole and of its people.

A truly just outcome would be for us to stop funding the United Nations overall, and I have been advocating for that. But that is a discussion point for a different day.

But the point here that I have to make is that we can't trust this administration not to fund U.N. programs in Gaza, and we can't trust the U.N. not to fund terrorists, which is exactly why my amendment is urgently needed.

Before I close, I also want to talk about another amendment that I will be introducing—again, this is a nonexhaustive list—but another one that needs to be mentioned here is one that imposes restrictions on the economic support fund in the legislation, the economic support fund relative to Ukraine.

Every dollar in economic aid in this bill for Ukraine really is, as written, it is a slap in the face to every hardworking American battling the cost-of-living crisis created by Bidenomics here at home.

Now, economic aid isn't going to win the war for Ukraine. On the contrary, economic aid may, at best, prove to be a waste of money, may, at worst, end up prolonging the conflict, prolonging the problems and the agony from it by masking the true cost to Ukrainians and to Europeans, more broadly, of this conflict. Americans would be furious to learn that billions of dollars out of their paychecks are subsidizing clothing stores and concert tickets for Ukrainians, while families here live paycheck to paycheck.

Now, some of my colleagues called the billions of dollars in economic assistance provided to Ukraine a small amount. Really? Economic assistance makes up 34 percent of the $113 billion in assistance the United States has already provided to Ukraine. Calling that a small portion is an insult to every struggling American, every American family struggling to put food on the table and a roof over their heads.

But leaders of both parties will tell you that this bill will cut economic aid

to Ukraine. Well, that is a lie. One doesn't cut aid by adding to it. And let's be clear: Providing $7.8 billion instead of Biden's initial boondoggle request of roughly $11 billion is not a cut. It is simply starting with a larger number only to reduce it. It is not a cut.

The bill, as written, mercifully prohibits pension pays out of that economic assistance fund, but it allows American tax dollars to keep paying the salaries of Zelenskyy and his bureaucrats.

Now, my colleagues have also said that cutting economic aid to Ukraine in this bill sends a message to our European NATO allies to step up and do more. But make no mistake, this is a laughable attempt at burden sharing.

Look, my time is expiring. I will be back. I will be back to speak more of concerns that I have with the legislation and ways that I have come up with that, if passed by this body prior to passage of this bill, could make some things better, could make some things less bad. I think, at this point, that may be the best thing we can do. We will do everything we can do it.

Make no mistake, this bill is a mistake. It has been written in the wrong way, and it serves the wrong people. Our job, first and foremost, is to do no harm to the American people, and, on that front, this bill fails miserably.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes, Senator MURRAY be permitted to speak for up to 5 minutes, and Leader SCHUMER for up to 5 minutes prior to the rollcall vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SUPPLEMENTAL FUNDING

Ms. COLLINS. Mr. President, I rise to urge strong support for the national security supplemental appropriations bill before us.

Earlier this week, General Kurilla, the Commander of U.S. Central Command, told me that this is the most dangerous time in 50 years. The threats the United States faces from an aggressive Iran and its proxies, an imperialist Russia, and a hegemonic China are interconnected, and they require our immediate attention. That is why this bill focuses not only on strengthening our allies but also on fortifying our military and rebuilding our own defense industrial base.

Since October, there have been more than 170 attacks on U.S. servicemembers throughout the Middle East. We have seen unprovoked attacks on our naval ships and the loss of two Navy SEALs at sea and three brave servicemembers in Jordan.

Merchant ships have been attacked in the Red Sea. They have been protected by our Navy ships, including, I am proud to say, the USS *Carney*, a destroyer built at Bath Iron Works in Maine, which has shot down numerous Houthi UAVs.

Despite the perilous times we live in, I heard a colleague suggest on the Senate floor that we are not ready to consider this bill. I would contend that we cannot wait any longer.

He also implied that it had been shrouded in secrecy. That is simply inconsistent with the facts.

The package before us is the result of months of deliberations, starting on October 20, when the President submitted his national security supplemental request to Congress, available for all to read and review.

On October 31, the Senate Appropriations Committee held a 3½-hour hearing on the request. Virtually every Member of the Committee attended. Secretary of State Blinken and Secretary of Defense Austin testified. Prior to this hearing—this public hearing—the last time the Committee held a hearing on a supplemental budget request was March 25, 2010—more than 13½ years earlier.

So, under the leadership of Chairman MURRAY and myself, we have been transparent. We have held countless public hearings, including on the supplemental before us.

The following week, our committee held a second hearing. At this hearing, the Secretaries of Homeland Security and Health and Human Services testified on the supplemental request. In the time that followed, there were numerous discussions on the content of the supplemental funding bill. Information was gathered on emerging needs, particularly with regard to U.S. military operations in the Middle East, and the bill's language was refined and improved.

On February 4, the text of the national security and border supplemental was released along with a section-by-section analysis to make it easier for Members.

After it was clear that there was not sufficient support to advance the border security provisions, revised text and a summary were circulated that excluded the border security sections, and that is the package before us today—a package that has taken us months to get to this point and that began in October with the submission of the budget request and was subjected to extensive public hearings.

Further delay—or worse, an outright refusal to address these challenges—cannot be the answer. There is simply too much at risk.

The package before us would bolster U.S. military readiness, help Ukraine counter Russian aggression, assist Israel in its fight against terrorists, and deter a rising China.

Now let me briefly describe the major components of this legislation.

First, $35 billion would go to restoring U.S. military readiness. This includes $26 billion to replenish Defense Department stockpiles with new and, in many cases, upgraded weapons and equipment; $5.4 billion to increase production capacity for artillery, air defense, and long-range precision missiles; $3.3 billion to enhance the U.S. submarine industrial base in support of our trilateral security partnership with the United Kingdom and Australia, known as AUKUS.

This funding directly supports our military defense and defense industrial base. One of the ways that we support Ukraine, Israel, and Taiwan is through the transfer of weapons and equipment from our stockpiles. The replenishment funding that I just mentioned allows us to replace those articles with new and often more modern, more effective munitions and equipment, benefitting both our military and theirs. By modernizing our arsenal of democracy and improving the readiness of the U.S. military to deter any adversary, this funding makes America stronger.

Second, the bill provides resources to assist Ukraine as it defends its territory following the second Russian invasion. And let us keep in mind, Putin has made no secret of his plan. His plan is to re-create the former Soviet Union. If he is allowed to be successful in Ukraine, I believe he will then seize Moldova, invade Georgia, menace the Baltic States, and threaten Poland. And then our troops will be involved in a European war.

Today, we are not the one. Our troops are not dying on the Ukrainian battlefield.

We include $15.4 billion to help Ukraine purchase weapons from the U.S. industry so that it can defend itself. It includes $11.3 billion to support our servicemembers in Europe, principally in Poland and Germany, who are helping our allies equip and train Ukrainian forces. It also provides $9.4 billion for economic assistance to help Ukraine rebuild its economy.

Now, let me spend a moment on this point. The President's request for direct budget support was $11.8 billion. We rejected that amount as too much. We reduced it to $7.8 billion, and we further stipulated that no funds could be used to reimburse pensions.

Tonight, I heard on the floor that the Europeans were not doing their part. That is simply not true. Many of our European partners—I think of the Baltic States, for example, with whom Chair MURRAY and I met with representatives of recently—are contributing a greater percentage of their GDP, by far, than we are.

Why are we joining our European allies in providing economic assistance to Ukraine? As part of his plan to try to force Ukraine to surrender, Putin has sought to destroy Ukraine's economy, tax base, and exports, including grain exports. This funding seeks to help Ukraine rebuild so that ultimately it will be able to provide for itself economically once again.

But we are not just giving blank checks. We have included $23 million for inspectors general for continued oversight of Ukraine assistance, including funding for the special IG that was established in this year's National Defense Authorization Act.

Earlier in this debate, one of our colleagues suggested that our country had no strategy for Ukraine. But, once again, the language of this bill has been ignored. It requires a strategy with achievable objectives with respect to U.S. assistance to Ukraine. And the Appropriations Committee did not draft this language alone. We did so in consultation with the Senate Foreign Relations and Armed Services Committees.

Third, this bill fully funds the budget request to support Israel in the war against Hamas. It includes $5.2 billion for Israel's missile defense programs, including Iron Dome, David's Sling, and Iron Beam. The first two of those are coproduced with the United States. It also includes funding from—foreign military financing for Israel and funding for U.S. Embassy support, oversight, and other assistance.

This next part is really important. The bill includes—it adds to the supplemental $2.4 billion to support our U.S. forces as they face ongoing attacks in the region and to sustain U.S. military operations in Central Command against the Houthis and other Iranian-backed proxies. General Kurilla stressed to me how critical this funding is.

Fourth, this bill includes resources aimed at deterring a rising China.

It includes $2 billion in foreign military financing for the Indo-Pacific region, which includes, obviously, Taiwan but also the Philippines and Vietnam.

It provides funding for missile defense for Guam, for new technologies to detect undersea threats, and for training and exercises.

Funding is also included to address a chokepoint in the supply chain for motors that affects multiple long-range cruise missiles, including Harpoons and the Tomahawk.

The submarine industrial base investments that I previously mentioned will also benefit our regional partners as they help the United States meet its commitment under AUKUS while protecting the size of our own submarine fleet.

Finally, I want to note that this bill includes $9 billion for global humanitarian assistance. This funding would help the State Department and USAID respond to critical humanitarian needs around the world, from Ukraine and Eastern Europe to the Middle East and Africa. More than 108 million people worldwide are forcibly displaced today.

I want to emphasize that only 15 percent of that assistance—$1.4 billion—is for Gaza, and of that amount, the $400 million that had been targeted by the administration to flow through the United Nations Relief and Works Agency will not go through UNRWA.

Despite allegations highlighted in the Wall Street Journal last month and numerous other publications that at least 12 UNRWA employees had been directly involved in Hamas's October 7 terrorist attack on Israel and in taking hostages and that around 10 percent of all of its Gaza staff have ties to Islamic militant groups, incredibly, the Biden administration continued to push for UNRWA funding.

I want my colleagues to know that this bill includes an outright prohibition on funding in this supplemental and prior appropriations from being used for any grants, contributions, or other U.S. payments to UNRWA. We can distribute that humanitarian assistance through other organizations.

The bill also includes stringent guardrails on humanitarian assistance to Gaza. By March 1, the Secretary of State must certify that policies, processes, and guidelines have been established and are in use to prevent the diversion of aid by Hamas or other terrorist groups. This includes consultations with the Government of Israel, which has made clear the importance of humanitarian assistance to its objectives in Gaza. Third-party monitoring and intelligence assessments provide additional layers of oversight. Finally, we include a total of $10 million to the State Department and USAID inspectors general—funding that the administration did not request but that should accompany any assistance for Gaza.

I encourage my colleagues at this time, this perilous time, to support this bill that includes the funding desperately needed to strengthen America's military readiness, to help Ukraine counter brutal Russian aggression, to assist our closest ally in the Middle East, Israel, in its fight against terrorism, and to deter a rising China. The stakes are high, and we must meet the moment.

The PRESIDING OFFICER (Ms. BUTLER). The Senator from Washington.

Mrs. MURRAY. Madam President, let's be clear. The stakes of this moment could not be higher. The question before us is nothing short of what kind of future do we want for our kids.

Our role as the leader of the free world is on the line. If we tell dictators like Putin they can trample sovereign democracies with impunity; if we tell our allies that they are on their own; if we tell suffering civilians help is not on the way; if we tell the world the era of American leadership and resolve is over, we will be inviting chaos, emboldening dictators, and leaving the world a much more dangerous place for our kids. That is exactly why this package is so important. That is why we have insisted for months on a serious, comprehensive national security supplemental that actually meets this moment and doesn't leave any of our allies behind.

It has been a long, frustrating road, but Democrats have been glued to the negotiating table because failure is not an option here.

Listen, I hope we move forward quickly on this package now. I, like many others, want a fair and reasonable, bipartisan amendment process, but recognize that those of us who understand the stakes of this moment are ready to stay here as long as it takes to get this done.

I hope all of our colleagues will continue to work with me and the Senator from Maine to get this over the finish line because right now soldiers in Ukraine are counting their bullets, wondering how long they can hold out. Dictators are watching closely to see if this is their time to make a move. Civilians, including kids, are caught in the crossfire and are in desperate need of food and water and medical care.

We do not have a second to lose, so let's get this done and show the world American leadership is still strong.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, in a few moments, the Senate is going to take the next step toward passing the supplemental. Tonight's vote keeps the process of passing this emergency national security package moving forward on the Senate floor.

As I said, I hope our Republican colleagues can work with us to reach an agreement on amendments so we can move this bill more quickly. Democrats are willing to consider reasonable and fair amendments here on the floor as we have shown on many occasions in the past 3 years. Nevertheless, the Senate will keep working on this bill until the job is done.

I yield the floor.

VOTE ON MOTION

The PRESIDING OFFICER. All postcloture time has expired.

The question is on agreeing to the motion to proceed.

Mr. SCHUMER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Indiana (Mr. BRAUN), the Senator from North Carolina (Mr. BUDD), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), the Senator from Montana (Mr. DAINES), the Senator from Iowa (Ms. ERNST), the Senator from Tennessee (Mr. HAGERTY), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Louisiana (Mr. KENNEDY), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Wyoming (Ms. LUMMIS), the Senator from Kansas (Mr. MARSHALL), the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. RISCH), and the Senator from Florida (Mr. SCOTT).

Further, if present and voting: the Senator from Florida (Mr. SCOTT) would have voted ''nay.''

The result was announced—yeas 64, nays 19, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—64

Baldwin	Hickenlooper	Rounds
Bennet	Hirono	Schatz
Blumenthal	Kaine	Schumer
Booker	Kelly	Shaheen
Brown	King	Sinema
Butler	Klobuchar	Smith
Cantwell	Luján	Stabenow
Capito	Manchin	Sullivan
Cardin	Markey	Tester
Carper	McConnell	Thune
Casey	Menendez	Tillis
Cassidy	Merkley	Van Hollen
Collins	Mullin	Warner
Coons	Murkowski	Warnock
Cortez Masto	Murphy	Warren
Duckworth	Murray	Welch
Durbin	Ossoff	Whitehouse
Fetterman	Padilla	Wicker
Gillibrand	Peters	Wyden
Grassley	Reed	Young
Hassan	Romney	
Heinrich	Rosen	

NAYS—19

Blackburn	Graham	Sanders
Boozman	Hawley	Schmitt
Britt	Hoeven	Scott (SC)
Cotton	Lee	Tuberville
Cramer	Paul	Vance
Crapo	Ricketts	
Fischer	Rubio	

NOT VOTING—17

Barrasso	Ernst	Lummis
Braun	Hagerty	Marshall
Budd	Hyde-Smith	Moran
Cornyn	Johnson	Risch
Cruz	Kennedy	Scott (FL)
Daines	Lankford	

The motion was agreed to.

REMOVING EXTRANEOUS LOOPHOLES INSURING EVERY VETERAN EMERGENCY ACT

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 815) to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1388

(Purpose: In the nature of a substitute.)

Mr. SCHUMER. Madam President, I call up substitute amendment No. 1388.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for Mrs. MURRAY, proposes an amendment numbered 1388.

Mr. SCHUMER. I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of February 7, 2024, under ''Text of Amendments.'')

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

CLOTURE MOTION

Mr. SCHUMER. I have a cloture motion for the substitute amendment at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Murray substitute amendment No. 1388 to Calendar No. 30, H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

Charles E. Schumer, Patty Murray, Brian Schatz, Margaret Wood Hassan, Angus S. King, Jr., Sherrod Brown, Mark R. Warner, Jack Reed, Richard J. Durbin, Alex Padilla, Catherine Cortez Masto, Christopher A. Coons, Michael F. Bennet, Sheldon Whitehouse, Mark Kelly, Martin Heinrich, Richard Blumenthal, Benjamin L. Cardin.

AMENDMENT NO. 1577

Mr. SCHUMER. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1577 to amendment No. 1388.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1578 TO AMENDMENT NO. 1577

Mr. SCHUMER. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1578 to amendment No. 1577.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

AMENDMENT NO. 1579

Mr. SCHUMER. I have an amendment to the text proposed to be stricken at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1579 to the language proposed to be stricken by amendment No. 1388.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1580 TO AMENDMENT NO. 1579

Mr. SCHUMER. I have a second-degree amendment to the text proposed to be stricken at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1580 to amendment No. 1579.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 3, strike ''3 days'' and insert ''4 days''.

MOTION TO COMMIT WITH AMENDMENT NO. 1581

Mr. SCHUMER. I move to commit H.R. 815 to the Committee on Veterans' Affairs with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to commit the bill to the Committee on Veterans' Affairs with instructions to report back forthwith with an amendment numbered 1581.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1582

Mr. SCHUMER. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1582 to the instructions to the motion to commit H.R. 815.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date.)

On page 1, line 3, strike ''5 days'' and insert ''6 days''.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1583 TO AMENDMENT NO. 1582

Mr. SCHUMER. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1583 to amendment No. 1582.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 1, strike ''6 days'' and insert ''7 days''.

CLOTURE MOTION

Mr. SCHUMER. I have a cloture motion for the underlying bill at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 30, H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

Charles E. Schumer, Patty Murray, Brian Schatz, Margaret Wood Hassan, Angus S. King, Jr., Sherrod Brown, Mark R. Warner, Jack Reed, Richard J. Durbin, Catherine Cortez Masto, Christopher A. Coons, Michael F. Bennet, Sheldon Whitehouse, Mark Kelly, Martin Heinrich, Richard Blumenthal, Benjamin L. Cardin.

Mr. SCHATZ. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I am glad the Senate took the next step tonight toward passing the supplemental.

The Senate will convene tomorrow at noon.

As I said, I hope our Republican colleagues can work with us to reach an agreement on amendments so that we can move this bill more quickly.

If no agreement is reached, under the rule, the next vote will be approximately 1 p.m. on Sunday.

MORNING BUSINESS

ADDITIONAL STATEMENTS

VERMONT STATE OF THE UNION ESSAY WINNERS

● Mr. SANDERS. Mr. President, since 2010, I have sponsored a State of the Union essay contest for Vermont high school students. This contest gives students in my State the opportunity to articulate what issues they would prioritize if they were President of the United States.

This is the contest's 14th year, and I would like to congratulate the 454 students who participated. It is truly heartening to see so many young people engaged in finding solutions for the problems that face our country. To my mind, this is what democracy is all about.

A volunteer panel of Vermont educators reviewed the essays and chose Leah Frisbie as this year's winner. Leah, a junior at Essex High School, wrote about the impact that banning books has on our society. Abigail Curry, a junior at Mount Mansfield Union High School, was the second place winner. Abigail wrote about Native American access to clean water. Leah Fitzgerald, a senior at Bellows Free Academy Saint Albans, was the third place winner, with an essay on addressing homelessness.

I am very proud to enter into the CONGRESSIONAL RECORD the essays submitted by Leah, Abigail, and Leah.

The material follows:

WINNER, LEAH FRISBIE, ESSEX HIGH SCHOOL, JUNIOR

Books are foundational to our society, as self-discovery is enhanced through reading about different characters, cultures, and perspectives and finding similarities within it all. Books have the power to transform lives, tell important stories, and spread information. As each year more and more books are pulled from library shelves, the opportunities provided are reduced. The banning of books in the United States is a pressing problem that deprives people across the country from perspectives, information, and freedom.

In recent years, the removal of books from school libraries has exponentially increased in the United States. According to The New York Times, ''The PEN report, which counted book removals in school and classroom libraries during the 2022–2023 school year, found 3,362 cases of books being removed, a 33 percent increase over the previous school year.'' The majority of banned books target topics relating to gender identity, racial justice, and sexuality. Through attempts to ban books, marginalized groups' stories and perspectives are silenced. The act of banning books diminishes the quality and purpose of education. With the absence of diverse stories shared, the population becomes less educated, and marginalized groups will continue to be underrepresented. When students aren't exposed to diverse stories, ignorance, hate, and fear rise.

The Hate U Give by Angie Thomas is a book that tells the true story of a young girl facing racism and its correlation to police brutality in the US. Although it is a heavy topic, it accurately addresses the reality and problems of our society. It communicates someone's life experiences, yet is widely banned in school libraries due to its portrayal of racism and anti-police views. The Hate U Give is a single example out of thousands of books, where underrepresented groups' stories, history, and truth is restricted from the public.

In order to stop the escalation of banned books, Congress must pass the Fight Banned Books Act that was introduced in December of 2023. The act provides funding to school districts to fight against the banned book crisis. Currently, many schools do not have the budget to defend banned books, resulting in a surge of books being pulled from shelves. With the act, The Department of Education would dedicate $15 million over five years to school districts to help assist in the costs, including retaining legal representation, travel to hearings on bans, and maintaining expert research. By passing the Fight Banned Books Act, school districts across the nation would play a fundamental role in decreasing banned books and spreading awareness.

Congress must pass the Fight Banned Books Act in order to protect the nation from the needless deprivation of information. The issues occurring in society, such as gender and race inequalities, deserve to be shared in libraries. While the intention of removing books from shelves is to protect students, it is doing the complete opposite: Students' education, freedom, and exposure to different perspectives is deprived.

SECOND PLACE, ABIGAIL CURRY, MOUNT MANSFIELD UNION HIGH SCHOOL, JUNIOR

In the Mojave desert, along the Colorado River, there lives a tribe of indigenous Americans who call themselves the Aha Makav. Translated as best as possible into English, this name means ''The river runs through the middle of my body.'' The Aha Makav are one of 30 tribes living in the Colorado River Basin, where the river has all but dried up and the water crisis has reached catastrophic levels. But they're not the only ones struggling to find water. Research by the House Committee on Natural Resources showed that 48% of Native Americans living on reservations in the U.S. don't have a reliable source of clean, drinkable water-a proportion 80x higher than the 0.6% of all Americans who don't have access to drinking water.

Part of the issue's cause is that when Native Americans were assigned reservation land, much of what they received was dry, barren land in the West that were predisposed to drought. They have also been repeatedly left out of infrastructure and utility development projects that would have brought them running water, leaving hundreds of thousands to haul water by the bucket.

So far, the government has refused any obligation to improve the issue. This past June, the Supreme Court ruled in Arizona v. Navajo Nation that even if Indigenous tribes have treaty rights to a river's water, the government doesn't have any obligation to assess how much of it they have a right to, or to help them actually access it.

The indigenous water crisis is a complicated issue that will only get harder to solve as climate change continues to worsen droughts in the U.S. That being said, there is a path to a solution. First, the Supreme Court must overturn their decision in Arizona v. Navajo Nation. This ruling was a significant step backwards for native water rights, but it was only a 5–4 majority. If the decision is revisited, it's very possible for it to reverse. This will remove the new roadblock in the way of indigenous water access, and open an opportunity for the U.S. to make reparations and improve water access for Native Americans.

Once the road forward is clear, proactive steps must be taken to ensure that Native Americans can access the water they have a right to. The court must first quantify how much water native tribes have a right to, and therefore how river and ground water will be distributed among tribes and other consumers. Once this is quantified, the government must increase funding for water infrastructure projects on reservations. This funding will allow tribes to access river and ground water, as well as opening treatment plants to create their own potable water.

As the water crisis in the U.S. worsens and Native Americans become more vulnerable to its effects, it is imperative that the U.S. begins to remedy the centuries of harm done to Native Americans by taking action to ensure their access to clean, safe water.

THIRD PLACE, LEAH FITZGERALD, BELLOWS FREE ACADEMY SAINT ALBANS, SENIOR

The 2023 Point in Time (PIT) count conducted by the U.S Department of Housing and Urban Development (HUD) revealed the disheartening truth that over 653,104 American citizens were experiencing homelessness on a single night in January of last year. 40% of such individuals were reported as unsheltered, meaning ''living'' in a place not intended for human habitation. 41 U.S. states reported a significant surge of persons experiencing homelessness compared to years prior. The 2023 PIT count is the highest recorded count in HUD data, surpassing figures back from 2007. This data is not just a statistical representation: it narrates the lived experiences for thousands of Americans, and writes the story of negligence, ignorance and systematic tolerance for homeless Americans.

Interning at a local emergency housing shelter during high school allowed me to witness these numbers in real life. Distributing gloves, hats, blankets, and food could not overshadow the fact many would be sleeping outside in the cold Vermont weather without a roof over their heads. In my county, over 462 citizens, with 114 being children, were on record as having experienced homelessness in 2023.

Solving homelessness goes beyond than simply building more homes. Even with less restrictive building codes, or a substantial decrease in housing prices, these improvements would not exclusively benefit the homeless populations. With the average two-bedroom apartment being over 1700 dollars a month, the only reasonable option for low-income citizens is subsidized units.

Despite the pre-existing welfare programs like PBRA, TBRA, and FRA that have been assisting low-income families for over 75 years, the HUD budget can only assist 1 in 4 eligible citizens with its current funding. Similarly, the Housing First model supported by the Biden-Harris administration struggles to become mainstream without adequate funding. Providing housing is the first step to solving homelessness, but there is an entire staircase that is essential to breaking the continuous cycle of homelessness.

Studies show that ''wrap around'' services are critical for citizens to remain in permanent housing, however such support is hard to find. With the entire nation understaffed, underfunded and overwhelmed the solution for solving homelessness is not quick nor short term. First, support to the private and public housing sectors is essential to promoting housing. By expanding programs such as HOME, PRO Housing, or TBRA will encourage land use and support the housing market. New units can specifically be sectioned off for homeless populations under PBRA.

Upon entering such housing, citizens need to be connected with behavioral, mental, medical and financial services funded by programs like SSA and HHS. Programs under the HUD should also be adequately funded through the national budget. HUD receives a little over 1% of the total budget, yet supports over 3 million families in housing assistance.

Short term solutions such as emergency housing vouchers or emergency rental assistance are not sustainable. As a nation, we must understand that in order to solve this ongoing issue, support from all angles is the only permanent solution to ending homelessness.●

VERMONT STATE OF THE UNION ESSAY CONTEST FINALISTS

● Mr. SANDERS. Mr. President, I ask to have printed in the RECORD some of the finalists' essays written by Vermont High School students as part of the 14th Annual State of the Union Essay contest conducted by my office.

The material follows:

FINALISTS

LILIANA DICKS, OXBOW HIGH SCHOOL, JUNIOR

Mental health is still a problem in America. Even in today's progressive society, mental health may be noticed, but is never truly acknowledged. Citizens are still feeling sad or hopeless, or even contemplating taking their own lives at such a young age. Bringing more awareness to our youth before they hit adulthood of how social media is affecting their mental health, and teaching them healthy habits of how to handle social media in their lives, would help with the impact of social media.

There is proof that the stories being told on social media of sad and despairing topics are contributing to the rise in suicide rates. According to the National Library of Medicine, ''Hawton and colleagues (1999) conducted a study in emergency departments in the United Kingdom, examining the pattern of suicide attempts before and after a fictional Royal Air Force pilot took an overdose of paracetamol (i.e., acetaminophen) in an episode of a popular weekly TV drama. Presentations for self-poisoning increased by 17 percent in the week after the broadcast and 9 percent in the second week (Gould).'' Another study taken place in Japan reported, ''After 8 April 1986, an increase in the number of suicide cases was observed for four days among 10 14-year-old females ().'' April 8th, 1986, was the date a popular singer committed suicide, and her death was broadcasted on social media. Both fictional and nonfictional stories are contributing factors to this rise in suicide rates. Meaning social media stories period have an effect on our mental health.

There is no getting rid of social media, but there is implementing safe habits. The American Psychological Association recommends teaching children social media literacy skills. These skills with teach children that social media is not real life, what is safe to share online, what too much social media use looks like, how to handle and prevent online conflicts, and to only find things about health both mental and physical, from credible physicians and doctors. I think these skills would be very important in helping children understand the impacts of social media, and how it affects them as a person.

Social media is deteriorating our citizen's mental health, but there is a solution. Implementing good and safe habits during youth and while people are being introduced to social media, will help protect them in the long run. Social media can be fun, but it can also be dangerous. It is important to teach and understand the lines we have to draw to keep our mental health safe.

PATTERSON FRAZIER, CHAMPLAIN VALLEY UNION HIGH SCHOOL, JUNIOR

One Vermonter every two days. One hundred and forty Americans every day. One hundred and fifteen thousand Americans a year. All of them have died. This is not a war, or a pandemic, or a car crash statistic. These are fatal drug overdoses, which since 1999 have increased by approximately 470%. For comparison, the U.S. Population has increased by 20% in that time. Drug crime has unequivocally worsened, and the entire country is paying the price. Cities are no longer safe, first responders are at critical risk of exposure-related overdose, and as of 2009 the United States was collectively spending half a trillion dollars a year on substance abuse management. Drug abuse has grown to a national crisis and needs to be swiftly curbed.

The issue of drugs is highly complex, and is a result of decades of poor public policy, corporate greed, and government interference. America should by every measure be more capable in solving drug crime than other nations who have successfully handled the issue. We are wealthy, with developed industries and capable medical professionals. So what are we doing differently? U.S. Policy has been historically focused on prosecuting and demonizing addicts. Newer approaches such as decriminalization are a step in the right moral direction, but often lack enough follow-up support and resources to be effective.

President Biden successfully increased the Substance Abuse and Mental Health Services Administration budget by three billion dollars for FY 2024, proving that money can be found to support national reform. The ideal national reform will supplement or overhaul the current substance abuse reduction policies. It needs to be built around the fact that addicts are victims of exploitation and should be shown compassion. In stark contrast, drug traffickers need to be prosecuted viciously.

The actions taken to help drug users need to be focused around a long-term vision for each individual. This requires state interdiction, which in turn needs justification. One place to start is to ban open air drug use, and fund the creation of safe injection sites nationwide. If a person is found using ''Hard drugs'' in a public place, then they should be considered for a mandatory rehabilitation program. After achieving sobriety, previous users need sources of stability. The federal government could create programs to match sober people with in-demand jobs. Safe injection sites will in turn help prevent open air drug use and clean up the streets.

Ultimately, there are no drugs without distribution and production. Law enforcement needs to receive increased funding with the specific goal of reducing the production of synthetic opiates. Rhode Island has been relatively successful in reducing drug use, in part due to stricter sentencing. The production of fentanyl results in prison sentences of up to fifty years and fines reaching 500,000 dollars. Strict and swift punishment can disrupt supply chains, while a combination of asset seizures and fines can help reimburse efforts. The facts are clear; drugs not only destabilize the country, but threaten our national security.

JACK FRENCH, ESSEX HIGH SCHOOL, JUNIOR

Per US Senate data, the first half of 2023 saw lobbyists spent a record 2.1 billion dollars at the federal level alone, coming most substantially from the pharmaceutical, insurance, and energy industries. With the 2024 election cycle fast approaching, this is far from the only corporate funding that will be funneled into government this year; ad spending by federal campaigns are expected to eclipse 15 billion dollars, and following the several landmark Supreme Court decisions, the source of this money has never been less transparent. The increasing role of private finance in policymaking and the legislative branch is one of the great challenges facing America today.

Private investment into political campaigns threatens the efficacy of the democratic process. Though it was once used to promote democracy, the lobbying system has become a form of legal bribery, in which money is exchanged for undue influence and policy is catered towards private interests. Lobbying funds elections, where the advent of mass media and invasive advertising techniques have created a situation wherein the victor is often the candidate with the most ad investment; in other words, a candidate's financers play a greater role than their constituents do in keeping them in office. In a country that prides itself on its democratic ideals, the money of corporations and the fabulously rich should not vote louder and more directly than the voice of the people.

In order to protect the integrity of our democratic system, we must pursue both political and cultural change surrounding our regulation and perception of elections. First, the Bipartisan Campaign Reform Act—a 2002 act responsible for regulating campaign finance that has been methodically gutted by pro-lobbying legislature and judicial decisions, most notably Citizens United v. FEC (2010)—needs to be supplemented with a wide-reaching piece of legislation, like Senator Warren's Anti-Corruption and Public Integrity Act, that will close loopholes and restrict financial actions of policymakers, both in the midst of elections and during their terms. This will keep our elected officials focused on the interests of their constituents as opposed to the highest donor.

Unfortunately, there's a reason that Senator Warren's proposal died in committee and campaign regulation comes under judicial threat. Those responsible for enacting such legislation are the same people that benefit from lobbying, and the same firms that lobby have the funding to challenge restrictions in the courts. In order to cause meaningful change, such an effort needs to come from the people. Funding plays less of a role in elections when the voting population is educated on the issues and has a high turnout, so participating in the democratic process will fortify the system from bad actors and wealthy individuals. In the long term, constituents need to advocate to their representatives in favor of tightening campaign restrictions, which will pressure legislative action. We cannot sit idly, watching our political representation be bought by big business; a government held accountable by the rich will not work for the people.

TALIA GIBBS, VERMONT COMMONS SCHOOL, SENIOR

I contracted COVID–19 in 2022, and my life has not been the same since. I went from dancing 16–20 hours a week to almost fainting when standing, full body pain, and struggling with stairs. I stopped dancing for some time. Later, a PT determined those were flare-ups of chronic illnesses caused by COVID–19, putting me in the long COVID group.

Long COVID is the persistence of symptoms for months after initial infection of SARS–CoV–2. Up to 23 million Americans suffer, and it has such detrimental medical and economic impacts that it is the next public health catastrophe and needs immediate intervention. It can manifest in a variety of forms, such as respiratory problems and Post-Exertional Malaise—when pre-existing symptoms worsen up to forty-eight hours after activities. It can also trigger Postural Orthostatic Tachycardia Syndrome-a chronic disorder involving dizziness, fatigue, increased heart rate, fainting, etc. All symptoms of long COVID severely affect everyday functioning.

Long COVID is not only affecting the health of Americans, but it is also impacting our economy. Long COVID prevents a dangerously large group of people from working; 71% of long COVID patients could not work for six or more months, and 18% were not back after a year-the majority were well below typical retirement age. Additionally, long COVID causes 170–230 billion dollars of annual lost wages, and it is estimated that the total economic cost of long COVID is $3.7 trillion.

The first step towards helping the long COVID crisis is improving treatment and access to treatment, meaning we need more COVID clinics that provide personalized treatment and more funding, such as The National Research Action Plan on Long Covid, which involves Congress giving $1.15 billion to the National Institutes of Health to research the illness. Income is another issue, which is why a reconsideration of paid sick leave is imperative. If people are worried about losing wages, they could go to work with COVID, increasing the number of long COVID patients. Additionally, current rules regarding paid sick leave are not sufficient for the timeline of long COVID. Solutions could be financial governmental intervention if working from home is not offered for certain jobs, or compensation if the workplace was where they contracted COVID–19, ultimately leading to long COVID.

Accommodations are an unquestionable necessity for approaching the long COVID disaster. On a smaller scale, they should include: choice between standing and sitting, working from home, and flexible hours. While long COVID is officially acknowledged as a disability, obtaining disability status with it is extremely difficult due to uncertain definitions and proof of illness. Additionally, the usual requirement for disability status is a minimum of one year, but long COVID is relatively new. We need to increase accessibility by acknowledging that this cannot follow normal rules, lowering the one-year limit, increasing coverage flexibility, and providing education about disability status and long COVID. Long COVID should be a national priority. Without this level of response, long COVID will continue to silently undermine society and destroy lives.

DELIA GOULD, BRATTLEBORO UNION HIGH SCHOOL, FRESHMAN

Why does the cycle of disadvantaged, low-income kids versus privileged kids continue into adulthood? All over the world there are inequalities in education, this applies to America and in our state of Vermont. The impact this has on students needs to be recognized. The more resources create more opportunities, resulting in more successful students. In Vermont and throughout the country, low income towns are unable to provide money for their students to get the education they deserve. In contrast to richer school districts where they do have the money to provide and ultimately create a better education and environment. This is the reason why many American public schools are unequal as a result of social class and resources available for students in school.

In Vermont this becomes evident when rural schools in lower income towns find it is much harder for students to get access to quality education. This affects the students because only those who have the motivation and support will be the ones to succeed, ultimately creating this inequality within the school system. According to the latest five-year ACS data statically West Brattleboro is the poorest part in all of Vermont with the typical household making 46% less than the state average household income. These students are already starting off at a disadvantage and many with minimal support at home, in return it is the schools responsibility to make sure these students don't fall behind. This is why more funding for schools in these areas should be a priority. Moreover, the only way to break this cycle is creating schools with the resources students need to thrive and be successful. Alternatively, schools and districts with more funding are more easily able to achieve this, with less of the pressing issue of students in poverty. Another factor is more students in these schools and towns are easily able to seek support outside of school as well, as a result they will have the opportunity to better succeed. This creates a cycle where the privileged kids grow up to be privileged.

The way to equalize public school systems in America and within Vermont is to recognize the low-income towns and schools with this issue and make this a priority to help provide the resources needed for students through the schools. Along with this, students at these schools who do want to succeed often are not challenged to their full potential because the school cannot offer the same opportunities for them. Importantly, these schools need not only the bare minimum resources but also the opportunities that will set students up for success and a better chance at higher education. It is crucial to address this problem because the youth is our future and every kid deserves a quality education.

OLIVIA GRAY, SOUTH BURLINGTON HIGH SCHOOL, FRESHMAN

Has the government ever decided your future? 1970 is when Roe v Wade was brought to the Supreme Court, and 1973 was when it became legal to have an abortion. 2022 is when the law was overturned, and 2024 is now when women are again having to fight for rights to their bodies. Our nation has just undergone such a big setback in our history. The leaders of our ''free'' country shouldn't be able to determine what we do with our bodies, they need to make abortions safe and legal for every woman.

14 states have a full ban on abortions, 2 states have a ban after 6 weeks, 2 states have a ban after 12 weeks, and 3 states have a ban after 15–18 weeks. The average woman, according to WPTV, finds out they are pregnant between 6–8 weeks, and the majority of states have bans before the 6–8 weeks. Say a young woman finds out they are pregnant at 5 weeks and they are considering an abortion, is one week enough time to make that

life-altering decision? Or in states where it is completely banned, is no time at all enough to decide if they are ready to become a mother or go through the physical and mental changes of just being pregnant? The government of your state shouldn't decide your future.

Some people's argument for why abortions should be illegal is ''You can't kill a living fetus.'' Well, pregnancies aren't always safe, what if the mother's life is at risk? Forcing a woman to choose a fetus's life over her own isn't fair. Making a mother give birth even if the baby is stillborn and forcing the mother to go through that traumatizing event isn't right.

The government shouldn't dictate what women do with their bodies, we should have freedom with what we want to do. Women are capable of making decisions for themselves even if someone doesn't agree with them because at the end of the day, it's their choice and it affects them the most. If a woman gets pregnant and chooses to get an abortion it doesn't change the life of a politician, it will change the life of the mother, if they are choosing an abortion they should have that right and they know the consequences and that is their choice.

Abortions will happen no matter what, whether safe and legal, or dangerous and illegal. Abortions will happen and the government needs to make it safe and legal to protect women. Being able to get an abortion legally was a freedom for women for decades and now that is being taken away, if our country wants to progress there have to be easily accessible abortion clinics throughout the nation, and easily accessible birth control to prevent women from getting pregnant if they choose to take birth control. Women in our country deserve to have control of their lives and to be given choices about their bodies, not have them be taken away.

MADDY MCHALE, BURLINGTON HIGH SCHOOL, FRESHMAN

The overuse of juvenile incarceration is costing America more than just money. After the 1980's war on drugs, America has become a world leader in youth incarceration, having 11 times the incarceration rate of Western Europe. Certain states spend up to an astounding $214,620 per child annually. Additional reports show that this yearly price of detention costs 9 times as much as it would if that same child was enrolled in k-12 public education. Despite the focus America puts on juvenile detention, extensive research shows that the penalty is not only ineffective in preventing future crime, but shows a 70% to 80% chance of reoffending within three years after release. As the practices often employed in incarceration are punitive, they neglect to address the root cause of the child's behavior, and only reinforces their label as a criminal. Furthermore, these measures have been proven detrimental to the child's stability mentally, physically, and financially in adulthood. Shifting the focus from incarceration to a more restorative approach would not only be more beneficial for the child's rehabilitation, reducing future reoffending, and increasing public safety, but also could help to alleviate the heavy cost that juvenile incarceration requires. In order to do this, incarceration must be used as a last resort.

New Zealand is a prime example of successful reform. In 1980's, New Zealand had one of the highest juvenile incarceration rates in the world. Since then, New Zealand has restructured their juvenile justice system from retributive, to restorative, and have seen a drastic decline in crime. An instrumental factor in this systematic shift was the 1989 legislation: The children's and young people's well-being act. This act requires police to respond to minor crimes with a warning or court diversion, incorporating the stakeholders in the crime to create a plan of requirements to best repair the harm done. Currently, 75% of youth who come into Name with the police are handled this way, this correlates with a 2017 study that found a 33% decrease in youth crime.

Some states in the US have already taken from New Zealand's example, implementing court diversion into their own justice system. Washington Pierce County, Washington diverted 82% on delinquency changes from 2017–2019, 60% in Multnomah County, Oregon. Studies show youth enrolled in these diversion programs show a 45% reduction in recidivism comparatively to those incarcerated. Not only is diversion more effective, but it's significantly cheaper. at $75 daily, as opposed to the $558 per child in detainment.

Following New Zealand's model, America should hold youth accountable by funding restorative alternatives that avoid the long-term ramifications of incarceration. This investment would instill higher public safety, equity for our youths' future, and help to reduce the heavy financial toll detention puts on taxpayers. With approximately 60,000 children incarcerated on any given day, it's imperative we make this shift now. If not, we will continue on this trajectory of perpetuating the self-fulfilling prophecy of criminalization that juvenile incarceration enforces on our youth.

ANDRES MIGUEZ, MOUNT MANSFIELD UNION HIGH SCHOOL, JUNIOR

July 10th, 2023, was a day that would change the future of our little state, with severe weather warning Vermonters around the state prepared for heavy rainfall. The Lake Champlain tributaries and vast array of streams and rivers quickly began to flood much faster than anticipated, and unbeknownst citizens were the victims of the ruthless floodwaters. The flood left thousands of homes flooded and destroyed major parts of local infrastructure. In the midst of winter, Vermont was just hit with another flash flood. This instance was unexpected and left those in flood zones flooded during the cool temperatures of the Vermont winter. These instances beg the question: What is the future of our state if repeated flooding continually bombards our people and infrastructure?

According to the national weather service, the state has risen 2 degrees Fahrenheit in the past decade. Each year, we see increased rainfall in correlation to global warming as well as shifting weather patterns. Therefore, the flooding can be attributed to changing weather patterns and climate change. With the rising temperatures and weather patterns affecting the future of our state, a flooding solution is crucial to the future of our state's prosperity.

I propose the Flood Land Management Act, an act that would ensure the safety and prosperity of future generations of Vermonters who will also face the adverse effects of climate change and flooding in our state. The act will implement new zoning permit regulations and require structures to be flood code-compliant, as well as require existing structures to be altered to become compliant with the new flood code. This management act would apply to the areas previously affected by the two floods we have endured in the past six months, as well as other areas prone to potential future flooding. By requiring watertight foundations and elevating structures, as well as rebuilding our river banks and drainage systems under the Flood Management Act, we can inherently improve the lives of current and future generations while unifying our state to confront an alarming issue in the era of a new environmental crisis.

The Flood Land Management Act will initiate action necessary for the future of our state; flooding will repeatedly affect Vermont citizens until necessary action is taken. The Flood Land Management Act is the next necessary step in improving the future of our state and promoting the safety and prosperity of our people.

OLIVER NICHOLS, BURLINGTON HIGH SCHOOL, FRESHMAN

Limited medical access is one of the leading causes of death in the U.S. This issue is important because it affects around half of Americans, that's 165,950,000 people. But we could help with the accessibility of healthcare if we invested in mobile health clinics.

Healthcare access and mistreatment are major issues in the U.S. I've personally experienced problems in healthcare in the U.S., as have many Americans. The U.S. had an 88.7 rating in healthcare quality and access in 2016, which is lower than the average for most big countries. Limited medical access is one of the leading causes of death in the U.S. Healthcare quality and access ''measures preventable mortality rates for 32 causes of death. A higher rating suggests fewer deaths due to a higher standard of care and access.'' This means that the U.S. has more fatalities and medical mistreatment than the rest of the larger countries in their group. Doctors are in short supply and doctors rush through their medications to get to the next patient, misdiagnosing and misdosing patients. All of these factors contribute to why healthcare is such a problem in the U.S. Per the KFF, ''About half of U.S. adults say they have difficulty affording healthcare costs. About four in ten U.S. adults say they have delayed or gone without medical care in the last year due to cost.'' In 2021, 40% of adults in the U.S. didn't have immediate access to health care. The big reason for so many people is cost, many people don't have the money to get medical help and millions of Americans are at risk.

Congress needs to invest in mobile health clinics—converting campers and busses into mini hospital rooms. If we had enough of these clinics, people in faraway towns and rural areas could get healthcare locally, instead of driving for hours to get medical help. Imagine someone has a stroke in a small town—the further the hospital, the less chance of survival. With a clinic right in town, that person can get almost immediate healthcare. Per Tulane University, ''Mobile health clinics provide quality care at a lower cost than that of traditional healthcare delivery modes . . . for every $1 spent on mobile health, $12 is saved.'' Mobile health clinics would be beneficial in care and in cost. Per the USC ''Historically, providers have been unwilling to establish services in small, rural communities because they lack large hospital systems and populations with money to pay for services . . . [and] small rural towns may not have the latest technology to offer the highest level of care. This means people have to travel away from their home community to get medical care.'' With mobile health clinics, rural Americans would finally access healthcare.

Healthcare access is a big problem in the United States. If the government issued more mobile health clinics, we could have more widespread healthcare at lower costs, while maintaining quality and accessibility.

THOMAS SCHEETZ, MOUNT ANTHONY UNION HIGH SCHOOL, SENIOR

''Just leave it, then,'' the exhausted woman said with a sigh before walking away from my register at Price Chopper and out the door. When I read her total, she realized she could not afford her modest grocery

order; defeated, she left the store immediately, her cart still in the middle of the aisle.

The Bennington Price Chopper, and other grocery stores across Vermont and this country, host similar sad scenes every day. Grocery prices went up nearly 25% between the beginning of 2020 and mid-2023, including a 10% increase in the single year of 2022. The major increase in basic food prices is compounded by massive increases in prices for other necessities. Housing prices are stratospherically high; the median sale price of a house nationwide nearly doubled between Q4 2012 and Q4 2022, and median rents for one-bedroom apartments nationwide soared by more than 20% during the pandemic. Heating oil prices, moreover, have increased in Vermont by nearly 50% since January 2020. And families incur even more burdensome expenses; the cost of child care in Vermont and many other states takes up 20% or more of the median family income, and college tuition has risen to absurd heights in recent decades. For many people, it is too expensive simply to exist in this country. Consequently, recent surveys suggest that more than 77% of Americans are anxious about finances, 68% worry they will never afford retirement, and nearly 30% suffer negative mental health impacts due to financial concerns.

Overall, the recent sudden, meteoric rise in cost of living in America is unsustainable; it causes drastic, sweeping harms to nearly all segments of the population. It must be swiftly met with calculated, multifaceted action. Large corporations and overly wealthy individuals, powerful yet unelected, are among the most responsible for the crisis, so they must be held accountable. They must be forced to pay their employees a living wage according to new legislation that raises the minimum wage annually with inflation. Corporate taxes must be heightened, furthermore, and these revenues must go towards the construction of new housing developments with units for low- and middle-income families. The new supply will ease housing costs, the single biggest monthly expense for most families. High housing costs can be further alleviated with new legislation to prohibit the ownership of single-family homes by corporations and with increased property taxes on vacation homes and investment properties.

The insidious cost-of-living crisis poses a complex issue that can only be solved with a bold multi-pronged approach. Each aspect of the problem—from corporate greed to housing and everything in between—must be assertively addressed with legislation. These legislative acts, in addition to assuaging the situation by themselves, will beg the question: should wealthy corporations be allowed to enrich themselves by driving up individual costs, paying lousy wages to the working class, and generally assaulting the American Dream? When societal attitudes towards this question change, the cost-of-living crisis will be solved once and for all.

MAGDELINA SHORT, BELLOWS FREE ACADEMY FAIRFAX, SOPHOMORE

When faced with the thought of a life lost to fentanyl overdose, many people think of an addict who never wanted help, a criminal, or a life that was not worthy regardless. The first thought that comes to my mind is my friend Grace Riley, whose life was taken by fentanyl on June 2, 2022 at age 21. Grace was hardworking, an athlete, a role model and a friend whose kindness shone in countless people's lives. If she had not been sold the singular fentanyl pill, which she thought was a Percocet, she would be taking college courses, making art, and working towards her goals of recovery so that she could become an addiction counselor to help those in her place.

According to the CDC, drug overdose death rates involving fentanyl increased by 279% between 2016 and 2021. These dramatic increases will only heighten, unless more honest and empathetic education is provided around the dangers of fentanyl along with how to assist someone experiencing symptoms of an overdose. Within mine and many of my peers' education, the only information our school system has provided regarding addiction and overdose has been minimal and creates a stigmatized bias against those struggling with addiction. Along with this our current education has not provided information on what to do in an emergency overdose situation. Only being shown short clips of vulnerable addicts in health class or reading large statistics with no personal story not only dehumanizes the tragedy of a life lost to overdose, but encourages judgment. These methods of teaching can overlook the struggles students or their loved ones may face regarding substance abuse and overdose.

Education must begin including lessons on how to administer Naloxone to a person in an emergency overdose situation. Naloxone, more popularly known as Narcan, is a nasal spray which not only is easy to administer but according to CNN can reverse up to 93% of opioid overdoses. If students are taught how to administer Naloxone they're given the ability to save the life of a peer, family member, or even a stranger.

Impactful education must start with understanding the lives taken by fentanyl overdose and addiction. The lives of real humans who had their own struggles, lives, and possibilities to offer the world. One method that can be used when teaching students about the dangers of fentanyl is by sharing real stories of people whose lives were taken by the drug. Organizational psychologist Peg Neuhauser found that learning stemming from stories is remembered more accurately, and much longer, than learning derived from facts and figures. This is because stories like Grace's are ones that students could see themselves or people they love in. Seeing the humans behind large statistics at a more personal level creates more urgency around such a pressing issue.

Education without stigma is the necessary starting point to ending fentanyl overdose. If these educational practices are widely implemented many lives have the potential to be saved.

JACKSON WHEATON, NORTHFIELD MIDDLE HIGH SCHOOL, FRESHMAN

All life is interconnected and Vermont is at the precipice of an environmental calamity: our fish are dying. Climate change in Vermont is significantly impacting our fish population in streams and waterways. With increased flooding and warmer temperatures, more and more damage is being done to our lakes, ponds, rivers, and streams. Erratic weather patterns caused by climate change are making our fish habitats more unstable. As an avid fisherman, I am concerned about the health and future of Vermont's native and non-native fish species and believe the government should step in to save our food chain.

According to an interview conducted by WCAX News of multiple Vermont Wildlife Officials, the fluctuating weather is causing alewives to wash up. They concluded, ''The non-native species are subject to seasonal fish kills because they can't handle the lake's [Lake Champlain] cold temperatures.'' Anecdotally, my great grandfather, James MacMartin, was a biologist for Vermont Fish and Wildlife during the 1950s and 1960s and conducted extensive studies of Vermont watersheds and fish species. He found our lakes and streams to be extremely healthy. An annual report from Fish and Wildlife compared his research from the 1950s to the fish population in the 2000s. They surveyed 205 streams, the same 205 streams that my great grandfather surveyed to compare the changes since the 1950's. According to VTDigger, 50–60% of brook trout in Pond Brook have died.

While climate change is not an easy problem to solve, with regard to our declining fish population, my solution to protect the waterways and fish of Vermont is to include more stringent protection of catch and release. If Vermont employed more game wardens, there would be greater enforcement of fishing laws and protection of those bodies of water. The average brook trout stocking during the 1950's was 1,701,499 as compared to brook trout stocking in the 2000' which was 243,435. Each year Vermont Fish and Wildlife stocked 34,029 fewer brook trout over the 50 years. The reason for this is habit degradation and fragmentation. Another solution is more stringent protection of waterways, including no boats on certain ponds or lakes, to help curb the spreading of invasive species.

When one part of our ecosystem is out of balance, it affects the viability of all living things. Our delicate ecosystem ravaged by flooding and erratic weather patterns needs more protection now than ever before. All living things have a purpose, and it is time we take action to protect nature's most important resources.●

VERMONT STATE OF THE UNION ESSAY CONTEST JUDGES

● Mr. SANDERS. Mr. President, since 2010, I have sponsored a State of the Union essay contest for Vermont high school students. This contest gives students in my State the opportunity to articulate what issues they would prioritize if they were President of the United States.

This is the contest's 14th year, and I would like to congratulate the seven volunteer judges who helped choose the contest winners and finalists. The contest relies on its committed team of judges. The judges take time to review each essay and evaluate the diversity in writing that engages students and will benefit them for years to come. The judges' willingness to participate in this project reflects their dedication to both the students and our State, and for that, I graciously thank them.

The judges include:

Andrew Chobanian of Oxbow High School—participant for 2 years

Lauren Conti of Stowe High School—participant for 2 years

Jason Gorczyk of Milton High School—participant for 11 years

Krista Huling of South Burlington High School—participant for 11 years

Mary Schell of White River Valley School—participant for 2 years

Sarah Soule of Middlebury Union High School—participant for 6 years

Terri Vest of Twinfield Union School & Vermont Virtual Learning Collaborative—participant for 14 years

I am very proud to enter the State of the Union Essay Contest judges into the CONGRESSIONAL RECORD to recognize their contributions.●

90TH ANNIVERSARY OF THE CITY OF TUPELO PURCHASING POWER FROM TVA

• Mr. WICKER. Mr. President, 90 years ago this month, Tupelo, MS, went electric. The city became the first to purchase power from the Tennessee Valley Authority—TVA—sparking nearly a century-long partnership. We celebrate that distinction with an iconic sign at the intersection of Gloster and Main streets, which dubs Tupelo the First T-V-A City.

In 1934, just 2 percent of rural Mississippi households were connected to electricity. Many Southern farming families had already lived in poverty before the Great Depression made their situation even worse. Congress created TVA to begin addressing these challenges. The TVA mission was to provide low-cost electricity, promote economic development, and reduce flood risk and damage.

Tupelo is a testament to TVA's success accomplishing that mission. As a resident of the First TVA City, I look back on February 1934 with gratitude. Electricity helped unleash the latent potential of rural Mississippi, and we continue to reap the rewards today.•

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1258. A bill to require the Director of the Office of Management and Budget to submit to Congress an annual report on projects that are over budget and behind schedule, and for other purposes (Rept. No. 118–157).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CORTEZ MASTO (for herself, Ms. SMITH, Mr. FETTERMAN, and Ms. ROSEN):

S. 3793. A bill to reauthorize the HOME Investment Partnerships Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINRICH (for himself, Mr. BROWN, Mr. WYDEN, Mr. SCHATZ, and Mr. WHITEHOUSE):

S. 3794. A bill to direct the Secretary of Labor to support the development of pre-apprenticeship programs in the building and construction trades that serve underrepresented populations, including individuals from low income and rural census tracts; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. 3795. A bill to amend the Internal Revenue Code of 1986 to provide that the 50 percent limitation on the deduction for meal expenses does not apply to meals provided on certain fishing boats or at certain fish processing facilities; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELCH (for himself, Mr. KAINE, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MERKLEY, Ms. SMITH, Mr. BOOKER, Mr. BENNET, Mrs. MURRAY, Mr. WARNOCK, Ms. WARREN, Mr. WARNER, Mr. SCHATZ, Ms. STABENOW, Ms. KLOBUCHAR, and Mr. KING):

S. Res. 554. A resolution calling for the urgent delivery of sufficient humanitarian aid to address the needs of civilians in Gaza; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mr. SCOTT of South Carolina):

S. Res. 555. A resolution designating the week of February 10 through February 17, 2024, as ''National Entrepreneurship Week'' to recognize the importance and contributions of entrepreneurs and startups to the economic prosperity of the United States and the well-being of every community across the United States; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mrs. FISCHER):

S. Res. 556. A resolution to provide for the printing of the Senate Manual for the One Hundred Eighteenth Congress; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mrs. FISCHER):

S. Res. 557. A resolution authorizing the Sergeant at Arms and Doorkeeper of the Senate to conduct quarterly blood donation drives; considered and agreed to.

By Mr. SCHMITT (for himself and Mr. HAWLEY):

S. Res. 558. A resolution congratulating the University of Missouri Tigers for winning the 2023 Cotton Bowl Classic; considered and agreed to.

ADDITIONAL COSPONSORS

S. 133

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 133, a bill to extend the National Alzheimer's Project.

S. 547

At the request of Mr. WHITEHOUSE, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 547, a bill to award a Congressional Gold Medal, collectively, to the First Rhode Island Regiment, in recognition of their dedicated service during the Revolutionary War.

S. 644

At the request of Mr. MARKEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 644, a bill to expand the take-home prescribing of methadone through pharmacies.

S. 1332

At the request of Ms. HASSAN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1332, a bill to require the Office of Management and Budget to revise the Standard Occupational Classification system to establish a separate code for direct support professionals, and for other purposes.

S. 1514

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. MULLIN) was added as a cosponsor of S. 1514, a bill to amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

S. 1631

At the request of Mr. PETERS, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 1631, a bill to enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, and for other purposes.

S. 2643

At the request of Mr. LUJÁN, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 2643, a bill to amend the Federal Crop Insurance Act to modify eligibility for prevented planting insurance under certain drought conditions, and for other purposes.

S. 2937

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2937, a bill to increase the rate of duty applicable to certain ferrosilicon produced in the Russian Federation or the Republic of Belarus and to require a domestic production assessment before increasing rates of duty applicable to products of the Russian Federation and the Republic of Belarus under the Suspending Normal Trade Relations with Russia and Belarus Act, and for other purposes.

S. 3629

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. LEE) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 3629, a bill to amend title 18, United States Code, to revise recidivist penalty provisions for child sexual exploitation offenses to uniformly account for prior military convictions, thereby ensuring parity among Federal, State, and military convictions, and for other purposes.

S. 3764

At the request of Mr. RUBIO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3764, a bill to extend and authorize annual appropriations for the United States Commission on International Religious Freedom through fiscal year 2026.

S. 3770

At the request of Mr. MERKLEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3770, a bill to amend the Public Health Service Act to authorize grants to support schools of nursing in increasing the number of nursing students and faculty and in program enhancement and infrastructure modernization, and for other purposes.

S. 3779

At the request of Mr. SCHATZ, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor

of S. 3779, a bill to authorize the Secretary of Health and Human Services to award grants to establish or expand programs to implement evidence-aligned practices in health care settings for the purpose of reducing the suicide rates of covered individuals, and for other purposes.

S.J. RES. 57

At the request of Mr. SCHMITT, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to ''Coronavirus State and Local Fiscal Recovery Funds''.

S. RES. 547

At the request of Mrs. SHAHEEN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 547, a resolution acknowledging the two-year anniversary of Russia's further invasion of Ukraine and expressing support for the people of Ukraine.

AMENDMENT NO. 1392

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of amendment No. 1392 intended to be proposed to H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

AMENDMENT NO. 1409

At the request of Mr. MERKLEY, his name was added as a cosponsor of amendment No. 1409 intended to be proposed to H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

At the request of Mr. HEINRICH, his name was added as a cosponsor of amendment No. 1409 intended to be proposed to H.R. 815, supra.

At the request of Mr. PETERS, his name was added as a cosponsor of amendment No. 1409 intended to be proposed to H.R. 815, supra.

AMENDMENT NO. 1411

At the request of Mr. MANCHIN, his name was added as a cosponsor of amendment No. 1411 intended to be proposed to H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 554—CALLING FOR THE URGENT DELIVERY OF SUFFICIENT HUMANITARIAN AID TO ADDRESS THE NEEDS OF CIVILIANS IN GAZA

Mr. WELCH (for himself, Mr. KAINE, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MERKLEY, Ms. SMITH, Mr. BOOKER, Mr. BENNET, Mrs. MURRAY, Mr. WARNOCK, Ms. WARREN, Mr. WARNER, Mr. SCHATZ, Ms. STABENOW, Ms. KLOBUCHAR, and Mr. KING) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 554

Whereas the population of the Gaza Strip, an estimated 2,200,000 people, are classified as in crisis or worse with respect to levels of acute food insecurity as reported by the Integrated Food Security and Nutrition Phase Classification;

Whereas, according to the World Food Program, an estimated 1,700,000 people are facing potential imminent starvation in Gaza;

Whereas women habitually eat last and least in times of heightened food insecurity;

Whereas the World Health Organization reports that a lack of adequate medical supplies, food, water, and fuel have severely compromised an already under-resourced health system in Gaza;

Whereas, according to the World Health Organization, there are only 16 partially functioning hospitals in Gaza;

Whereas the World Health Organization has recorded an increased risk of preventable diseases, diarrhea, and acute respiratory infections in Gaza;

Whereas the water and sanitation systems in Gaza have been severely damaged or destroyed, and the United Nations has reported that more than 96 percent of the available water supply in Gaza is unfit for human consumption;

Whereas there has been extensive damage to other critical infrastructure in Gaza, impeding the delivery of humanitarian aid;

Whereas improvements to the deconfliction process are needed in Gaza to allow humanitarian organizations to safely carry out their missions delivering aid to individuals most in need;

Whereas the United States has helped lead the humanitarian response in Gaza and is the largest single-state funder of humanitarian aid to the Palestinian people;

Whereas, prior to the conflict that began in 2023, an average of 500 trucks carrying fuel, commodities, and private sector goods entered Gaza every working day;

Whereas the number of aid trucks entering Gaza has fallen to an average drastically below 500 per day;

Whereas the opening of Kerem Shalom crossing was a welcome step in facilitating an increase in aid delivery into Gaza;

Whereas the process of inspections of aid trucks seeking entry to Gaza remains inefficient, creating substantial delays in the delivery of aid; and

Whereas United States officials have worked to increase access for aid trucks and to alleviate the humanitarian crisis in Gaza, but far more needs to be done: Now, therefore, be it

Resolved, That the Senate urgently calls on the administration of President Joseph R. Biden, in coordination with United States allies and partners within the international community, to help facilitate a dramatic increase in humanitarian aid to prevent starvation and disease in Gaza by—

(1) streamlining the inspection of trucks entering Gaza;

(2) increasing the access points for aid deliveries into Gaza;

(3) ensuring the distribution of adequate fuel to hospitals and humanitarian organizations in Gaza;

(4) ensuring the ability of humanitarian organizations to deliver aid safely and urgently in Gaza;

(5) expanding the number of safe shelters and food distribution locations for displaced people in Gaza;

(6) supporting efforts to restore water supply lines; and

(7) working to secure the additional funding necessary to support the humanitarian response.

SENATE RESOLUTION 555—DESIGNATING THE WEEK OF FEBRUARY 10 THROUGH FEBRUARY 17, 2024, AS ''NATIONAL ENTREPRENEURSHIP WEEK'' TO RECOGNIZE THE IMPORTANCE AND CONTRIBUTIONS OF ENTREPRENEURS AND STARTUPS TO THE ECONOMIC PROSPERITY OF THE UNITED STATES AND THE WELL-BEING OF EVERY COMMUNITY ACROSS THE UNITED STATES

Ms. KLOBUCHAR (for herself and Mr. SCOTT of South Carolina) submitted the following resolution; which was considered and agreed to:

S. RES. 555

Whereas National Entrepreneurship Week is a congressionally chartered event taking place annually during the third week of February for the purpose of democratizing and promoting entrepreneurship across the United States through education, connection, and collaboration;

Whereas the United States is the most entrepreneurial country in the world, and the entrepreneurial spirit woven into the national consciousness is central to the identity of the United States;

Whereas that entrepreneurial spirit and the countless new businesses it has spawned have built the most innovative and productive economy in the history of the world;

Whereas the United States is a nation of entrepreneurs, with new and small businesses comprising 99 percent of all businesses in the United States and employing nearly ½ of all workers in the United States;

Whereas, given the importance of entrepreneurship to innovation, productivity gains, job creation, and expanding opportunity, a thriving entrepreneurial spirit is critical to economic growth in the United States;

Whereas National Entrepreneurship Week celebrates the initiative, drive, creativity, and commitment embodied in the entrepreneurial spirit of the United States;

Whereas National Entrepreneurship Week inspires students and the next generation of entrepreneurs by encouraging educators in grade schools, colleges, and universities across the United States to integrate entrepreneurship education into the classroom; and

Whereas research has demonstrated that students who participate in entrepreneurship education programs have better attendance records, perform better in core subjects, and have lower drop-out rates than students who do not participate in such programs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 10 through February 17, 2024, as ''National Entrepreneurship Week'';

(2) celebrates the importance of entrepreneurs and startups to the economy of the United States;

(3) recognizes the contributions entrepreneurs make to expand opportunity, provide more inclusive prosperity, and increase the well-being of every community across the United States;

(4) affirms the importance and urgency of enacting policies that promote, nurture, and support entrepreneurs and startups; and

(5) encourages Federal, State, and local governments, schools, nonprofit organizations, and other civic organizations to observe National Entrepreneurship Week annually with special events and activities—

(A) to recognize the contributions of entrepreneurs in the United States;

(B) to teach the importance of entrepreneurship to a strong and inclusive economy; and

(C) to take steps to encourage, support, and celebrate future entrepreneurs.

SENATE RESOLUTION 556—TO PROVIDE FOR THE PRINTING OF THE SENATE MANUAL FOR THE ONE HUNDRED EIGHTEENTH CONGRESS

Ms. KLOBUCHAR (for herself and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 556

Resolved, That a revised edition of the Senate Manual for the One Hundred Eighteenth Congress be prepared by the Committee on Rules and Administration and printed as a Senate document, and that 1,500 additional copies shall be printed and bound for the use of the Senate, bound and delivered as may be directed by the Committee on Rules and Administration.

SENATE RESOLUTION 557—AUTHORIZING THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE TO CONDUCT QUARTERLY BLOOD DONATION DRIVES

Ms. KLOBUCHAR (for herself and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 557

Resolved,

SECTION 1. QUARTERLY SENATE BLOOD DONATION DRIVES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—During calendar year 2024, the Sergeant at Arms and Doorkeeper of the Senate (referred to in this resolution as the ''Sergeant at Arms'') is authorized to conduct a blood donation drive once every quarter, in accordance with paragraphs (2) and (3).

(2) DATE SELECTION.—The Sergeant at Arms shall, in consultation with the Committee on Rules and Administration of the Senate, select the date for each drive conducted under paragraph (1).

(3) SELECTION OF LOCATIONS AND PARTNERING BLOOD DONATION ORGANIZATIONS.—

(A) IN GENERAL.—The Sergeant at Arms shall identify and, with the approval of the Committee on Rules and Administration of the Senate, select a location and a partnering blood donation organization for each drive conducted under paragraph (1).

(B) MEMBER REQUESTS.—In identifying appropriate partnering blood donation organizations under subparagraph (A), the Sergeant at Arms may consider a request from a Senator for a specific blood donation organization.

(b) IMPLEMENTATION.—Physical preparations for the conduct of, and the implementation of, each drive authorized under subsection (a)(1) shall be carried out in accordance with such conditions as the Sergeant at Arms, in consultation with the Committee on Rules and Administration of the Senate, may prescribe.

SENATE RESOLUTION 558—CONGRATULATING THE UNIVERSITY OF MISSOURI TIGERS FOR WINNING THE 2023 COTTON BOWL CLASSIC

Mr. SCHMITT (for himself and Mr. HAWLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 558

Whereas, on December 29, 2023, the University of Missouri Tigers football team (referred to in this preamble as the ''Tigers'') defeated the nationally ranked Ohio State University Buckeyes, 14 to 3, to win the 2023 Cotton Bowl Classic (referred to in this preamble as the ''Cotton Bowl'');

Whereas the victory in the Cotton Bowl is a testament to the skill, dedication, and hard work of the Tigers;

Whereas the Tigers demonstrated teamwork and sportsmanship during the Cotton Bowl and throughout the 2023 season;

Whereas, during the 2023 season, the Tigers achieved a record of 11 wins and 2 losses;

Whereas the Tigers attained a final ranking of 8th in the 2023 National Collegiate Athletic Association (referred to in this preamble as ''NCAA'') Division I Football Bowl Subdivision (referred to in this preamble as ''FBS'') football season;

Whereas the coaching staff, led by the head coach of the Tigers, Eliah Drinkwitz, provided leadership and strategy, contributing to the victories throughout the season and Eliah Drinkwitz being awarded the 2023 Southeastern Conference (referred to in this preamble as ''SEC'') Football Coach of the Year;

Whereas Brady Cook, named the Offensive Most Valuable Player for the Cotton Bowl, and Johnny Walker Jr., named the Defensive Most Valuable Player for the Cotton Bowl, were acknowledged for their outstanding performances during the Cotton Bowl;

Whereas several players on the Tigers received recognition during the 2023 season, including—

(1) Cody Schrader, who earned the 2023 Burlsworth Trophy, which is awarded annually to the most outstanding college football player at the FBS level who began their college career as a walk-on;

(2) 7 players earning 1st or 2nd Team All-SEC honors;

(3) 2 players earning Walter Camp All-America honors; and

(4) 4 players earning Associated Press All-America honors; and

Whereas fans of the Tigers demonstrated passion and dedication in supporting their team throughout the 2023 NCAA Division I FBS football season: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Missouri Tigers football team (referred to in this resolution as the ''Tigers'') on winning the 2023 Cotton Bowl Classic;

(2) recognizes the achievements, contributions, and dedication of the players, coaches, management, and support staff of the Tigers;

(3) congratulates the alumni, students, and faculty of the University of Missouri; and

(4) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chancellor of the University of Missouri, Mun Choi;

(B) the director of athletics of the University of Missouri, Desiree Reed-Francois; and

(C) the head coach of the Tigers, Eliah Drinkwitz.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1454. Mr. RICKETTS (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table.

SA 1455. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1456. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1457. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1458. Mr. CRAMER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1459. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr . SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1460. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr . SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1461. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1462. Mr. WELCH (for himself, Mr. SANDERS, Mr. DURBIN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1463. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1464. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1465. Mr. MERKLEY submitted an amendment intended to be proposed by him

to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1466. Mr. CARDIN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1467. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1468. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1469. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1470. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1471. Mr. HAWLEY (for himself, Mr. LUJÁN, Mr. CRAPO, Mr. SCHMITT, Mr. HEINRICH, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1472. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1473. Mr. COTTON (for himself, Mr. BRAUN, Mr. CRAMER, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1474. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1475. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1476. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1477. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1478. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1479. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1480. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1481. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1482. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1483. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1484. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1485. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1486. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1487. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1488. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1489. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1490. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1491. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1492. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1493. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1494. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1495. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1496. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1497. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1498. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1499. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1500. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1501. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1502. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1503. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1504. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1505. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1506. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1507. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1508. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1509. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1510. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1511. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1512. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1513. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1514. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1515. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1516. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1517. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1518. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1519. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1520. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1521. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1522. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1523. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1524. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1525. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1526. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1527. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1528. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1529. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1530. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1531. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr . SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1532. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1533. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1534. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1535. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1536. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1537. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1538. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1539. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1540. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1541. Mr. KELLY (for himself and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1542. Mr. RUBIO (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1543. Mr. DURBIN (for himself, Mr. PADILLA, Ms. CORTEZ MASTO, Mr. HEINRICH, Mr. KAINE, Mr. WARNER, Ms. BALDWIN, Mr. BOOKER, Mr. HICKENLOOPER, Ms. HIRONO, Mr. BLUMENTHAL, Mr. PETERS, Ms. DUCKWORTH, Mr. SANDERS, Mr. MENENDEZ, Mr. BENNET, Ms. BUTLER, Mr. MERKLEY, Ms. WARREN, Mr. BROWN, Mr. KING, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1544. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1545. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1546. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1547. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1548. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1549. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1550. Ms. KLOBUCHAR (for herself, Mr. MORAN, Mr. COONS, Mr. WICKER, Mr. BLUMENTHAL, Mr. CASSIDY, Mrs. SHAHEEN, Mr. TILLIS, Mr. KING, Mr. MULLIN, Ms. MURKOWSKI, Mr. CRAPO, Mr. GRAHAM, Mr. ROUNDS, Mrs. CAPITO, Mr. REED, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1551. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1552. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1553. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1554. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1555. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1556. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1557. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1558. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1559. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1560. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1561. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1562. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1563. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1564. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1565. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1566. Ms. CORTEZ MASTO (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1567. Mr. WARNER (for himself, Mr. ROUNDS, Mr. REED, and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1568. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1569. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1570. Mr. CRAPO (for Mr. RISCH (for himself and Mr. CRAPO)) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1571. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1572. Ms. SINEMA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1573. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1574. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1575. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1576. Mr. PADILLA (for himself, Mr. HEINRICH, Mrs. GILLIBRAND, Ms. WARREN, Mr. DURBIN, Mr. BOOKER, Mr. BENNET, Ms. DUCKWORTH, and Ms. BUTLER) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1577. Mr. SCHUMER proposed an amendment to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra.

SA 1578. Mr. SCHUMER proposed an amendment to amendment SA 1577 proposed by Mr. SCHUMER to the amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra.

SA 1579. Mr. SCHUMER proposed an amendment to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra.

SA 1580. Mr. SCHUMER proposed an amendment to amendment SA 1579 proposed by Mr. SCHUMER to the amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra.

SA 1581. Mr. SCHUMER proposed an amendment to the bill H.R. 815, supra.

SA 1582. Mr. SCHUMER proposed an amendment to amendment SA 1581 proposed by Mr. SCHUMER to the bill H.R. 815, supra.

SA 1583. Mr. SCHUMER proposed an amendment to amendment SA 1582 proposed by Mr. SCHUMER to the amendment SA 1581 proposed by Mr. SCHUMER to the bill H.R. 815, supra.

SA 1584. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1585. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1586. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1587. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1588. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1589. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1590. Mr. SCOTT of South Carolina (for himself and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1591. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1592. Mr. LEE (for Mr. MARSHALL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1593. Mr. LEE (for Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1594. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 1147, to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students.

SA 1595. Mr. LEE (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1454. Mr. RICKETTS (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON CONTRIBUTIONS TO UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST.—The United States Government may not make any contribution, grant, or other payment to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), including through contributions, grants, or payments to the regular budget of the United Nations for the support of UNRWA.''.

SA 1455. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INADMISSIBILITY AND DEPORTABILITY RELATED TO DRIVING WHILE INTOXICATED OR IMPAIRED.

(a) SHORT TITLE.—This section may be cited as the ''Protect Our Communities from DUIs Act''.

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) DRIVING WHILE INTOXICATED OR IMPAIRED.—Any alien who has been convicted of, who admits having committed, or who admits committing acts which constitute the essential elements of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction, offense, or acts constituting the essential elements of the offense occurred (including an offense for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction or offense is classified as a misdemeanor or felony under Federal, State, tribal, or local law, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) DRIVING WHILE INTOXICATED OR IMPAIRED.—Any alien who 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, is deportable.''.

SA 1456. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INELIGIBILITY FOR IMMIGRATION BENEFITS OF ALIENS WHO CARRIED OUT, PARTICIPATED IN, PLANNED, FINANCED, SUPPORTED, OR OTHERWISE FACILITATED ATTACKS AGAINST ISRAEL.

(a) SHORT TITLE.—This section may be cited as the ''No Immigration Benefits for Hamas Terrorists Act''.

(b) PARTICIPANTS IN HAMAS TERRORISM AGAINST ISRAEL.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)(i), in the matter following subclause (IX)—

(A) by inserting ''Palestinian Islamic Jihad, or Hamas'' after ''Palestine Liberation Organization''; and

(B) by inserting ''member,'' after ''representative,''; and

(2) by adding at the end the following:

''(H) PARTICIPANTS IN HAMAS TERRORISM AGAINST ISRAEL.—Any alien who carried out, participated in, planned, financed, afforded material support to, or otherwise facilitated any of the attacks against Israel initiated by Hamas beginning on October 7, 2023, is inadmissible.''.

(c) CONFORMING AMENDMENT.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking ''subparagraph (B) or (F)'' and inserting ''subparagraph (B), (F), or (H)''.

(d) INELIGIBILITY FOR RELIEF.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended by adding at the end the following:

''(D) INELIGIBILITY FOR RELIEF.—Any alien who carried out, participated in, planned, financed, afforded material support to, or otherwise facilitated any of the attacks against Israel initiated by Hamas beginning on October 7, 2023, shall be ineligible for any relief under the immigration laws, including under this section, section 208, and section 2242 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (and any regulations issued pursuant to such section).''.

(e) REPORT REQUIRED ON PARTICIPANTS IN HAMAS TERRORISM AGAINST ISRAEL.—Beginning not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that identifies the number of aliens who, during the period covered by the report—

(1) were found to be inadmissible under section 212(a)(3)(H) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(H)); or

(2) were found to be removable pursuant to section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)).

SA 1457. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—SANCTIONS WITH RESPECT TO FOREIGN SUPPORT FOR TERRORIST ORGANIZATIONS

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Hamas and Other Palestinian Terrorist Groups International Financing Prevention Act''.

SEC. 4002. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to prevent Hamas, Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof from accessing its international support networks; and

(2) to oppose Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof from using goods, including medicine and dual use items, to smuggle weapons and other materials to further acts of terrorism, including against Israel.

SEC. 4003. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS SUPPORTING ACTS OF TERRORISM OR ENGAGING IN SIGNIFICANT TRANSACTIONS WITH SENIOR MEMBERS OF HAMAS, PALESTINIAN ISLAMIC JIHAD AND OTHER PALESTINIAN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall impose the sanctions described in subsection (c) with respect to each foreign person that the President determines, on or after the date of the enactment of this Act, engages in an activity described in subsection (b).

(b) ACTIVITIES DESCRIBED.—A foreign person engages in an activity described in this subsection if the foreign person knowingly—

(1) assists in sponsoring or providing significant financial, material, or technological support for, or goods or other services to enable, acts of terrorism; or

(2) engages, directly or indirectly, in a significant transaction with—

(A) a senior member of Hamas, Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof; or

(B) a senior member of a foreign terrorist organization designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) that is responsible for providing, directly or indirectly, support to Hamas, Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof.

(c) SANCTIONS DESCRIBED.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulations promulgated to carry out this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(e) IMPLEMENTATION; REGULATIONS.—

(1) IN GENERAL.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

(2) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the President shall issue regulations or other guidance as may be necessary for the implementation of this section.

(f) WAIVER.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, the application of sanctions under this section with respect to a foreign person only if, not later than 15 days prior to the date on which the waiver is to take effect, the President submits to the appropriate congressional committees a written determination and justification that the waiver is in the vital national security interests of the United States.

(g) HUMANITARIAN EXEMPTION.—The President may waive the application of any provision of this section if the President certifies in writing to the appropriate congressional committees that such a waiver is vital to facilitate the delivery of humanitarian aid and is consistent with the national security interests of the United States 15 days prior to the waiver taking effect.

(h) RULE OF CONSTRUCTION.—The authority to impose sanctions under this section with respect to a foreign person is in addition to the authority to impose sanctions under any other provision of law with respect to a foreign person that directly or indirectly supports acts of international terrorism.

SEC. 4004. IMPOSITION OF MEASURES WITH RESPECT TO FOREIGN STATES PROVIDING SUPPORT TO HAMAS, PALESTINIAN ISLAMIC JIHAD AND OTHER PALESTINIAN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall impose the measures described in subsection (c) with respect to a foreign state if the President determines that the foreign state, on or after the date of the enactment of this Act, engages in an activity described in subsection (b).

(b) ACTIVITIES DESCRIBED.—A foreign state engages in an activity described in this subsection if the foreign state knowingly—

(1) provides significant material or financial support for acts of international terrorism, pursuant to—

(A) section 1754(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(D) any other provision of law;

(2) provides significant material support to Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof; or

(3) engages in a significant transaction that materially contributes, directly or indirectly, to the terrorist activities of Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof.

(c) MEASURES DESCRIBED.—The measures described in this subsection with respect to a foreign state are the following:

(1) The President shall suspend, for a period of at least 1 year, United States assistance to the foreign state.

(2) The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of 1 year, the extension by such institution of any loan or financial or technical assistance to the government of the foreign state.

(3) The President shall prohibit the export of any item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778)) or the Commerce Control List set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations, to the foreign state for a period of 1 year.

(d) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulations promulgated to carry out this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(e) WAIVER.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, the application of measures under this section with respect to a foreign state only if, not later than 15 days prior to the date on which the waiver is to take effect, the President submits to the appropriate congressional committees a written determination and justification that the waiver is in the vital national security interests of the United States.

(f) IMPLEMENTATION; REGULATIONS.—

(1) IN GENERAL.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

(2) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the President shall issue regulations or other guidance as may be necessary for the implementation of this section.

(g) ADDITIONAL EXEMPTIONS.—

(1) STATUS OF FORCES AGREEMENTS.—The President may exempt the application of measures under this section with respect to a foreign state if the application of such measures would prevent the United States from meeting the terms of any status of forces agreement to which the United States is a party.

(2) AUTHORIZED INTELLIGENCE ACTIVITIES.—Measures under this section shall not apply with respect to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(3) HUMANITARIAN EXEMPTION.—The President may waive the application of any provision of this section if the President certifies in writing to the appropriate congressional committees that such a waiver is vital to facilitate the delivery of humanitarian aid and is consistent with the national security interests of the United States 15 days prior to the waiver taking effect.

(h) RULE OF CONSTRUCTION.—The authority to impose measures under this section with respect to a foreign state is in addition to the authority to impose measures under any other provision of law with respect to foreign states that directly or indirectly support acts of international terrorism.

SEC. 4005. REPORTS ON ACTIVITIES TO DISRUPT GLOBAL FUNDRAISING, FINANCING, AND MONEY LAUNDERING ACTIVITIES OF HAMAS, PALESTINIAN ISLAMIC JIHAD, AL-AQSA MARTYRS BRIGADE, THE LION'S DEN OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of the disposition of the assets and activities of Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof related to fundraising, financing, and money laundering worldwide;

(2) a list of foreign states that knowingly providing material, financial, or technical support for, or goods or services to Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof;

(3) a list of foreign states in which Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof conducts significant fundraising, financing, or money laundering activities;

(4) a list of foreign states from which Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliate or successor thereof knowingly engaged in the transfer of surveillance equipment, electronic monitoring equipment, or other means to inhibit communication or the free flow of information in Gaza; and

(5) with respect to each foreign state listed in paragraph (2), (3), or (4)—

(A) a description of the steps the foreign state identified is taking adequate measures to restrict financial flows to Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or any affiliates or successors thereof; and

(B) in the case of a foreign state failing to take adequate measures to restrict financial flows to Hamas, Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den or any other designated entity engaged in significant act of terrorism threatening the peace and security of Israel—

(i) an assessment of the reasons that government is not taking adequate measures to restrict financial flows to those entities; and

(ii) a description of measures being taken by the United States Government to encourage the foreign state to restrict financial flows to those entities; and

(b) FORM.—Each report required by subsection (a) shall be submitted in unclassified form to the greatest extent possible, and may contain a classified annex.

SEC. 4006. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this Act shall not include the authority or requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 4007. TERMINATION.

This division shall terminate on the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) the date that is 30 days after the date on which the President certifies to the appropriate congressional committees that—

(A) Hamas or any successor or affiliate thereof is no longer designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, and any successor or affiliate thereof are no longer subject to sanctions pursuant to—

(i) Executive Order No. 12947 (January 23, 1995; relating to prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process); and

(ii) Executive Order No. 13224 (September 23, 2001; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism); and

(C) Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, and any successor or affiliate thereof meet the criteria described in paragraphs (1) through (4) of section 9 of the Palestinian Anti-Terrorism Act of 2006 (22 U.S.C. 2378b note).

SEC. 4008. DEFINITIONS.

In this division:

(1) ACT OF TERRORISM.—The term ''act of terrorism'' means an activity that—

(A) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(B) appears to be intended to—

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a government by intimidation or coercion; or

(iii) affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

(2) ADMITTED.—The term ''admitted'' has the meaning given such term in section 101(a)(13)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(A)).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) FOREIGN STATE.—The term ''foreign state'' has the meaning given such term in section 1603 of title 28, United States Code.

(5) HUMANITARIAN AID.—The term ''humanitarian aid'' means food, medicine, and medical supplies.

(6) MATERIAL SUPPORT.—The term ''material support'' has the meaning given the term ''material support or resources'' in section 2339A of title 18, United States Code.

(7) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SA 1458. Mr. CRAMER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON USE OF FUNDS TO PAUSE PERMITTING OF LNG EXPORTS.

Notwithstanding any other provision of law, no Federal funds shall be used to facilitate or implement the Department of Energy review of the underlying analysis used to permit liquefied natural gas exports under the Natural Gas Act (15 U.S.C. 717 et seq.), announced on January 26, 2024.

SA 1459. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 12 and 13, insert the following:

SEC. 709. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct an audit exploring—

(A) how the Government of Ukraine has used amounts received from the United States for military, economic, and humanitarian aid since February 24, 2022, including amounts appropriated for Ukraine—

(i) through the Department of Defense Ukraine Security Assistance Initiative;

(ii) through the Foreign Military Financing program;

(iii) under the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128); and

(iv) under the National Security Act, 2024; and

(B) the effectiveness with which the Government of Ukraine has prevented and detected waste, fraud, and abuse relating to amounts received from the United States, including—

(i) detailed accounts of any instances of corruption relating to such United States funding; and

(ii) the total amount of such funding that was lost due to waste, fraud, or abuse; and

(2) submit a report to Congress containing the results of such audit.

SA 1460. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 12 and 13, insert the following:

SEC. 709. Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct an audit exploring—

(A) how the Government of Ukraine has used amounts received from the United States for military, economic, and humanitarian aid since February 24, 2022, including amounts appropriated for Ukraine—

(i) through the Department of Defense Ukraine Security Assistance Initiative;

(ii) through the Foreign Military Financing program;

(iii) under the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128); and

(iv) under the National Security Act, 2024; and

(B) the effectiveness with which the Government of Ukraine has prevented and detected waste, fraud, and abuse relating to amounts received from the United States, including—

(i) detailed accounts of any instances of corruption relating to such United States funding; and

(ii) the total amount of such funding that was lost due to waste, fraud, or abuse; and

(2) submit a report to Congress containing the results of such audit.

SA 1461. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMPLOYMENT AUTHORIZATION FOR ALIENS SEEKING ASYLUM.

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) ELIGIBILITY.—Subject to subparagraphs (B) and (C), the Secretary of Homeland Security shall authorize employment for an applicant for asylum whose application for asylum has not been determined frivolous.

''(B) APPLICATION.—An applicant for asylum who is not otherwise eligible for employment authorization shall not be granted such authorization prior to 30 days after the date of filing of the application for asylum.

''(C) TERM.—Employment authorization for an applicant for asylum shall be valid until the date on which an applicant is issued a final denial of the applicable application, including administrative and judicial review.''.

SA 1462. Mr. WELCH (for himself, Mr. SANDERS, Mr. DURBIN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. Notwithstanding any other provision of law (including section 614 of the Foreign Assistance Act of 1961) (22 U.S.C. 2364)), none of the funds appropriated or otherwise made available by this Act may be made available to support the procurement of, or for the transfer, inspection, assembly, testing, or shipment of any General Purpose Bombs (including Mk–84, Mk–83, Mk–82, BLU–113 bombs, GBU–39 Small Diameter Bombs, and BLU–109 Hard Target Penetrator Bombs) for use in Gaza.

SA 1463. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ORDERING AUTHORITY FOR MAINTENANCE, REPAIR, AND CONSTRUCTION OF FACILITIES OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2818. Ordering authority

''(a) IN GENERAL.—The head of a department or organization within the Department of Defense may place an order, on a reimbursable basis, with any other such department or organization for a project for the maintenance and repair of a facility of the Department of Defense or for a minor military construction project.

''(b) OBLIGATIONS.—An order placed by the head of a department or organization under subsection (a) is deemed to be an obligation of such department or organization in the same manner as a similar order or contract placed with a private contractor.

''(c) CONTINGENCY EXPENSES.—An order placed under subsection (a) for a project may include an amount for contingency expenses that shall not exceed 10 percent of the cost of the project.

''(d) AVAILABILITY OF AMOUNTS.—Amounts appropriated or otherwise made available to a department or organization of the Department of Defense shall be available to pay an

obligation of such department or organization under this section in the same manner and to the same extent as those amounts are available to pay an obligation to a private contractor.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2818. Ordering authority.''.

SA 1464. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 19, strike ''$390,000,000, of which'' and insert ''$590,000,000, of which $200,000,000, to remain available until September 30, 2026, shall be transferred to the Secretary of Homeland Security for the Alternatives to Detention Case Management pilot program of the Department of Homeland Security, and of which $390,000,000, of which''.

SA 1465. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON EXPORTS OF LIQUEFIED NATURAL GAS AND CRUDE OIL TO CERTAIN COUNTRIES.

(a) PROHIBITIONS.—Notwithstanding any other provision of law, unless a waiver has been issued under subsection (b), no person or entity may export liquefied natural gas or crude oil—

(1) to any entity that is under the ownership or control of the Chinese Communist Party, the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, or the Islamic Republic of Iran; or

(2) except on the condition that such liquefied natural gas or crude oil will not be exported to the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, or the Islamic Republic of Iran.

(b) WAIVER.—

(1) IN GENERAL.—On application by an exporter, the Secretary of Energy may waive, prior to the date of the applicable contract, the prohibitions described in subsection (a) with respect to the sale of liquefied natural gas or crude oil.

(2) REQUIREMENT.—The Secretary of Energy may issue a waiver under this subsection only if the Secretary of Energy determines that the waiver is in the interest of the national security of the United States.

(3) APPLICATIONS.—An exporter seeking a waiver under this subsection shall submit to the Secretary of Energy an application by such date, in such form, and containing such information as the Secretary of Energy may require.

(4) NOTICE TO CONGRESS.—Not later than 15 days after issuing a waiver under this subsection, the Secretary of Energy shall provide a copy of the waiver to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SA 1466. Mr. CARDIN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) submitted to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—REBUILDING ECONOMIC PROSPERITY AND OPPORTUNITY FOR UKRAINIANS ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Rebuilding Economic Prosperity and Opportunity for Ukrainians Act'' or the ''REPO for Ukrainians Act''.

SEC. 4002. DEFINITIONS.

In this division:

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

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(2) G7.—The term ''G7'' means the countries that are members of the informal Group of 7, including Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States.

(3) RUSSIAN SOVEREIGN ASSET.—The term ''Russian sovereign asset'' means funds and other property of—

(A) the Central Bank of the Russian Federation;

(B) the National Wealth Fund of the Russian Federation; or

(C) the Ministry of Finance of the Russian Federation.

(4) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

TITLE I—SEIZURE, TRANSFER, CONFISCATION, AND REPURPOSING OF RUSSIAN SOVEREIGN ASSETS

SEC. 4101. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) On February 20, 2014, the Government of the Russian Federation violated the sovereignty and territorial integrity of Ukraine by engaging in a pre-meditated and illegal invasion of Ukraine.

(2) On February 24, 2022, the Government of the Russian Federation violated the sovereignty and territorial integrity of Ukraine by engaging in a pre-meditated, second illegal invasion of Ukraine.

(3) The international community has condemned the illegal invasions of Ukraine by the Russian Federation, as well as the commission of war crimes by the Russian Federation, including through the deliberate targeting of civilians and civilian infrastructure, the commission of sexual violence, and the forced deportation of Ukrainian children.

(4) The leaders of the G7 have called the Russian Federation's ''unprovoked and completely unjustified attack on the democratic state of Ukraine'' a ''serious violation of international law and a grave breach of the United Nations Charter and all commitments Russia entered in the Helsinki Final Act and the Charter of Paris and its commitments in the Budapest Memorandum''.

(5) On March 2, 2022, the United Nations General Assembly adopted Resolution ES–11/1, entitled ''Aggression against Ukraine'', by a vote of 141 to 5. That resolution ''deplore[d] in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the [United Nations] Charter'' and demanded that the Russian Federation ''immediately cease its use of force against Ukraine'' and ''immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders''.

(6) On March 16, 2022, the International Court of Justice issued provisional measures ordering the Russian Federation to ''immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine''.

(7) The Russian Federation bears international legal responsibility for its aggression against Ukraine and, under international law, must cease its internationally wrongful acts. Because of this breach of the prohibition on aggression under international law, the United States is legally entitled to take countermeasures that are proportionate and aimed at inducing the Russian Federation to comply with its international obligations.

(8) On November 14, 2022, the United Nations General Assembly adopted a resolution—

(A) recognizing that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts;

(B) recognizing the need for the establishment of an international mechanism for reparation for damage, loss, or injury caused by the Russian Federation in or against Ukraine; and

(C) recommending creation of an international register of such damage, loss, or injury.

(9) Under international law, a country that is responsible for an internationally wrongful act is under an obligation to make full reparation for the injury caused. The Russian Federation bears such an obligation to compensate Ukraine.

(10) Approximately $300,000,000,000 of Russian sovereign assets have been immobilized worldwide. Only a small fraction of those assets—1 to 2 percent, or between $4,000,000,000 and $5,000,000,000—are reportedly subject to the jurisdiction of the United States.

(11) The vast majority of immobilized Russian sovereign assets, approximately $190,000,000,000, are reportedly subject to the jurisdiction of Belgium. The Government of Belgium has publicly indicated that any action by that Government regarding those assets would be predicated on support by the G7.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, having committed an act of aggression, as recognized by the United Nations General Assembly on March 2, 2022, the Russian Federation is to be considered as an

aggressor state. The internationally wrongful acts taken by the Russian Federation, including an act of aggression, present a unique situation justifying the establishment of a mechanism to compensate Ukraine and victims of aggression by the Russian Federation in Ukraine.

SEC. 4102. SENSE OF CONGRESS REGARDING IMPORTANCE OF THE RUSSIAN FEDERATION PROVIDING COMPENSATION TO UKRAINE.

It is the sense of Congress that—

(1) the Russian Federation bears responsibility for the financial burden of the reconstruction of Ukraine and for countless other costs associated with the illegal invasion of Ukraine by the Russian Federation that began on February 24, 2022;

(2) in the absence of a comprehensive peace agreement addressing the Russian Federation's obligation to compensate Ukraine for the cost of the Russian Federation's unlawful war against Ukraine, the amount of money the Russian Federation must pay Ukraine should be assessed by an international body or mechanism charged with determining compensation and providing assistance to Ukraine;

(3) the Russian Federation is on notice of its opportunity to comply with its international obligations, including compensation, or, by agreement with the government of independent Ukraine, authorize an international body or mechanism to address those outstanding obligations with authority to make binding decisions on parties that comply in good faith;

(4) the Russian Federation can, by negotiated agreement, participate in any international process to assess the full cost of the Russian Federation's unlawful war against Ukraine and make funds available to compensate for damage, loss, and injury arising from its internationally wrongful acts in Ukraine, and if it fails to do so, the United States and other countries should explore other avenues for ensuring compensation to Ukraine, including confiscation and repurposing of assets of the Russian Federation;

(5) the President should continue to lead robust engagement on all bilateral and multilateral aspects of the response by the United States to efforts by the Russian Federation to undermine the sovereignty and territorial integrity of Ukraine, including on any policy coordination and alignment regarding the disposition of Russian sovereign assets in the context of compensation; and

(6) any effort by the United States to confiscate and repurpose Russian sovereign assets should be undertaken alongside international allies and partners as part of a coordinated, multilateral effort, including with G7 countries, the European Union, Australia, and other countries in which Russian sovereign assets are located.

SEC. 4103. PROHIBITION ON LIFTING SANCTIONS ON IMMOBILIZED RUSSIAN SOVEREIGN ASSETS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Russian sovereign asset that is blocked or immobilized by the Department of the Treasury pursuant to sanctions imposed before the date described in section 4104(h) may be released or mobilized until the President certifies to the appropriate congressional committees in writing that—

(1) the Russian Federation has reached an agreement relating to the respective withdrawal of Russian forces and cessation of military hostilities that is accepted by the free and independent Government of Ukraine; and

(2)(A) full compensation has been made to Ukraine for harms resulting from the invasion of Ukraine by the Russian Federation; or

(B) the Russian Federation is participating in a bona fide international mechanism that, by agreement, will discharge the obligations of the Russian Federation to compensate Ukraine for all amounts determined to be owed to Ukraine.

(b) NOTIFICATION.—Not later than 30 days before the lifting of sanctions with respect to Russian sovereign assets as described in subsection (a), the President shall submit to the appropriate congressional committees—

(1) a written notification of the decision to lift the sanctions; and

(2) a justification in writing for lifting the sanctions.

(c) JOINT RESOLUTION OF DISAPPROVAL.—

(1) IN GENERAL.—Sanctions may not be lifted with respect to Russian sovereign assets as described in subsection (a) if, within 30 days of receipt of the notification and justification required under subsection (b), a joint resolution is enacted prohibiting the lifting of the sanctions.

(2) EXPEDITED PROCEDURES.—Any joint resolution described in paragraph (1) introduced in either House of Congress shall be considered in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 765), except that any such resolution shall be subject to germane amendments. If such a joint resolution should be vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to 20 hours in the Senate and in the House of Representatives shall be determined in accordance with the Rules of the House.

(d) COOPERATION ON PROHIBITION OF LIFTING SANCTIONS ON CERTAIN RUSSIAN SOVEREIGN ASSETS.—The President may take such action as may be necessary to seek to obtain and enter into an agreement between the United States, Ukraine, and other countries that have blocked or immobilized Russian sovereign assets to prohibit such assets from being released or mobilized until there is an agreement that addresses the Russian Federation's obligation to compensate Ukraine.

SEC. 4104. AUTHORITY TO SEIZE, CONFISCATE, TRANSFER, AND VEST RUSSIAN SOVEREIGN ASSETS.

(a) REPORTING ON RUSSIAN SOVEREIGN ASSETS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until the date described in subsection (h), the President shall submit to the appropriate congressional committees a report detailing the status of Russian sovereign assets subject to the jurisdiction of the United States, including the information with respect to such assets required to be included with respect to property in the reports required by Directive 4.

(2) CONTINUATION IN EFFECT OF REPORTING REQUIREMENTS.—Any requirement to submit reports under Directive 4 shall remain in effect until the date described in subsection (h).

(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) DIRECTIVE 4 DEFINED.—In this subsection, the term ''Directive 4'' means Directive 4 issued by the Office of Foreign Assets Control under Executive Order 14024 (50 U.S.C. 1701 note; relating to blocking property with respect to specified harmful foreign activities of the Government of the Russian Federation), as in effect on the date of the enactment of this Act.

(b) SEIZURE, TRANSFER, VESTING, AND CONFISCATION.—

(1) IN GENERAL.—On and after the date that is 30 days after the President submits to the appropriate congressional committees the certification described in subsection (c), the President may seize, confiscate, transfer, or vest any Russian sovereign assets, in whole or in part, and including any interest or interests in such assets, subject to the jurisdiction of the United States.

(2) VESTING.—For funds confiscated under paragraph (1), all right, title, and interest in Russian sovereign assets shall vest in the Government of the United States.

(3) LIQUIDATION AND DEPOSIT.—The President may—

(A) deposit any funds seized, transferred, or confiscated under paragraph (1) into the Ukraine Support Fund established under subsection (d);

(B) liquidate or sell any other property seized, transferred, or confiscated under paragraph (1) and deposit the funds resulting from such liquidation or sale into the Ukraine Support Fund; and

(C) make all such funds available for the purposes described in subsection (e).

(4) METHOD OF SEIZURE, TRANSFER, OR CONFISCATION.—The President may seize, transfer, or confiscate Russian sovereign assets under paragraph (1) through instructions or licenses or in such other manner as the President determines appropriate.

(c) CERTIFICATION.—The certification described in this subsection, with respect to Russian sovereign assets, is a certification that—

(1) seizing, confiscating, or transferring the Russian sovereign assets for the benefit of Ukraine is in the national interests of the United States;

(2) either—

(A) the Russian Federation has not ceased its unlawful aggression against Ukraine; or

(B) the Russian Federation has not provided full compensation to Ukraine for harms resulting from Russian aggression; and

(3) the President has meaningfully coordinated with G7 leaders to take multilateral action with regard to any seizure, confiscation, or transfer of Russian sovereign assets for the benefit of Ukraine.

(d) ESTABLISHMENT OF THE UKRAINE SUPPORT FUND.—

(1) IN GENERAL.—The President shall establish an account, to be known as the ''Ukraine Support Fund'', to consist of funds deposited into the account under subsection (b).

(2) USE OF FUNDS.—The funds in the account established under paragraph (1) shall be available to be used only as specified in subsection (e).

(3) SUPPLEMENT NOT SUPPLANT.—Amounts in the account established under paragraph (1) shall supplement and not supplant other amounts made available to provide assistance to Ukraine.

(e) USE OF ASSETS.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), funds in the Ukraine Support Fund shall be available to the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, to provide assistance to Ukraine to address damage resulting from the unlawful invasion by the Russian Federation that began on February 24, 2022, including through contributions to an international body or mechanism charged with determining compensation and providing assistance to Ukraine.

(2) COORDINATION WITH FOREIGN ASSISTANCE FUNDS.—

(A) IN GENERAL.—Funds in the Ukraine Support Fund may be transferred to, and merged with, funds made available to carry out any provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to carry out the purposes of this section, except that funds from the Ukraine Support Fund shall remain available until expended. Any funds transferred pursuant to this subparagraph

may be considered foreign assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities in that Act.

(B) USE FOR DIRECT LOANS.—Notwithstanding section 504(b) of the Congressional Budget Act of 1974 (2 U.S.C. 661c(b)), funds in the Ukraine Support Fund may be made available, subject to such terms and conditions as the Secretary of State deems necessary, for the principal for direct loans for Ukraine and costs, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), of such loans.

(3) NOTIFICATION.—

(A) IN GENERAL.—The Secretary of State shall notify the appropriate congressional committees not fewer than 15 days before providing any funds from the Ukraine Support Fund to the Government of Ukraine or to any other person or international organization for the purposes described in paragraph (1), other than funds authorized to be provided as assistance under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292).

(B) ELEMENTS.—A notification under subparagraph (A) with respect to the provision of funds to the Government of Ukraine shall specify—

(i) the amount of funds to be provided;

(ii) the purpose for which such funds are provided; and

(iii) the recipient.

(4) PROHIBITION OF PROVISION OF FUNDS TO THE RUSSIAN FEDERATION OR SANCTIONED PERSONS.—Notwithstanding any other provision of law, funds from the Ukraine Support Fund may not under any circumstances be provided to—

(A) the Government of the Russian Federation;

(B) a foreign person with respect to which the United States has imposed sanctions;

(C) a foreign person owned or controlled by—

(i) the Government of the Russian Federation;

(ii) a Russian person with respect to which the United States has imposed sanctions; or

(D) any person in which the Government of the Russian Federation or a person described in subparagraph (B) has a direct or indirect interest; or

(E) any person that may act in the interest of the Government of the Russian Federation.

(f) JUDICIAL REVIEW.—

(1) EXCLUSIVENESS OF REMEDY.—Notwithstanding any other provision of law, any action taken under this section shall not be subject to judicial review, except as provided in this subsection.

(2) LIMITATIONS FOR FILING CLAIMS.—A claim may only be brought with respect to an action under this section—

(A) that alleges that the action will deny rights under the Constitution of the United States; and

(B) if the claim is brought not later than 60 days after the date of such action.

(3) JURISDICTION.—

(A) IN GENERAL.—A claim under paragraph (2) of this subsection shall be barred unless a complaint is filed prior to the expiration of such time limits in the United States District Court for the District of Columbia.

(B) APPEAL.—An appeal of an order of the United States District Court for the District of Columbia issued pursuant to a claim brought under this subsection shall be taken by a notice of appeal filed with the United States Court of Appeals for the District of Columbia Circuit not later than 10 days after the date on which the order is entered.

(C) EXPEDITED CONSIDERATION.—It shall be the duty of the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit to advance on the docket and to expedite to the greatest possible extent the disposition of any claim brought under this subsection.

(g) EXCEPTION FOR UNITED STATES OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS.—The authorities provided by this section may not be exercised in a manner inconsistent with the obligations of the United States under—

(1) the Convention on Diplomatic Relations, done at Vienna April 18, 1961, and entered into force April 24, 1964 (23 UST 3227);

(2) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force on March 19, 1967 (21 UST 77);

(3) the Agreement Regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947 (TIAS 1676); or

(4) any other international agreement—

(A) governing the use of force or establishing rights under international humanitarian law; and

(B) to which the United States is a state party on the day before the date of the enactment of this Act.

(h) SUNSET.—The authority to seize, transfer, confiscate, or vest Russian sovereign assets under this section shall terminate on the earlier of—

(1) the date that is 6 years after the date of the enactment of this Act; or

(2) the date that is 120 days after the date on which the President determines and certifies to the appropriate congressional committees that—

(A) the Russian Federation has reached an agreement relating to the respective withdrawal of Russian forces and cessation of military hostilities that is accepted by the free and independent Government of Ukraine; and

(B)(i) full compensation has been made to Ukraine for harms resulting from the invasion of Ukraine by the Russian Federation;

(ii) the Russian Federation is participating in a bona fide international mechanism that, by agreement, addresses the obligations of the Russian Federation to compensate Ukraine; or

(iii) the Russian Federation's obligation to compensate Ukraine for the damage caused by the Russian Federation's aggression has been resolved pursuant to an agreement between the Russian Federation and the Government of Ukraine.

SEC. 4105. INTERNATIONAL MECHANISM TO USE RUSSIAN SOVEREIGN ASSETS TO PROVIDE FOR THE RECONSTRUCTION OF UKRAINE.

(a) IN GENERAL.—The President shall take steps the President determines are appropriate to coordinate with the G7, the European Union, Australia, and other partners and allies of the United States regarding the disposition of immobilized Russian sovereign assets, such as by seeking to establish a coordinated international compensation mechanism with foreign partners, including Ukraine, the G7, the European Union, Australia, and other partners and allies of the United States, which may include the establishment of an international fund, to be known as the ''Common Ukraine Fund'', that uses assets in the Ukraine Support Fund established under section 4104(d) and contributions from foreign partners to allow for compensation for Ukraine, including by—

(1) supporting a register of damage to serve as a record of evidence and for assessment of the full costs of damages to Ukraine resulting from the invasion of Ukraine by the Russian Federation that began on February 24, 2022;

(2) establishing a mechanism for compensating Ukraine for damages resulting from that invasion;

(3) ensuring distribution of those assets or the proceeds of those assets based on determinations under that mechanism; and

(4) taking such other actions as may be necessary to carry out this section.

(b) AUTHORIZATION FOR DEPOSIT.—Upon the President reaching an agreement or arrangement to establish a common international compensation mechanism pursuant to subsection (a), the Secretary of State may transfer funds from the Ukraine Support Fund established under section 4104(d) to a fund or mechanism established consistent with subsection (a).

(c) NOTIFICATIONS.—

(1) AGREEMENT OR ARRANGEMENT.—The President shall notify the appropriate congressional committees not later than 30 days before entering into any new bilateral or multilateral agreement or arrangement under subsection (a).

(2) TRANSFER.—The President shall notify the appropriate congressional committees not later than 30 days before any transfer from the Ukraine Support Fund to a fund established consistent with subsection (a).

(d) GOOD GOVERNANCE.—The Secretary of State, in consultation with the Secretary of the Treasury, shall—

(1) seek to ensure that any fund or mechanism established consistent with subsection (a) operates in accordance with established international accounting principles;

(2) seek to ensure that any such fund or mechanism is—

(A) staffed, operated, and administered in accordance with established accounting rules and governance procedures, including a mechanism for the governance and operation of the fund or mechanism;

(B) operated transparently as to all funds transfers, filings, and decisions; and

(C) audited on a regular basis by an independent auditor, in accordance with internationally accepted accounting and auditing standards;

(3) seek to ensure that any audits of any such fund or mechanism are made available to the public; and

(4) ensure that any audits of any such fund or mechanism are reviewed and reported on by the Government Accountability Office to the appropriate congressional committees and the public.

(e) LIMITATION ON TRANSFER OF FUNDS.—No funds may be transferred from the Ukraine Support Fund to a fund or mechanism established consistent with subsection (a) unless the President certifies to the appropriate congressional committees that—

(1) the institution housing the fund or mechanism has a plan to ensure transparency and accountability for all funds transferred to and from the Common Ukraine Fund; and

(2) the President has transmitted the plan required under paragraph (1) to the appropriate congressional committees in writing.

(f) JOINT RESOLUTION OF DISAPPROVAL.—No funds may be transferred from the Ukraine Support Fund to a fund or mechanism established consistent with subsection (a) if, within 30 days of receipt of the notification required under subsection (c)(2), a joint resolution is enacted prohibiting the transfer.

(g) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than every 90 days thereafter, the President shall submit to the appropriate congressional committees a report that includes the following:

(1) An accounting of funds in any fund or mechanism established consistent with subsection (a).

(2) Any information regarding the disposition of any such fund or mechanism that has been transmitted to the President by the institution housing the fund or mechanism during the period covered by the report.

(3) A description of United States multilateral and bilateral diplomatic engagement with allies and partners of the United States that also have immobilized Russian sovereign assets to allow for compensation for Ukraine during the period covered by the report.

(4) An outline of steps taken to carry out this section during the period covered by the report.

SEC. 4106. REPORT ON USE OF RUSSIAN SOVEREIGN ASSETS.

Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that contains—

(1) the amount and source of Russian sovereign assets seized, transferred, or confiscated pursuant to subsection (b)(1) of section 4104;

(2) the amount and source of funds transferred into the Ukraine Support Fund under subsection (b)(3) of that section; and

(3) a detailed description and accounting of how such funds were used to meet the purposes described in subsection (e) of that section.

SEC. 4107. REPORT ON IMMOBILIZED ASSETS OF THE CENTRAL BANK OF THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, shall submit to the appropriate congressional committees a report that includes—

(1) the best available accounting of the location, value, and denomination of blocked and immobilized assets of the Central Bank of the Russian Federation, as well as any additional assets of that bank held outside of the Russian Federation;

(2) with respect to blocked and immobilized assets of the Central Bank of the Russian Federation—

(A) a break down of those assets by the country or jurisdiction in which such assets are located;

(B) an estimate of the value and denomination of the assets held in each such country or jurisdiction; and

(C) an identification of whether those assets are securities, deposits, or other assets;

(3) an estimate, to the extent feasible, of—

(A) the total income received from those assets since the dates that the assets were blocked or immobilized; and

(B) the approximate amounts of those assets that are securities and have matured or expired; and

(4) an assessment of—

(A) what may have happened to the securities described in paragraph (3)(B); and

(B) how the funds from maturing securities have been reinvested and the associated income flows.

(b) ADDRESSING UNCERTAINTY.—In preparing the report required by subsection (a), the Secretary shall—

(1) where exact figures are uncertain, provide approximate ranges for those figures; and

(2) identify areas of uncertainty or gaps in accounting, including areas where the Central Bank of the Russian Federation may have additional assets outside of the Russian Federation.

(c) COORDINATION WITH ALLIES.—The Secretary shall work with the G7 and other allies of the United States to obtain the information necessary to ensure that the report submitted under subsection (a) is comprehensive. A joint report by the Secretary and such allies shall satisfy the requirements of this subsection.

(d) FORM.—

(1) IN GENERAL.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) FOCUS ON PUBLIC AVAILABILITY OF INFORMATION.—In preparing the report required by subsection (a), the Secretary shall maximize the amount of information that is included in the unclassified portion of the report.

SEC. 4108. ASSESSMENT BY SECRETARY OF STATE AND ADMINISTRATOR OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON RECONSTRUCTION AND REBUILDING NEEDS OF UKRAINE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury and Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees an assessment of the most pressing needs of Ukraine for reconstruction, rebuilding, security assistance, and humanitarian aid.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An estimate of the rebuilding and reconstruction needs of Ukraine, as of the date of the assessment, resulting from the unlawful invasion of Ukraine by the Russian Federation, including—

(A) a description of the sources and methods for the estimate; and

(B) an identification of the locations or regions in Ukraine with the most pressing needs.

(2) An estimate of the humanitarian needs, as of the date of the assessment, of the people of Ukraine, including Ukrainians residing inside the internationally recognized borders of Ukraine or outside those borders, resulting from the unlawful invasion of Ukraine by the Russian Federation.

(3) An assessment of the extent to which the needs described in paragraphs (1) and (2) have been met or funded, by any source, as of the date of the assessment.

(4) A plan to engage in robust multilateral and bilateral diplomacy to ensure that allies and partners of the United States, particularly in the European Union as Ukraine seeks accession, increase their commitment to Ukraine's reconstruction.

(5) An identification of which such needs should be prioritized, including any assessment or request by the Government of Ukraine with respect to the prioritization of such needs.

SEC. 4109. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

TITLE II—MULTILATERAL COORDINATION AND COUNTERING MALIGN ACTIVITIES OF THE RUSSIAN FEDERATION

SEC. 4201. STATEMENT OF POLICY REGARDING MULTILATERAL COORDINATION WITH RESPECT TO THE RUSSIAN FEDERATION.

(a) IN GENERAL.—In response to the Russian Federation's unprovoked and illegal invasion of Ukraine, it is the policy of the United States that—

(1) the United States, along with the European Union, the G7, Australia, and other willing allies and partners of the United States, should continue to lead a coordinated international sanctions regime to freeze sovereign assets of the Russian Federation;

(2) the Secretary of State should continue to engage in interagency and multilateral coordination with agencies of the European Union, the G7, Australia, and other allies and partners of the United States on efforts related to countering the Russian Federation, including efforts related to the confiscation and repurposing of Russian sovereign assets, as well as to ensure the ongoing implementation and enforcement of sanctions with respect to the Russian Federation in response to its invasion of Ukraine;

(3) the Secretary of State, in consultation with the Secretary of the Treasury, should, to the extent practicable and consistent with relevant United States law, continue to lead and coordinate with the European Union, the G7, Australia, and other allies and partners of the United States with respect to enforcement of sanctions imposed with respect to the Russian Federation;

(4) the United States should continue to provide relevant technical assistance, implementation guidance, and support relating to enforcement and implementation of sanctions imposed with respect to the Russian Federation;

(5) where appropriate, the Secretary of State, in consultation with the Secretary of the Treasury, should continue to seek private sector input regarding sanctions policy with respect to the Russian Federation and the implementation of and compliance with such sanctions imposed with respect to the Russian Federation; and

(6) the Secretary of State, in coordination with the Secretary of the Treasury, should continue robust diplomatic engagement with allies and partners of the United States, including the European Union, the G7, and Australia, to encourage such allies and partners to continue to take appropriate actions against the Russian Federation, including the imposition of sanctions.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $15,000,000 for each of fiscal years 2025, 2026, and 2027, to carry out this section.

(2) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by paragraph (1) shall supplement and not supplant other amounts authorized to be appropriated for the Department of State.

SEC. 4202. INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS WITH RESPECT TO THE INVASION OF UKRAINE BY THE RUSSIAN FEDERATION.

Section 406(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a(b)), is amended—

(1) in paragraph (4), by striking ''Assembly on'' and all that follows through ''opposed by the United States;'' and inserting the following: ''Assembly on—

''(A) resolutions specifically related to Israel that are opposed by the United States; and

''(B) resolutions specifically related to the invasion of Ukraine by the Russian Federation;'';

(2) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following:

''(6) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives in the

Security Council and the General Assembly with respect to the invasion of Ukraine by the Russian Federation; and''.

SEC. 4203. EXPANSION OF FORFEITED PROPERTY AVAILABLE TO REMEDIATE HARMS TO UKRAINE FROM RUSSIAN AGGRESSION.

(a) IN GENERAL.—Section 1708 of the Additional Ukraine Supplemental Appropriations Act, 2023 (division M of Public Law 117–328; 136 Stat. 5200) is amended—

(1) in subsection (a), by inserting ''from any forfeiture fund'' after ''The Attorney General may transfer''; and

(2) in subsection (c)—

(A) in paragraph (2), by striking ''which property belonged'' and all that follows and inserting the following: ''which property—

''(A) belonged to, was possessed by, or was controlled by a person the property or interests in property of which were blocked pursuant to any covered legal authority;

''(B) was involved in an act in violation of, or a conspiracy or scheme to violate or cause a violation of—

''(i) any covered legal authority; or

''(ii) any restriction on the export, reexport, or in-country transfer of items imposed by the United States under the Export Administration Regulations, or any restriction on the export, reexport, or retransfer of defense articles under the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations, with respect to—

''(I) the Russian Federation, Belarus, the Crimea region of Ukraine, or the so-called Donetsk and Luhansk People's Republic regions of Ukraine;

''(II) any person in any such country or region on a restricted parties list; or

''(III) any person located in any other country that has been added to a restricted parties list in connection with the malign conduct of the Russian Federation in Ukraine, including the annexation of the Crimea region of Ukraine in March 2014 and the invasion beginning in February 2022 of Ukraine, as substantially enabled by Belarus; or

''(C) was involved in any related conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, the Russian Federation, Belarus, or the Crimea region of Ukraine, or the so-called Donetsk and Luhansk People's Republic regions of Ukraine.''; and

(B) by adding at the end the following:

''(3) The term 'covered legal authority' means any license, order, regulation, or prohibition imposed by the United States under the authority provided by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law, with respect to—

''(A) the Russian Federation;

''(B) the national emergency—

''(i) declared in Executive Order 13660 (50 U.S.C. 1701 note; relating to blocking property of certain persons contributing to the situation in Ukraine);

''(ii) expanded by—

''(I) Executive Order 13661 (50 U.S.C. 1701 note; relating to blocking property of additional persons contributing to the situation in Ukraine); and

''(II) Executive Order 13662 (50 U.S.C. 1701 note; relating to blocking property of additional persons contributing to the situation in Ukraine); and

''(iii) relied on for additional steps taken in Executive Order 13685 (50 U.S.C. 1701 note; relating to blocking property of certain persons and prohibiting certain transactions with respect to the Crimea region of Ukraine);

''(C) the national emergency, as it relates to the Russian Federation—

''(i) declared in Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities); and

''(ii) relied on for additional steps taken in Executive Order 13757 (50 U.S.C. 1701 note; relating to taking additional steps to address the national emergency with respect to significant malicious cyber-enabled activities);

''(D) the national emergency—

''(i) declared in Executive Order 14024 (50 U.S.C. 1701 note; relating to blocking property with respect to specified harmful foreign activities of the Government of the Russian Federation);

''(ii) expanded by Executive Order 14066 (50 U.S.C. 1701 note; relating to prohibiting certain imports and new investments with respect to continued Russian Federation efforts to undermine the sovereignty and territorial integrity of Ukraine); and

''(iii) relied on for additional steps taken in—

''(I) Executive Order 14039 (22 U.S.C. 9526 note; relating to blocking property with respect to certain Russian energy export pipelines);

''(II) Executive Order 14068 (50 U.S.C. 1701 note; relating to prohibiting certain imports, exports, and new investment with respect to continued Russian Federation aggression); and

''(III) Executive Order 14071 (50 U.S.C. 1701 note; relating to prohibiting new investment in and certain services to the Russian Federation in response to continued Russian Federation aggression); and

''(iv) which may be expanded or relied on in future Executive orders; or

''(E) actions or policies that undermine the democratic processes and institutions in Ukraine or threaten the peace, security, stability, sovereignty, or territorial integrity of Ukraine.

''(4) The term 'Export Administration Regulations' has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

''(5) The term 'restricted parties list' means any of the following lists maintained by the Bureau of Industry and Security:

''(A) The Entity List set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

''(B) The Denied Persons List maintained pursuant to section 764.3(a)(2) of the Export Administration Regulations.

''(C) The Unverified List set forth in Supplement No. 6 to part 744 of the Export Administration Regulations.''.

(b) SEMIANNUAL REPORTS.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) Not later than 180 days after the date of the enactment of the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, and every 180 days thereafter, the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on progress made in remediating the harms of Russian aggression toward Ukraine as a result of transfers made under subsection (a).''.

(c) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit to the appropriate congressional committees a plan for using the authority provided by section 1708 of the Additional Ukraine Supplemental Appropriations Act, 2023, as amended by this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' has the meaning given that term by section 1708 of the Additional Ukraine Supplemental Appropriations Act, 2023, as amended by this section.

SEC. 4204. EXTENSIONS.

(a) Section 5(a) of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115–441; 132 Stat. 5587) is amended, in the matter preceding paragraph (1), by striking ''six years'' and inserting ''12 years''.

(b) Section 1287(j) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note) is amended by striking ''on the date that is 8 years after the date of the enactment of this Act'' and inserting ''on September 30, 2029''.

SEC. 4205. RECOGNITION OF RUSSIAN ACTIONS IN UKRAINE AS A GENOCIDE.

(a) FINDINGS.—Congress finds the following:

(1) The Russian Federation's illegal, premeditated, unprovoked, and brutal war against Ukraine includes extensive, systematic, and flagrant atrocities against the people of Ukraine.

(2) Article II of the Convention on the Prevention and Punishment of the Crime of Genocide (in this section referred to as the ''Genocide Convention''), adopted and opened for signature in 1948 and entered into force in 1951, defines genocide as ''any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group''.

(3) On October 3, 2018, the Senate unanimously agreed to Senate Resolution 435, 115th Congress, which commemorated the 85th anniversary of the Holodomor and ''recognize[d] the findings of the Commission on the Ukraine Famine as submitted to Congress on April 22, 1988, including that 'Joseph Stalin and those around him committed genocide against the Ukrainians in 1932–1933' ''.

(4) Substantial and significant evidence documents widespread, systematic actions against the Ukrainian people committed by Russian forces under the direction of political leadership of the Russian Federation that meet one or more of the criteria under article II of the Genocide Convention, including—

(A) killing members of the Ukrainian people in mass atrocities through deliberate and regularized murders of fleeing civilians and civilians in passing as well as purposeful targeting of homes, schools, hospitals, shelters, and other residential and civilian areas;

(B) causing serious bodily or mental harm to members of the Ukrainian people by launching indiscriminate attacks against civilians and civilian areas, conducting willful strikes on humanitarian evacuation corridors, and employing widespread and systematic sexual violence against Ukrainian civilians, including women, children, and men;

(C) deliberately inflicting upon the Ukrainian people conditions of life calculated to bring about their physical destruction in whole or in part, including displacement due to annihilated villages, towns, and cities left

devoid of food, water, shelter, electricity, and other basic necessities, starvation caused by the destruction of farmlands and agricultural equipment, the placing of Russian landmines across thousands of acres of useable fields, and blocking the delivery of humanitarian food aid;

(D) imposing measures intended to prevent births among the Ukrainian people, demonstrated by the Russian military's expansive and direct targeting of maternity hospitals and other medical facilities and systematic attacks against residential and civilian areas as well as humanitarian corridors intended to deprive Ukrainians of safe havens within their own country and the material conditions conducive to childrearing; and

(E) forcibly mass transferring millions of Ukrainian civilians, hundreds of thousands of whom are children, to the Russian Federation or territories controlled by the Russian Federation.

(5) The intent of the Russian Federation and those acting on its behalf in favor of those heinous crimes against humanity has been demonstrated through frequent pronouncements and other forms of official communication denying Ukrainian nationhood, including President Putin's ahistorical claims that Ukraine is part of a ''single whole'' Russian nation with ''no historical basis'' for being an independent country.

(6) Some Russian soldiers and brigades accused of committing war crimes in Bucha, Ukraine, and elsewhere were rewarded with medals by President Putin.

(7) The Russian state-owned media outlet RIA Novosti published the article ''What Should Russia do with Ukraine'', which outlines ''de-Nazification'' as meaning ''de-Ukrainianization'' or the destruction of Ukraine and rejection of the ''ethnic component'' of Ukraine.

(8) Article I of the Genocide Convention confirms ''that genocide, whether committed in time of peace or in time of war, is a crime under international law which [the Contracting Parties] undertake to prevent and to punish''.

(9) Although additional documentation and analysis of atrocities committed by the Russian Federation in Ukraine may be needed to punish those responsible, the substantial and significant documentation already undertaken, combined with statements showing intent, compel urgent action to prevent future acts of genocide.

(10) The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) authorizes the President to impose economic sanctions on, and deny entry into the United States to, foreign individuals identified as engaging in gross violations of internationally recognized human rights.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) those acting on behalf of the Russian Federation should be condemned for committing acts of genocide against the Ukrainian people;

(2) the United States, in cooperation with allies in the North Atlantic Treaty Organization and the European Union, should undertake measures to support the Government of Ukraine to prevent acts of Russian genocide against the Ukrainian people;

(3) tribunals and international criminal investigations should be supported to hold Russian political leaders and military personnel to account for a war of aggression, war crimes, crimes against humanity, and genocide; and

(4) the President should use the authorities under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) to impose economic sanctions on those responsible for, or complicit in, genocide in Ukraine by the Russian Federation and those acting on its behalf.

SA 1467. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—CHILDREN'S SAFE WELCOME ACT OF 2024

SECTION 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Children's Safe Welcome Act of 2024''.

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

DIVISION C—CHILDREN'S SAFE WELCOME ACT OF 2024

Sec. 4001. Short title; table of contents.
Sec. 4002. Definitions.

TITLE I—PROCEDURES AND TEMPORARY PLACEMENTS FOLLOWING APPREHENSION

Sec. 4101. Prohibition on family separation.
Sec. 4102. Protections for noncitizen children.
Sec. 4103. Nonadversarial asylum processing for noncitizen children.
Sec. 4104. Standards for U.S. Customs and Border Protection detention of noncitizen children.
Sec. 4105. Standards for U.S. Customs and Border Protection facilities housing noncitizen children.
Sec. 4106. Modification of term ''asylum officer'' to exclude officers of U.S. Customs and Border Protection.

TITLE II—STANDARDS FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES CUSTODY OF UNACCOMPANIED NONCITIZEN CHILDREN

Subtitle A—Standards for Foster Care Homes and Childcare Facilities

Sec. 4201. Operation of foster care homes and childcare facilities.
Sec. 4202. Notice of rights.
Sec. 4203. Staffing and training.

Subtitle B—Services for Unaccompanied Noncitizen Children

Sec. 4211. Required services.
Sec. 4212. Evaluation for disability.
Sec. 4213. Education.
Sec. 4214. Recreation.

Subtitle C—Placement of Children

Sec. 4221. Phasing out large congregate care facilities.
Sec. 4222. Least restrictive setting.
Sec. 4223. Foster family care.
Sec. 4224. Additional requirements relating to children with disabilities and children with mental health needs.
Sec. 4225. Minimizing transfers.
Sec. 4226. Restrictive placements.
Sec. 4227. Judicial review of placement.

Subtitle D—Family Reunification and Standards Relating to Sponsors

Sec. 4231. Family reunification efforts by Office of Refugee Resettlement.
Sec. 4232. Standards relating to sponsors.
Sec. 4233. Special considerations relating to release of children with disabilities.

Subtitle E—Release

Sec. 4241. Procedures for release.
Sec. 4242. Post-release services.
Sec. 4243. Individuals attaining 18 years of age.
Sec. 4244. Custody review by Ombudsperson.

TITLE III—EMERGENCIES AND INFLUXES

Sec. 4301. Sense of Congress.
Sec. 4302. Definitions.
Sec. 4303. Placement.
Sec. 4304. Planning for emergencies and influxes.
Sec. 4305. Influx facility standards and staffing.
Sec. 4306. Monitoring and oversight.

TITLE IV—LEGAL REPRESENTATION FOR UNACCOMPANIED NONCITIZEN CHILDREN

Sec. 4401. Legal orientation presentations and legal screenings.
Sec. 4402. Legal representation.

TITLE V—APPOINTMENT OF CHILD ADVOCATES AND IMPROVEMENTS TO IMMIGRATION COURTS

Sec. 4501. Appointment of child advocates.
Sec. 4502. Immigration court improvements.

TITLE VI—OVERSIGHT, MONITORING, AND ENFORCEMENT

Sec. 4601. Office of the Ombudsperson for Unaccompanied Noncitizen Children in Immigration Custody.
Sec. 4602. Data collection and reporting.
Sec. 4603. Enforcement.
Sec. 4604. Protection from retaliation.
Sec. 4605. Mandatory access to detention facilities for Members of Congress.

TITLE VII—NONDISCRIMINATION

Sec. 4701. Fair and equal treatment.
Sec. 4702. Responsibilities of care providers.

TITLE VIII—INFORMATION SHARING AND DATA PROTECTION

Sec. 4801. Separation of records.
Sec. 4802. Prohibition on use for denial of relief or in removal proceedings.
Sec. 4803. Disclosure.
Sec. 4804. Prohibition on information sharing.
Sec. 4805. Counseling records.
Sec. 4806. Data protection for sponsors.

TITLE IX—MISCELLANEOUS PROVISION

Sec. 4901. Rule of construction.

SEC. 4002. DEFINITIONS.

In this division:

(1) BEST INTERESTS OF THE CHILD.—With respect to an accompanied noncitizen child or unaccompanied noncitizen child, the term ''best interests of the child'' means a consideration, informed to the extent practicable by the child and the parents or guardian and extended family of the child, that takes into account—

(A) the safety and well-being of the child;

(B) the expressed interests of the child, taking into account the child's age and stage of development;

(C) the physical and mental health of the child;

(D) the right of the child to—

(i) family integrity;

(ii) liberty; and

(iii) development; and

(E) the identity of the child, including religious, ethnic, linguistic, gender, sexual orientation, and cultural identity.

(2) CHILDCARE FACILITY.—The term ''childcare facility'' means a facility operated by the Department of Health and Human Services, or a contractor or grantee

of the Department of Health and Human Services, that—

(A) is a State-licensed program; and

(B) provides residential care for unaccompanied noncitizen children.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Refugee Resettlement.

(4) FLORES SETTLEMENT AGREEMENT.—The term ''Flores settlement agreement'' means the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

(5) IMMIGRATION CUSTODY.—The term ''immigration custody'' means the physical custody of the Secretary of Health and Human Services or the Secretary of Homeland Security (or the head of any successor agency of the Department of Health and Human Services or the Department of Homeland Security).

(6) INFLUX.—The term ''influx'' means a period—

(A) beginning on the date on which, for not less than 7 consecutive days, the net available bed capacity of State-licensed programs that is occupied or held for placement by unaccompanied noncitizen children is 85 percent or more; and

(B) ending on the date on which, for not less than 7 consecutive days, such bed capacity occupied or held for placement by unaccompanied noncitizen children is less than 85 percent.

(7) INFLUX FACILITY.—The term ''influx facility'' means any facility established to provide temporary emergency shelter and services for unaccompanied noncitizen children during an influx or emergency.

(8) NONCITIZEN.—The term ''noncitizen'' means an individual who is not a citizen or national of the United States.

(9) NONCITIZEN CHILD.—The term ''noncitizen child'' means a noncitizen under the age of 18 years.

(10) NONPARENT FAMILY MEMBER.—With respect to an unaccompanied noncitizen child apprehended with a nonparent family member, the term ''nonparent family member'' means an individual who is—

(A) 18 years of age or older; and

(B) a relative of such child, including a grandparent, aunt, uncle, first cousin, sibling, and fictive kin.

(11) OMBUDSPERSON.—The term ''Ombudsperson'' means the Ombudsperson of the Office of the Ombudsperson for Unaccompanied Noncitizen Children established under section 4601.

(12) OUT-OF-NETWORK FACILITY.—The term ''out-of-network facility'' means any public or private facility, including a mental health facility, or any other location that—

(A) is used to provide residential care for unaccompanied noncitizen children; and

(B) is not an Office of Refugee Resettlement facility.

(13) PROSPECTIVE SPONSOR.—The term ''prospective sponsor'' means an individual or entity who applies for custody of an unaccompanied noncitizen child.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(15) SECURE FACILITY.—The term ''secure facility'' means any public or private facility that is opened by a program, agency, or organization that is licensed by an appropriate State agency to provide residential care for children who have been adjudicated delinquent.

(16) SPECIAL NEEDS NONCITIZEN CHILD.—The term ''special needs noncitizen child''—

(A)(i) means a noncitizen under the age of 18 years, the mental or physical condition of whom requires special services or medical equipment and special treatment by the staff of a childcare facility; and

(ii) includes such an individual who—

(I) has special needs due to drug or alcohol abuse, serious emotional disturbance, mental illness, developmental or cognitive delay, or a physical condition or chronic illness that requires special services or treatment;

(II) is an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); or

(III) requires special services or treatment as a result of neglect or abuse; and

(B) in the case of a child who is 12 years of age or older, means such a child who consents to such designation, services, and treatment.

(17) SPONSOR.—The term ''sponsor'' means an individual or entity who has been approved by the Director to assume care of an unaccompanied noncitizen child on release from the custody of the Secretary.

(18) STAFF-SECURE FACILITY.—The term ''staff-secure facility''—

(A) means any public or private facility that is licensed by an appropriate State agency to provide residential care for children who have been determined to require close or intensive care in accordance with section 4226(c)(3); and

(B) does not include a facility that provides residential care to children who have been adjudicated delinquent.

(19) STATE-LICENSED PROGRAM.—The term ''State-licensed program'' means any public or private program, agency, or organization licensed by an appropriate State agency to provide residential, group, or foster care services for unaccompanied noncitizen children (including a program operating group homes, foster homes, or facilities for special needs noncitizen children) that complies with applicable—

(A) State child welfare laws, regulations, and policies;

(B) State and local building, fire, health, and safety laws and regulations;

(C) Federal, State, and local human rights and privacy laws, as applicable; and

(D) State staffing and training requirements.

(20) TENDER AGE MINOR.—The term ''tender age minor'' means an individual who is 12 years of age or younger or has the developmental age of such an individual.

(21) UNACCOMPANIED NONCITIZEN CHILD.—The term ''unaccompanied noncitizen child'' has the meaning given the term ''unaccompanied alien child'' in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

TITLE I—PROCEDURES AND TEMPORARY PLACEMENTS FOLLOWING APPREHENSION

SEC. 4101. PROHIBITION ON FAMILY SEPARATION.

(a) IN GENERAL.—A noncitizen child shall remain physically together with their parent, legal guardian, or nonparent family member at all times while in the custody of the Secretary of Homeland Security or the Secretary of Health and Human Services, unless—

(1) the noncitizen child requests privacy temporarily;

(2) during the screening process, a determination is made based on clear and convincing evidence that the parent or legal guardian of the noncitizen child, or the nonparent family member of the child who has been determined by a child welfare expert to be suitable to provide care and physical custody of the child in the United States, presents an imminent threat to United States national security or is inadmissible under subparagraphs (C)(i), (E), (G), or (I) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)); or

(3) the child welfare expert documents, based on clear and convincing evidence, that the continued care of the noncitizen child by the parent, legal guardian, or nonparent family member is likely to result in serious emotional or physical damage to the child.

(b) ROLE OF DHS.—An employee or contractor of the Department of Homeland Security may not play any role in the documentation or determination described in subsection (a).

(c) TERMINATION OF SEPARATION.—In the case of a separation under paragraph (2) or (3) of subsection (a), as soon as practicable after the potential damage to the child is sufficiently mitigated or remedied—

(1) in the case of a child in the custody of the Secretary of Health and Human Services, the Secretary of Health and Human Services shall reunify the child with the individual from whom they were separated; and

(2) in the case of a child in the custody of the Secretary of Homeland Security, the Secretary of Homeland Security shall release the individual in accordance with subsection (a)(5) of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232), as amended by section 4102.

(d) CHALLENGE TO SEPARATION.—In the case of a separation under paragraph (2) or (3) of subsection (a), the Secretary of Homeland Security shall—

(1) notify the parents, legal guardians, and children concerned of their—

(A) right to challenge such separation under titles VI and VII; and

(B) private right of action to seek review before a district court of the United States; and

(2) provide a copy of any determination, evidence, arrest warrants, or other documentation supporting such separation to such individuals and their attorneys.

(e) TREATMENT OF UNACCOMPANIED CHILDREN TRAVELING WITH CERTAIN CAREGIVERS.—Unaccompanied children traveling with a nonparent family member shall be treated by the Secretary of Health and Human Services in accordance with paragraph (3)(C) of section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)), as amended by section 4102.

(f) STAFFING.—

(1) CHILD WELFARE EXPERTS.—The Secretary of Health and Human Services shall hire child welfare experts to carry out the screening process described in subsection (a).

(2) QUALIFICATIONS.—Each child welfare expert hired under this subsection shall—

(A) be professionally trained and licensed in social work;

(B) have direct experience providing trauma-informed care to children who have experienced trauma; and

(C) be proficient in Spanish or 1 of the top 5 most common languages spoken by noncitizen children in the past 5 years.

SEC. 4102. PROTECTIONS FOR NONCITIZEN CHILDREN.

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

(1) by striking ''unaccompanied alien child'' each place it appears and inserting ''unaccompanied noncitizen child'';

(2) by striking ''unaccompanied alien child's'' each place it appears and inserting ''unaccompanied noncitizen child's'';

(3) by striking ''unaccompanied alien children'' each place it appears and inserting ''unaccompanied noncitizen children'';

(4) by striking ''unaccompanied alien children's'' each place it appears and inserting ''unaccompanied noncitizen children's'';

(5) in subsection (a)—

(A) by striking paragraphs (2) and (4);

(B) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively;

(C) in paragraph (2), as redesignated, in the paragraph heading, by striking ''OTHER'' and inserting ''UNACCOMPANIED NONCITIZEN'';

(D) in paragraph (3), as redesignated—

(i) in subparagraph (C), in the subparagraph heading, by striking ''UNACCOMPANIED ALIEN CHILDREN'' and inserting ''UNACCOMPANIED NONCITIZEN CHILDREN''; and

(ii) in subparagraph (D), 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

(E) by inserting after paragraph (3), as redesignated, the following:

''(4) CHILD CAREGIVER PROFESSIONALS AT THE BORDER.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall ensure that a licensed child caregiver professional is physically present to provide onsite expertise at each—

''(i) land port of entry at which noncitizen children are most likely to enter;

''(ii) Border Patrol station on the southern border; and

''(iii) U.S. Customs and Border Protection processing facility and reception center, regardless of whether such facility or center is temporary in nature.

''(B) QUALIFICATIONS.—

''(i) IN GENERAL.—Such a child caregiver professional—

''(I) shall—

''(aa) be professionally trained and licensed to provide services to children;

''(bb) have direct experience providing trauma-informed care to children who have experienced trauma; and

''(cc) subject to clause (ii), be proficient in Spanish or 1 of the top 5 most common languages spoken by noncitizen children in the past 5 years; and

''(II) may be a licensed childcare worker, licensed pediatric health professional, or licensed child welfare professional.

''(ii) PHASE-IN OF LANGUAGE PROFICIENCY.—During the 3-year period beginning on the date of the enactment of the Children's Safe Welcome Act of 2024, 25 percent of the child caregiver professionals hired by the Secretary of Homeland Security to carry out the duties under this section shall be exempt from clause (i)(III).

''(C) OVERSIGHT OF CARE.—Such a child caregiver professional shall oversee the care of noncitizen children in U.S. Customs and Border Protection facilities, consistent with the standards established under sections 4104 and 4105 of the Children's Safe Welcome Act of 2024, including by—

''(i) issuing and ensuring access to adequate food, hydration, hygiene necessities, clothing, and other supplies as needed;

''(ii) supporting general care to infants and children, including monitoring, changing diapers, assisting with toilet use and handwashing, feeding any child who is not able to feed himself or herself, and identifying and tending to other similar basic needs of children as such needs arise;

''(iii) providing supervision and support to children during recreational and exercise activities;

''(iv) maintaining a safe working environment and observing and encouraging adherence to safety rules and health guidelines; and

''(v) referring any suspected or reported medical or mental health issues to onsite Border Patrol or U.S. Customs and Border Protection personnel and medical personnel.

''(D) AVAILABILITY.—Caregiver services provided under this paragraph shall be—

''(i) available 24 hours per day, 7 days per week, including on weekends and Federal holidays; and

''(ii) provided by a mixed-gender staff, including not fewer than 1 male and 1 female staff member at all times.

''(5) RELEASE OF CHILDREN APPREHENDED WITH PARENTS, ADOPTIVE PARENTS, OR LEGAL GUARDIANS.—In the case of a child apprehended with a parent, adoptive parent, or legal guardian, the Secretary of Homeland Security shall—

''(A) subject to paragraph (2) or (3) of section 4101(a) of the Children's Safe Welcome Act of 2024, release the child together with the parent, adoptive parent, or legal guardian, as applicable; and

''(B) ensure that the child is provided with support from a qualified nongovernmental community-based organization with experience providing services to immigrant, refugee, and asylum-seeking populations.

''(6) RELEASE OF CHILDREN APPREHENDED WITH NONPARENT FAMILY MEMBERS.—In the case of a child apprehended with a nonparent family member determined under subsection (b)(3)(C)(iii) to be an appropriate sponsor for the child, the Secretary of Health and Human Services shall—

''(A) subject to paragraph (2) or (3) of section 4101(a) of the Children's Safe Welcome Act of 2024, release the child together with the nonparent family member; and

''(B) ensure that the child is provided with support from a qualified nongovernmental community-based organization with experience providing services to immigrant, refugee, and asylum-seeking populations.

''(7) PROHIBITION ON OPERATION OF FAMILY DETENTION FACILITIES.—The Federal Government may not operate, under any circumstance, a family detention facility.'';

(6) in subsection (b)—

(A) in paragraph (1), in the paragraph heading, by striking ''UNACCOMPANIED ALIEN CHILDREN'' and inserting ''UNACCOMPANIED NONCITIZEN CHILDREN'';

(B) in paragraph (3)—

(i) in the paragraph heading, by striking ''UNACCOMPANIED ALIEN CHILDREN'' and inserting ''UNACCOMPANIED NONCITIZEN CHILDREN'';

(ii) by striking ''Except in the case of exceptional circumstances,'' and inserting the following:

''(A) IN GENERAL.—Except in the case of exceptional circumstances, subject to subparagraph (B),''; and

(iii) by adding at the end the following:

''(B) LIMITATION ON U.S. CUSTOMS AND BORDER PROTECTION CUSTODY.—Under no circumstance may the Commissioner hold an unaccompanied or accompanied noncitizen child in custody for more than 72 hours.

''(C) RECEPTION CENTERS.—

''(i) DESIGNATION.—The Commissioner shall designate 1 or more reception centers located within 100 miles of each port of entry and each Border Patrol Station on the southern border for the purpose of conducting expedited evaluations described in clause (iii).

''(ii) TRANSFER.—In the case of an unaccompanied noncitizen child apprehended with a nonparent family member, the Commissioner shall immediately transfer the child and his or her 1 or more nonparent family members, as applicable, to a reception center designated under clause (i) for the purpose of an evaluation under clause (iii).

''(iii) EXPEDITED EVALUATIONS.—

''(I) IN GENERAL.—On the arrival of an unaccompanied noncitizen child apprehended with a nonparent family member at a designated reception center, a case manager or case coordinator of the Department of Health and Human Services shall evaluate the child to determine whether he or she may be released safely from U.S. Customs and Border Protection custody to the nonparent family member with whom the child was apprehended.

''(II) PRIVATE SPACE.—The Commissioner shall make available in each designated reception center a private space in which such a case manager or case coordinator may carry out such evaluations.

''(iv) STAFFING.—

''(I) CASE MANAGERS AND CASE COORDINATORS.—

''(aa) IN GENERAL.—Case managers and case coordinators of the Department of Health and Human Services shall be detailed to designated reception centers for brief periods to ensure the independence of Department of Health and Human Services staff from the duties and functions of U.S. Customs and Border Protection.

''(bb) DUTIES.—A case manager or case coordinator detailed to a designated reception center shall assist the Federal field specialist at the reception center in verifying family relationships and screening each unaccompanied noncitizen child apprehended with a nonparent family member for safety concerns using existing or newly developed Department of Health and Human Services tools and skills, including document review, observation, and interviews of the child and family members.

''(II) FEDERAL FIELD SPECIALISTS.—

''(aa) IN GENERAL.—Federal field specialists of the Department of Health and Human Services shall prioritize for review the release decisions for any child arriving at the border of the United States with a relative who is not a parent of the child, whom the Director of the Office of Refugee Resettlement would consider as a potential sponsor for the child.

''(bb) DUTIES.—Such a Federal field specialist shall work with case managers and case coordinators to review the recommendation of case managers or case coordinators with respect to the qualification of such relatives as sponsors for such children.

''(III) LEGAL SERVICES PROVIDERS.—The Secretary of Health and Human Services shall enter into 1 or more contracts with nongovernmental legal services providers to provide legal orientation presentations to accompanied noncitizen children and unaccompanied noncitizen children apprehended with nonparent family members and their parents or legal guardians or nonparent family members, as applicable, under consideration for expedited release under this subparagraph.

''(v) RELEASE DECISION.—The Secretary of Health and Human Services shall make a determination with respect to expedited release under this subparagraph not later than 72 hours after the child has been determined to be an unaccompanied noncitizen child.

''(vi) RELEASE OF NONPARENT FAMILY MEMBER.—

''(I) IN GENERAL.—If the Secretary of Health and Human Services determines that the nonparent family member of an unaccompanied noncitizen child apprehended with a nonparent family member is a safe sponsor, and the applicable Federal field specialist and case manager or case coordinator have verified the family relationship, the Commissioner shall approve the release of the nonparent family member for the purpose of reunification with the child.

''(II) RETENTION OF UNACCOMPANIED NONCITIZEN CHILD DETERMINATION.—An unaccompanied noncitizen child released to a nonparent family member who is released under subclause (I) shall retain his or her determination as an unaccompanied noncitizen child.

''(III) POST-RELEASE COUNSEL AND SERVICES.—The Secretary of Health and Human

Services shall provide to each child released to a nonparent family member who is released under subclause (I) post-release counsel and services, such as legal counsel, in the location in which the child's removal proceedings are scheduled.

''(vii) TRANSFER TO OFFICE OF REFUGEE RESETTLEMENT CUSTODY.—

''(I) IN GENERAL.—If the Secretary of Health and Human Services cannot make a determination with respect to whether a nonparent family member is an imminent substantial and credible threat to a child within 72 hours after the Commissioner has made the unaccompanied noncitizen child determination, or if an unaccompanied noncitizen child apprehended with a nonparent family member is denied expedited release under this subparagraph—

''(aa) such child shall be placed in the least restrictive setting;

''(bb) notice shall be provided to the nonparent family member and the parents or legal guardians of the child, to the extent such individuals may be ascertained and contacted, with respect to—

''(AA) the reason for the inability to timely make such determination or for the denial; and

''(BB) the location of the child's transfer and any subsequent transfer; and

''(cc) the family relationship shall be documented.

''(II) APPOINTMENT OF CHILD ADVOCATE.—In the case of a child denied expedited release under this subparagraph, the Secretary of Health and Human Services shall appoint a child advocate for the child.

''(viii) PROHIBITION.—The adjudication of asylum applications shall not be carried out in a reception center designated under this subparagraph.

''(D) TRANSPORTATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Commissioner may not transport any unaccompanied noncitizen child in a vehicle with a detained adult who is not related to the child.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—The Commissioner may transport an unaccompanied noncitizen child in a vehicle with such an adult only from the place of arrest or apprehension to a U.S. Customs and Border Protection facility.

''(II) PRECAUTIONS.—In transporting an unaccompanied noncitizen child under subclause (I), the Commissioner shall take necessary precautions for the protection and well-being of the unaccompanied noncitizen child.''; and

(C) by adding at the end the following:

''(5) SUBSTANTIVE AND PROCEDURAL PROTECTIONS.—

''(A) IN GENERAL.—On a determination that a child is an unaccompanied noncitizen child, the unaccompanied noncitizen child shall be afforded, for the duration of the unaccompanied noncitizen child's removal proceedings, all substantive and procedural protections provided under this section and any other applicable Federal law.

''(B) UNACCOMPANIED NONCITIZEN CHILD DETERMINATION.—No Federal agency, officer, or personnel may—

''(i) reevaluate or revoke a determination that a child is an unaccompanied noncitizen child, unless an age assessment conducted by the Secretary of Health and Human Services consistent with section 4105(h) of the Children's Safe Welcome Act of 2024 indicates that the individual is 18 years of age or older; or

''(ii) deny or impede access to any protection provided for unaccompanied noncitizen children under Federal law, including on the basis of—

''(I) the reunification of an unaccompanied noncitizen child with a parent or legal guardian;

''(II) the release of an unaccompanied noncitizen child to a nonparent family member in accordance with subsection (b)(3)(C)(vi); or

''(III) an unaccompanied noncitizen child having attained 18 years of age.'';

(7) in subsection (d)(8), in the paragraph heading, by striking ''UNACCOMPANIED ALIEN CHILDREN'' and inserting ''UNACCOMPANIED NONCITIZEN CHILDREN'';

(8) by striking subsection (g);

(9) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(10) by adding at the end the following:

''(i) ACCESS TO LEGAL SERVICES.—Each child in immigration custody, including accompanied noncitizen children, shall—

''(1) receive a legal orientation presentation; and

''(2) have access to legal counsel and child advocates.

''(j) TREATMENT OF ADULT FAMILY MEMBERS APPREHENDED WITH CHILDREN.—

''(1) IN GENERAL.—A parent or legal guardian or a nonparent family member who is apprehended with a child shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

''(2) REQUIREMENT.—Such a parent or legal guardian or nonparent family member and the child concerned shall be provided an opportunity—

''(A) to consult, independently and jointly, legal counsel; and

''(B) to request such measures as may be necessary to ensure—

''(i) full and fair consideration of their cases for relief from removal; and

''(ii) the best interests of the child.

''(k) REMOVAL PROCEEDINGS FOR ACCOMPANIED NONCITIZEN CHILDREN.—With respect to an accompanied noncitizen child, the child and their parent or legal guardian may only be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

''(l) DEFINITIONS.—In this section:

''(1) ACCOMPANIED NONCITIZEN CHILD.—The term 'accompanied noncitizen child' means a noncitizen under 18 years of age who—

''(A) has no lawful immigration status in the United States; and

''(B) is apprehended while traveling with a parent, adoptive parent, or legal guardian.

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

''(3) DANGER OF ABUSE OR NEGLECT AT THE HANDS OF THE PARENT, LEGAL GUARDIAN, OR NONPARENT FAMILY MEMBER.—The term 'danger of abuse or neglect at the hands of the parent, legal guardian, or nonparent family member' shall not mean migrating to or crossing the United States border.

''(4) NONPARENT FAMILY MEMBER.—With respect to an unaccompanied noncitizen child apprehended with a nonparent family member, the term 'nonparent family member' means an individual who is—

''(A) 18 years of age or older; and

''(B) a relative of such child, including a grandparent, aunt, uncle, first cousin, sibling, and fictive kin.

''(5) UNACCOMPANIED NONCITIZEN CHILD.—The term 'unaccompanied noncitizen child' has the meaning given the term 'unaccompanied alien child' in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

''(6) UNACCOMPANIED NONCITIZEN CHILD APPREHENDED WITH A NONPARENT FAMILY MEMBER.—The term 'unaccompanied noncitizen child apprehended with a nonparent family member' means an unaccompanied noncitizen child who is apprehended while traveling with a nonparent family member.''.

SEC. 4103. NONADVERSARIAL ASYLUM PROCESSING FOR NONCITIZEN CHILDREN.

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

''(C) NONADVERSARIAL ASYLUM PROCESSING FOR CHILDREN.—The Director of U.S. Citizenship and Immigration Services shall have jurisdiction over the asylum application of an individual who—

''(i) has been classified as an unaccompanied noncitizen child (as defined in section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232)), regardless of the age or marital status of the individual on the date on which he or she files an asylum application;

''(ii) was a child apprehended with a parent, adoptive parent, or legal guardian, regardless of the age or marital status of the individual on the date on which he or she files an asylum application; or

''(iii) is the parent or legal guardian of an individual described in clause (ii).''.

SEC. 4104. STANDARDS FOR U.S. CUSTOMS AND BORDER PROTECTION DETENTION OF NONCITIZEN CHILDREN.

(a) INITIAL PROCESSING OF NONCITIZEN CHILDREN AND FAMILIES WITH NONCITIZEN CHILDREN.—

(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection (referred to in this title as the ''Commissioner'') may only detain a noncitizen child for the purpose of initial processing.

(2) TIME LIMITATION.—Under no circumstance may the Commissioner detain a family with a noncitizen child for more than 72 hours.

(b) PRIORITIZATION OF BEST INTERESTS OF THE CHILD AND FAMILY UNITY.—In all decisions undertaken by the Commissioner with respect to the detention of a noncitizen child, the Commissioner shall prioritize—

(1) the best interests of the noncitizen child; and

(2) in the case of a noncitizen child apprehended with a parent, legal guardian, or nonparent family member, family unity.

SEC. 4105. STANDARDS FOR U.S. CUSTOMS AND BORDER PROTECTION FACILITIES HOUSING NONCITIZEN CHILDREN.

(a) IN GENERAL.—A noncitizen child may not be housed in a U.S. Customs and Border Protection facility that is not in compliance with this division or the amendments made by this division.

(b) HUMANITARIAN ACCESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall jointly develop operating procedures to provide employees of the Department of Health and Human Services immediate access to any U.S. Customs and Border Protection facility so as to facilitate the humane treatment of individuals and families encountered at the border.

(2) ELEMENTS.—The procedures developed under paragraph (1) shall, at a minimum, provide that—

(A) for each U.S. Customs and Border Protection facility in which an individual may be detained in U.S. Customs and Border Protection custody longer than 72 hours, the Department of Health and Human Services shall have access to a separate designated space in the facility so that Department of Health and Human Services employees may conduct medical and mental health screenings, ensure opportunities for general hygiene, provide adequate food and hydration, offer nursing and diapering supplies,

and provide appropriate space for children; and

(B) employees of the Department of Health and Human Services at such a facility shall immediately begin efforts—

(i) to reunify unaccompanied children with sponsors in the United States; and

(ii) verify family relationships to ensure that unaccompanied children who arrive with a nonparent family member may remain in the care of such nonparent family member.

(c) NATIONAL STANDARDS ON TRANSPORT, ESCORT, DETENTION, AND SEARCH.—

(1) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with stakeholder organizations that serve immigrant and refugee children and families, shall conduct a review of the U.S. Customs and Border Protection standards entitled ''National Standards on Transport, Escort, Detention, and Search'' issued in October 2015, to identify necessary improvements with respect to the treatment and care of noncitizen children in U.S. Customs and Border Protection custody.

(2) REVISION.—Not later than 90 days after the date on which the review required by paragraph (1) is completed, the Commissioner shall revise such standards to incorporate the improvements identified by the review.

(3) COMPLIANCE.—Not later than 180 days after the revision under paragraph (2), each U.S. Customs and Border Protection facility that houses 1 or more noncitizen children shall attain compliance with the revised standards.

(d) FACILITY REQUIREMENTS.—

(1) IN GENERAL.—The Commissioner shall ensure that each U.S. Customs and Border Protection facility that houses 1 or more noncitizen children is safe and sanitary and promotes an appropriate and healthy environment for children.

(2) CHILDREN'S AREA.—

(A) IN GENERAL.—The Commissioner shall ensure that each U.S. Customs and Border Protection facility that houses 1 or more noncitizen children includes—

(i) a dedicated physical environment that is appropriate for children of all ages and stages of development (referred to in this paragraph as a ''children's area''); and

(ii) an outdoor recreation area.

(B) ELEMENTS.—Each children's area shall be colorful and include—

(i) low, warm lights;

(ii) child-sized furniture and equipment, including developmentally appropriate books and toys that facilitate structured and unstructured play;

(iii) child-friendly images and displays;

(iv) a children's bathroom;

(v) a diaper-changing area and access to sanitation;

(vi) nursing chairs for breastfeeding mothers; and

(vii) an area in which children may sit and rest comfortably.

(C) CHILD CAREGIVER PROFESSIONAL STAFFING.—Each children's area shall be staffed by 1 or more individuals who are professionally trained and licensed to provide services to children, including licensed childcare workers, licensed pediatric health professionals, and licensed child welfare professionals.

(3) MEDICAL SCREENING AND CARE.—

(A) IN GENERAL.—The Commissioner shall ensure that—

(i) except as provided in subparagraph (F)(i), not later than 6 hours after the arrival of a noncitizen child at a U.S. Customs and Border Protection facility, the child receives a medical screening conducted by a licensed physician, advanced practice provider, nurse, or physician's assistant in accordance with this paragraph;

(ii) a noncitizen child in the custody of the Commissioner shall have unrestricted access to appropriate medication for the management of an illness or injury of the child;

(iii) in the case of such a child with a medical assistive device or other health care support item, the noncitizen child, or the parent, legal guardian, or nonparent family member of the child, is permitted unrestricted access to the device or item;

(iv) on release from such custody, a noncitizen child, or the parent, legal guardian, or nonparent family member of the child, is provided with documentation of the child's medical screening and care, including the need for any followup while in such custody, in accordance with subparagraph (B)(viii); and

(v) medication in possession of a noncitizen child, or in the possession of the child's parent, legal guardian, or nonparent family member, on arrival shall not be destroyed or discarded before the review and determination under subparagraph (B)(vi) occur.

(B) DUTIES OF MEDICAL PROFESSIONAL.—With respect to a medical screening required by subparagraph (A) and the care of a noncitizen child at a U.S. Customs and Border Protection facility, a licensed physician, advanced practice provider, nurse, or physician's assistant attending the child at the facility shall—

(i) assess and identify any illness, condition, or physical ailment;

(ii)(I) identify any acute condition or elevated medical risk; and

(II) in the case of a child for which such a condition or risk is identified, consult with a licensed pediatrician or pediatric subspecialist;

(iii) ensure that appropriate health care is provided to the child as necessary, including pediatric and reproductive health care;

(iv) in the case of a child under 12 years of age, conduct a physical examination of the child in the presence of a parent, legal guardian, or family member;

(v) in the case of a child who is 12 years of age or older—

(I) provide the child with the choice of—

(aa) a physical examination in the presence of a parent, legal guardian, or nonparent family member; or

(bb) a private physical examination without the presence of a parent, legal guardian, or nonparent family member; and

(II) conduct such examination in accordance with the child's preference;

(vi) review any medication that is in the possession of the child on arrival to determine whether the medication shall be kept by the child or the child's parent, legal guardian, or nonparent family member, as applicable;

(vii) in the case of a medication described in clause (vi) that may not be kept by the child or the child's parent, legal guardian, or nonparent family member for medical storage purposes, such as a medication that requires refrigeration, ensure storage with appropriate access for the child's use while in U.S. Customs and Border Protection custody;

(viii) ensure that the medical screening and care under this paragraph, and any other medical evaluation of or intervention for the child conducted while the child is in the custody of the Commissioner, is documented in accordance with commonly accepted standards in the United States for medical records documentation; and

(ix) ensure that a copy of all medical records and documentation of any medical screening and any other medical evaluation of, or intervention for, the child conducted while the child is in the custody of the Commissioner is—

(I) provided to the child and the child's parent, legal guardian, or nonparent family member before the child is released from such custody; or

(II) in the case of a child who is transferred to the custody of the Director, sent to the Office of Refugee Resettlement immediately upon such transfer.

(C) PROCEDURES FOR MEDICAL SCREENINGS.—The Commissioner shall establish procedures for medical screenings and examinations under this paragraph that are consistent with—

(i) relevant guidelines set forth in the American Medical Association Code of Medical Ethics; and

(ii) the recommendations of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

(D) LANGUAGE SERVICES.—The Commissioner shall ensure—

(i) the availability of in-person, language-appropriate interpretation services, including indigenous languages, for each noncitizen child in the custody of the Commissioner during any medical screening or examination; and

(ii) that noncitizen children in such custody are informed of the availability of such services.

(E) LOCATION OF MEDICAL SCREENINGS.—The Commissioner shall ensure that medical screenings, examinations, and any follow-up care under this paragraph are conducted in a location that—

(i) is private and provides a comfortable and considerate atmosphere for children;

(ii) ensures each noncitizen child's dignity and right to privacy; and

(iii) contains all necessary and appropriate medical equipment and supplies, including basic over-the-counter medications appropriate for all age groups.

(F) ACUTE MEDICAL CONDITIONS.—

(i) IN GENERAL.—The Commissioner shall ensure that any noncitizen child exhibiting symptoms of an acute medical condition, or who is at risk for an acute medical condition, receives immediate care from a licensed physician, advanced practice provider, nurse, or physician's assistant.

(ii) TRANSFER TO LOCAL HEALTH CARE FACILITY.—

(I) IN GENERAL.—If appropriate medical care cannot be provided for a noncitizen child described in clause (i) at a U.S. Customs and Border Protection facility, the Commissioner shall expeditiously transfer the child to a local medical facility.

(II) ACCOMPANIMENT BY FAMILY.—In the case of a noncitizen child transferred under subclause (I), 1 or more parents, legal guardians, or nonparent family members, shall be permitted to accompany the child to such medical facility and stay with the child if so accompanying the child does not pose a serious safety risk to the child, as determined by a child welfare expert.

(iii) ONGOING AVAILABILITY OF TRANSPORTATION.—The Commissioner shall maintain—

(I) appropriate transportation at each U.S. Customs and Border Protection facility that houses 1 or more noncitizen children to ensure the availability of transport to outside medical facilities in the case of a medical emergency; or

(II) an on-call service to provide such transportation to such a facility within 30 minutes.

(G) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require a noncitizen child, parent, legal guardian, or nonparent family member to disclose the child's medical history.

(4) SERVICES AND SUPPLIES.—The Commissioner shall ensure that each U.S. Customs

and Border Protection facility that houses 1 or more noncitizen children is in compliance with the following standards at all times:

(A) TEMPERATURE.—The temperature inside the facility shall be maintained between 70 and 73 degrees Fahrenheit.

(B) VENTILATION.—The facility shall comply with the most recent guidance issued by the Centers for Disease Control and Prevention with respect to ventilation in buildings to mitigate the spread of COVID–19.

(C) FOOD AND WATER.—

(i) IN GENERAL.—Food shall be provided—

(I) in a manner that follows Federal food safety laws and regulations; and

(II) according to the guidelines of the American Association of Pediatrics and the American College of Obstetricians and Gynecologists with respect to nutrition, consistency, calories, and portion size, consistent with the age of each child.

(ii) MEALS AND SNACKS.—

(I) ARRIVAL.—On arrival at the facility, a child shall be provided with a healthy, nutritious, and culturally appropriate meal.

(II) MEALS.—Meals shall—

(aa) be served daily to all noncitizen children for breakfast, lunch, and dinner, of which not fewer than 2 meals daily shall be served hot; and

(bb) include a variety of fresh fruit, vegetables, a protein, and grains.

(III) SNACKS.—Noncitizen children shall have unrestricted access to healthy snacks.

(IV) LIMITATION ON UNHEALTHFUL FOODS.—The availability of highly processed foods and sugars shall be limited.

(iii) WATER.—Each noncitizen child shall—

(I) be provided with not less than 1 gallon of drinking water or age-appropriate fluids daily; and

(II) have unrestricted access to drinking water.

(iv) ACCOMMODATION.—A noncitizen child's individual dietary needs or restrictions shall be accommodated.

(v) SPECIAL CONSIDERATIONS FOR INFANTS AND YOUNG CHILDREN.—

(I) BOTTLE FEEDING.—

(aa) IN GENERAL.—On arrival at a facility, the parent, legal guardian, or nonparent family member of a noncitizen child using a bottle for feeding shall be offered 2 clean baby bottles, a bottle brush, dish soap, and enough bottled water and baby formula for not less than 96 ounces of formula milk.

(bb) ADDITIONAL SUPPLIES.—Additional baby formula and bottled water, and access to a bottle warmer, shall be provided on request of the parent, legal guardian, or nonparent family member.

(II) BREASTFEEDING.—In the case of any noncitizen child who is breastfeeding at the time of arrival at the facility—

(aa) continued breastfeeding shall be supported; and

(bb) the breastfeeding mother of each such noncitizen child shall be provided with privacy, blankets, a quiet area for breastfeeding, a nursing chair, and adequate amounts of food and water consistent with the dietary needs of a breastfeeding mother.

(D) HYGIENE.—

(i) CLOTHES AND SHOES.—Each noncitizen child shall be provided with a set of clean clothes, and on request, a pair of shoes in good condition and warm clothing.

(ii) SHOWERS.—

(I) IN GENERAL.—Each noncitizen child shall be provided access to a hot shower with a barrier for privacy.

(II) ACCESS.—A noncitizen child shall be provided access to additional hot showers on request.

(III) TEMPERATURE.—Hot water for a shower under this clause shall be set at a temperature consistent with the temperature required under childcare facility standards for childcare facilities licensed in the State in which the facility is located.

(iii) MENSTRUATION SUPPLIES.—Each female noncitizen child shall be offered immediately a supply of tampons and pads at no cost.

(iv) DIAPERING.—

(I) IN GENERAL.—The parent, legal guardian, or other family member of each noncitizen child using diapers shall be provided immediately with 3 size-appropriate diapers and a packet of diaper wipes.

(II) ADDITIONAL DIAPERS.—Additional diapers and diaper wipes shall be provided on request at no cost.

(III) DIAPER CHANGING AREA.—The parent, legal guardian, or other family member of each such noncitizen child shall be provided—

(aa) access to a safe and sanitary area in which to change the child's diaper;

(bb) a clean diaper changing pad; and

(cc) a handwashing station.

(v) BATHROOMS.—Each noncitizen child shall be provided access to bathrooms.

(E) SLEEP.—

(i) MATS, BLANKETS, AND PILLOWS.—

(I) IN GENERAL.—On arrival, each noncitizen child shall be provided with a clean mat that is not less than 3 inches thick, a clean cloth blanket, and a clean pillow.

(II) ADDITIONAL BLANKETS.—A noncitizen child shall be provided with additional blankets on request by the child or the parent, legal guardian, or other family member of the child.

(ii) QUIET LOCATION.—On request or if there are signs of a noncitizen child feeling tired, the child shall be provided with access to a quiet location in which to sleep that has dimmed lights.

(iii) SCHEDULE.—Between the hours of 9:00 p.m. and 6:00 a.m.—

(I) noncitizen children shall have access to lighting that is safe and conducive to sleep; and

(II) noise shall be at a level conducive to sleep.

(F) RECREATION.—

(i) IN GENERAL.—Noncitizen children shall have access to age-appropriate recreational activities, including indoor and outdoor spaces for physical activity, toys, art supplies, sports equipment, and books.

(ii) OUTDOOR PLAY.—Noncitizen children shall be allowed to play outside for not less than 30 minutes every 3 hours during daylight hours.

(G) RELIGIOUS PRACTICE.—Noncitizen children shall be permitted to practice their religion or to not practice a religion, as applicable.

(5) NOTICE OF RIGHTS.—

(A) IN GENERAL.—The Ombudsperson shall develop a notice of children's rights, which shall be posted in each U.S. Customs and Border Protection facility that houses children in any location in which noncitizen children are located.

(B) DESCRIPTION OF RIGHTS.—The notice required by subparagraph (A) shall include—

(i) a description of—

(I) all rights afforded to a noncitizen child under section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and this division;

(II) the right to a bond redetermination hearing; and

(III) any other existing mechanism by which children may seek to enforce their rights, including placement review panels; and

(ii) a list of pro bono legal services providers and contact information for such providers.

(C) FORMAT AND LANGUAGES.—

(i) IN GENERAL.—Such notice shall be—

(I) written in a manner that is child friendly and age-appropriate; and

(II) made available and posted in multiple languages, including the top 20 preferred languages.

(ii) ADDITIONAL LANGUAGES.—The Ombudsperson may require such notice to be made available and posted in any additional language the Ombudsperson considers necessary based on the demographics of arriving noncitizen children.

(D) AVAILABILITY.—A child caregiver professional of the Department of Homeland Security shall provide each noncitizen child with such notice on the child's arrival at the U.S. Customs and Border Protection facility.

(e) SEPARATION FROM UNFAMILIAR ADULTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an unaccompanied noncitizen child in the custody of the Commissioner shall be physically separated from any adult who is not related to the child.

(2) IMMEDIATE SEPARATION NOT FEASIBLE.—In any circumstance in which such separation is not immediately feasible, such as during transport to a U.S. Customs and Border Protection facility, an unaccompanied noncitizen child shall not be left alone with such an adult or detained with such an adult for more than 6 hours.

(f) STAFF TRAINING.—

(1) IN GENERAL.—The Commissioner shall ensure that—

(A) the staff of each U.S. Customs and Border Protection facility in which 1 or more noncitizen children are housed receives training on responding to the needs of children and families exposed to trauma, including training on—

(i) the principles and practices of trauma-informed care and psychological first aid;

(ii) vicarious traumatization and secondary stress; and

(iii) recognizing the signs of a child in medical distress; and

(B) every effort is made to ensure that the safety and well-being of noncitizen children in U.S. Customs and Border Protection custody are satisfactorily provided for by facility staff.

(2) RULEMAKING.—

(A) IN GENERAL.—The Commissioner shall issue regulations that require Border Patrol and Office of Field Operations officials to participate in regular training so as to ensure that such officials treat all individuals in their custody with dignity, prevent abuse, and ensure constitutionally guaranteed and humane conditions of confinement.

(B) ELEMENTS.—The regulations required by subparagraph (A) shall do the following:

(i) Prohibit U.S. Customs and Border Protection officials from—

(I) discussing immigration outcomes with detained individuals; and

(II) using derogatory language towards individuals in their custody.

(ii) Address matters of child development, mental health and trauma, children with special needs, cultural competency, and any other matter the Commissioner considers appropriate.

(iii) Require foreign language competency and interview protocols in cases in which interpretation is required.

(iv) Require continuing education in any subject necessary to ensure compliance with this division or the amendments made by this division.

(g) MONITORING AND OVERSIGHT.—

(1) IN GENERAL.—Compliance of U.S. Customs and Border Protection facilities with this division and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) shall be monitored by the Ombudsperson, in accordance with section 4601.

(2) POSTING OF OMBUDSPERSON'S CONTACT INFORMATION.—

(A) IN GENERAL.—The Commissioner shall post, in each U.S. Customs and Border Protection facility in which 1 or more noncitizen children are housed, the contact information for the Ombudsperson in multiple languages, including the top 20 preferred languages.

(B) ADDITIONAL LANGUAGES.—The Ombudsperson may require such contact information to be posted in any additional language the Ombudsperson considers necessary based on the demographics of arriving noncitizen children.

(h) AGE ASSESSMENTS.—

(1) IN GENERAL.—Any individual who claims to be under the age of 18 years shall be presumed to be so and shall be treated according to the law and standards applicable to noncitizen children in immigration custody, unless following an age assessment, it is established by clear and convincing evidence that the individual is 18 years of age or older.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An age assessment may only be conducted if the Secretary or Secretary of Homeland Security has recent, credible, and documented evidence that the individual concerned is 18 years of age or older.

(B) CONSIDERATIONS.—If an age assessment is conducted, the Secretary and the Secretary of Homeland Security shall take into consideration, to the extent such information is readily available—

(i) written or photographic evidence;

(ii) statements and representations of the individual concerned and of the family and community members who know such individual; and

(iii) the relevant cultural and ethnic context.

(C) PROHIBITED METHODS.—The Secretary or the Secretary of Homeland Security may not—

(i) conduct any medical age assessment that consists of imaging studies, such as bone or dental radiography, dental examinations, or height, weight, skin, or sexual maturity ratings; or

(ii) rely on the physical appearance of a child to justify an age assessment.

(D) LEGAL COUNSEL.—

(i) IN GENERAL.—An individual with respect to whom an age assessment is conducted shall be provided with legal counsel before receiving such assessment and may not be removed before receiving such counsel.

(ii) EVIDENCE.—Legal counsel provided under clause (i) shall be provided with all evidence upon which the Secretary or the Secretary of Homeland Security relies to justify conducting an age assessment or to support an age assessment determination.

SEC. 4106. MODIFICATION OF TERM "ASYLUM OFFICER" TO EXCLUDE OFFICERS OF U.S. CUSTOMS AND BORDER PROTECTION.

Section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)) is amended—

(1) in clause (i), by striking ", and" and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) is employed by the Refugee, Asylum, and International Operations Directorate of U.S. Citizenship and Immigration Services.".

TITLE II—STANDARDS FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES CUSTODY OF UNACCOMPANIED NONCITIZEN CHILDREN

Subtitle A—Standards for Foster Care Homes and Childcare Facilities

SEC. 4201. OPERATION OF FOSTER CARE HOMES AND CHILDCARE FACILITIES.

(a) IN GENERAL.—An entity contracted by the Director to operate a childcare facility shall be licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children.

(b) OPERATION AS NONSECURE FACILITIES.—Each foster care home operated by a State-licensed program contracted by the Director to provide care for 1 or more unaccompanied noncitizen children, and each childcare facility, including any facility for special needs noncitizen children, shall be maintained as a nonsecure facility, in accordance with applicable State law.

SEC. 4202. NOTICE OF RIGHTS.

(a) IN GENERAL.—The Ombudsperson shall develop a notice of children's rights in childcare facilities, which shall be—

(1) posted in each childcare facility in all locations in which unaccompanied noncitizen children are located; and

(2) distributed to each unaccompanied noncitizen child on arrival at a childcare facility.

(b) DESCRIPTION OF RIGHTS.—The notice required by subsection (a) shall include—

(1) a description of—

(A) all rights afforded to an unaccompanied noncitizen child under section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and this division;

(B) the right to a bond redetermination hearing; and

(C) any other existing mechanism by which children may seek to enforce their rights, including placement review panels; and

(2) a list of pro bono legal services providers and contact information for such providers.

(c) FORMAT AND LANGUAGES.—

(1) IN GENERAL.—Such notice shall be—

(A) written in a manner that is child friendly and age-appropriate; and

(B) made available and posted in multiple languages, including the top 20 preferred languages.

(2) ADDITIONAL LANGUAGES.—The Ombudsperson may require that such notice be made available and posted in any additional language the Ombudsperson considers necessary based on the demographics of arriving noncitizen children.

(d) ORIENTATION TO ROLE OF OFFICE OF THE OMBUDSPERSON.—Each State-licensed program that operates a childcare facility shall provide to each unaccompanied noncitizen child in its care—

(1) information about the Office of the Ombudsperson; and

(2) the contact information for the Office of the Ombudsperson.

SEC. 4203. STAFFING AND TRAINING.

(a) FEDERAL FIELD SPECIALISTS.—The Director shall—

(1) maintain for each childcare facility a reasonable Federal field specialist-to-unaccompanied noncitizen child ratio;

(2) hire additional Federal field specialists as necessary to ensure that, for the majority of unaccompanied noncitizen children in the custody of the Secretary, a decision regarding their release can be made by Federal field specialists not later than 48 hours after the approval of a release recommendation to a sponsor; and

(3) develop and manage a plan for expeditiously placing unaccompanied noncitizen children who have no identified sponsor in the least restrictive setting that most approximates a family.

(b) CASE MANAGEMENT SPECIALISTS.—The Director shall ensure that each State-licensed program that operates a childcare facility—

(1) maintains a ratio of 8 unaccompanied noncitizen children to each case management specialist;

(2) provides training for case management specialists that enables the Department of Health and Human Services to meet required timelines for the reunification of unaccompanied noncitizen children in accordance with section 4231(c); and

(3) develops accountability measures with respect to the adherence of case management specialists to such timelines.

(c) CONTINGENCY FUND TO ADDRESS EMERGENT NEEDS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $46,500,000, to remain available until expended, for a contingency fund (referred to in this section as the "Fund") for the hiring of case management specialists as required by an influx or any other emergent situation for the purpose of facilitating the release process and minimizing the risk that childcare facilities reach full capacity.

(2) USE OF FUND.—

(A) DISCRETIONARY USE.—The Director may draw upon the Fund to reduce the ratio to 6 unaccompanied noncitizen children for each case management specialist if—

(i) the national utilization rate (excluding funded but unplaceable beds and calculated as the number of filled beds divided by the number of beds available for placement, expressed as a percentage) reaches or exceeds 65 percent in any week; or

(ii) the Director certifies to Congress that the rate of increase in childcare facility usage, as calculated by the Director for purposes of section 4602(b)(3)(F)(i)(VI), has led the Director to believe that such national utilization rate will reach 90 percent in any week during the subsequent 10-week period.

(B) MANDATORY USE.—The Director shall draw upon the Fund to reduce the ratio to 6 unaccompanied noncitizen children for each case management specialist if such national utilization rate reaches or exceeds 90 percent in any week.

(d) TRAINING.—

(1) IN GENERAL.—With respect to the personnel of a State-licensed program that operates a childcare facility, the Director shall provide regular in-person training, and a coaching plan with support for 30 days, for such personnel who interact with unaccompanied noncitizen children, including youth care workers, that is—

(A) specific to the age and gender of the unaccompanied noncitizen children at the specific childcare facility; and

(B) consistent across the Office of Refugee Resettlement's network of State-licensed programs.

(2) TOPICS.—The training required by paragraph (1) shall address the following topics:

(A) Ethical standards of conduct based on accepted child welfare principles with respect to the care of unaccompanied noncitizen children.

(B) Mental health and trauma.

(C) Child development.

(D) Prevention of sexual abuse and harassment.

(E) Cultural humility.

(F) Racial sensitivity.

(G) De-escalation techniques to avert unnecessary involvement of local law enforcement prior to exhaustion of alternative,

trauma-informed care, treatment, and restorative responses.

(H) Disabilities.

(3) SPECIFIC TRAINING FOR STAFF WORKING WITH EARLY CHILDHOOD MINORS.—The Director shall ensure that personnel who interact with unaccompanied noncitizen children who are early childhood minors receive specialized training relevant to the needs and capacities of such children.

(4) DEVELOPMENT OF TRAINING MATERIALS.—The Director, in collaboration with stakeholders who have expertise in child migration, child mental health, and child development, shall—

(A) develop written, audio, or visual materials with which training under this subsection may be conducted; and

(B) before distribution to personnel of such State-licensed programs, provide the Ombudsperson with such materials.

(5) DEPARTMENT OF HEALTH AND HUMAN SERVICES STAFF.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide appropriate guidance and training for all Department of Health and Human Services employees with respect to the requirements of this division.

Subtitle B—Services for Unaccompanied Noncitizen Children

SEC. 4211. REQUIRED SERVICES.

(a) PROVISION OF REQUIRED SERVICES.—A State-licensed program that operates a childcare facility shall provide the following services for each unaccompanied noncitizen child in its care:

(1) On admission to the childcare facility, a comprehensive orientation regarding—

(A) the rights of the unaccompanied noncitizen child;

(B) the role of the State-licensed program;

(C) the services, rules, procedures, and expectations of the State-licensed program; and

(D) the availability of legal assistance.

(2) Proper physical care and maintenance, including suitable living accommodations, food, appropriate clothing, and personal hygiene items.

(3) Not later than 2 business days after admission to the childcare facility, a comprehensive medical examination that includes screening for infectious disease.

(4) Appropriate, ongoing, and routine medical and dental care, as prescribed by a licensed physician, advanced practice provider, nurse, or physician assistant, including—

(A) reproductive health and family planning services;

(B) emergency health care services;

(C) immunizations in accordance with the Centers for Disease Control and Prevention guidelines;

(D) administration of prescribed medication and special diets; and

(E) mental health screening and intervention, including referrals.

(5) An individualized needs assessment, which shall include the following:

(A) Collection of essential data relating to the identification and history of the unaccompanied noncitizen child and family.

(B) Identification of any special needs of the unaccompanied noncitizen child, including any need that requires immediate intervention.

(C) An educational assessment and plan.

(D) An assessment of family relationships.

(E) A statement of religious preference and practice.

(F) An assessment of the personal goals, strengths, and weaknesses of the unaccompanied noncitizen child.

(G) Collection of identifying information regarding immediate family members, other relatives, godparents, or friends who may be residing in the United States and who may be able to assist in family reunification.

(6) A comprehensive individual plan for the care of the unaccompanied noncitizen child, which shall be—

(A) developed in accordance with the child's needs, as determined by the individualized needs assessment under paragraph (5); and

(B) implemented and closely coordinated through an operative case management system.

(7) Education services, as described in section 4213.

(8) Recreational activities, as described in section 4214.

(9) Counseling services, including—

(A) not fewer than 2 weekly individual counseling sessions conducted by licensed mental health professionals, including social workers, psychologists, and psychiatric staff; and

(B) not fewer than 1 weekly group counseling session conducted by licensed mental health professionals, including social workers, psychologists, or psychiatric staff.

(10) Acculturation and adaptation services, including the provision of information regarding the development of social and interpersonal skills.

(11) Religious and spiritual services of the unaccompanied noncitizen child's choice, if any.

(12) Case management services designed to identify relatives or prospective sponsors in the United States and ensure the quick release of the unaccompanied noncitizen child from the custody of the Secretary.

(13) Visitation and contact with family members, regardless of the immigration status of the family members. An unaccompanied noncitizen child and family members of such a child shall be provided with a private, confidential space to meet in during such visitation. The Secretary of Homeland Security may not pursue enforcement actions against such family members during or immediately before or after such visitation.

(14) Telephone and video access for contacting parents, family members, and caregivers, in a private space that ensures confidentiality, at no cost to the unaccompanied noncitizen child, family member, or caregiver. An unaccompanied noncitizen child shall be permitted such access not fewer than 4 times weekly for a period of not less than 30 minutes each time.

(15) A reasonable right to privacy, including the right of the unaccompanied noncitizen child—

(A) to wear the child's own clothes, as available;

(B) to retain a private space in the childcare facility for the storage of personal belongings;

(C) to talk privately on the telephone, as permitted by the rules and regulations of the State-licensed program;

(D) to visit privately with guests, as permitted by such rules and regulations; and

(E) to receive and send uncensored correspondence.

(16) Legal services information regarding the availability of free legal assistance, the right to be represented by counsel, screenings and legal orientation presentations, and facilitated, confidential access to counsel, as described in title IV.

(b) CONSIDERATIONS FOR PROVISION OF SERVICES.—A State-licensed program that operates a childcare facility shall provide the services described in subsection (a) in a manner that is sensitive to the age, culture, native language, and complex needs of each unaccompanied noncitizen child.

(c) RULES AND DISCIPLINE STANDARDS.—

(1) IN GENERAL.—The rules and discipline standards of such a State-licensed program shall be—

(A) formulated with consideration given to the age ranges, developmental stages, and degree of trauma experienced by the unaccompanied noncitizen children in the applicable childcare facility; and

(B) culturally sensitive to the needs of such children.

(2) PROHIBITED MEASURES.—Such a State-licensed program may not subject any unaccompanied noncitizen child to—

(A) corporal punishment, physical or chemical restraint, seclusion, humiliation, verbal or mental abuse, or punitive interference with the daily functions of living, such as eating, sleeping, or bathroom access; or

(B) any disciplinary measure that—

(i) adversely affects the health or physical or psychological well-being of the unaccompanied noncitizen child; or

(ii) denies an unaccompanied noncitizen child regular meals, water, sleep, exercise, medical care, correspondence privileges, legal assistance, education, recreation, bathroom access, or any other service described in subsection (a).

(d) RECORDKEEPING.—

(1) INDIVIDUAL CASE RECORDS.—The operator of each childcare facility and influx facility shall develop, maintain, and safeguard individual client case records on each unaccompanied noncitizen child in care at the facility.

(2) CONFIDENTIALITY.—The operator of each childcare facility and influx facility shall develop and maintain a system of accountability that preserves the confidentiality of client information and protects such records from unauthorized use or disclosure in accordance with section 4804.

(3) REPORTING.—The operator of each childcare facility and influx facility shall maintain adequate records and make regular reports, as required by the Ombudsperson, that permit the Ombudsperson to monitor and enforce this division, the amendments made by this division, and any other requirement or standard determined by the Ombudsperson to be in the best interests of unaccompanied noncitizen children.

SEC. 4212. EVALUATION FOR DISABILITY.

(a) IN GENERAL.—The Director shall provide unaccompanied noncitizen children who present an indication of a disability with an evaluation for services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and provide unaccompanied noncitizen children with disabilities with services (including accommodations) through an individualized plan that includes a plan for prompt release.

(b) RECORDS.—Any record of a screening or an evaluation conducted under this section, and any record related to a decision with respect to the release of an unaccompanied noncitizen child with a disability, shall be maintained separately from the unaccompanied noncitizen child's immigration file (commonly known as an ''A-File'').

SEC. 4213. EDUCATION.

(a) CURRICULUM.—

(1) STATE STANDARDS.—A State-licensed program shall provide educational instruction to unaccompanied noncitizen children using a curriculum that—

(A) includes access to physical education, art, and other electives; and

(B) is consistent with the licensing and academic standards of the State in which the State-licensed program is located.

(2) BASIC ACADEMIC AREAS.—The basic academic areas covered by such curriculum shall include science, social studies, math, reading, and writing.

(b) LICENSING AND CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—Teachers, administrators, counselors, and support staff providing education to unaccompanied noncitizen children at a childcare facility shall—

(A) meet local and State certification or licensure requirements; and

(B) in the case of an unaccompanied noncitizen child in custody for a period longer than 60 days or who was previously attending school in the United States, ensure that the child receives transferable credit.

(c) INSTRUCTION.—

(1) IN GENERAL.—Educational instruction at a childcare facility shall be—

(A) appropriate to the level of development and communication skills of an unaccompanied noncitizen child; and

(B) provided in a structured classroom setting on a weekly basis Monday through Friday.

(2) CLASS SIZE.—An unaccompanied noncitizen child may not be placed in a class in which the teacher-to-student ratio exceeds the applicable State maximum ratio.

(d) LANGUAGE ACCESS AND EDUCATIONAL ENVIRONMENT.—The educational program at a childcare facility shall—

(1) include instruction and reading materials, educational and otherwise, in the primary languages of the unaccompanied noncitizen children at the childcare facility; and

(2) be provided in an emotionally, culturally, and physically safe environment.

(e) INDIVIDUAL EDUCATION PROGRAM.—A State-licensed program that operates a childcare facility shall provide any eligible unaccompanied noncitizen child who is a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) with special education and related services pursuant to an individualized education program that is developed for the unaccompanied noncitizen child and is consistent with the requirements provided under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.).

(f) OTHER EDUCATIONAL OPPORTUNITIES.—The educational program of such a State-licensed program shall include educational opportunities addressing personal, social, emotional, intellectual, and employment skills.

SEC. 4214. RECREATION.

(a) IN GENERAL.—A State-licensed program that operates a childcare facility shall provide recreational opportunities that meet or exceed—

(1) the guidelines of the Department of Health and Human Services entitled ''2018 Physical Activity Guidelines for Americans''; and

(2) the guidelines of the President's Council on Sports, Fitness, and Nutrition.

(b) ACTIVITIES.—

(1) IN GENERAL.—Activities for recreation and leisure time, which shall include daily outdoor activity, weather permitting, shall include—

(A) not less than 1 hour daily of large-muscle activity; and

(B) not less than 1 hour daily of structured leisure time activities, which shall not include time spent watching television or video.

(2) DAYS ON WHICH SCHOOL IS NOT IN SESSION.—The periods scheduled for activities described in paragraph (1) shall be increased to a total of 3 hours daily on any day on which school is not in session.

(3) RECREATION AREAS.—Not less frequently than weekly, a State-licensed program that does not have an adequate on-site recreation area shall take children to off-site parks, community recreation centers, or other suitable locations.

(4) LANGUAGE-APPROPRIATE READING MATERIALS.—A State-licensed program shall provide appropriate reading materials in the preferred languages of unaccompanied noncitizen children for use during leisure time.

Subtitle C—Placement of Children

SEC. 4221. PHASING OUT LARGE CONGREGATE CARE FACILITIES.

(a) DEFINITION OF LARGE CONGREGATE CARE FACILITY.—In this section, the term ''large congregate care facility'' means a facility intended to house more than 25 individuals at a time.

(b) PHASEOUT.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act—

(A) the Director may not place an unaccompanied noncitizen child in a large congregate care facility; and

(B) no Federal funds shall be made available for the purpose of—

(i) housing an unaccompanied noncitizen child in such a facility; or

(ii) placing an unaccompanied noncitizen child in any congregate care facility for a period longer than 14 days.

(2) EXCEPTION.—Paragraph (1) shall not apply to any of the following:

(A) An influx facility.

(B) A setting specializing in prenatal, postpartum, or parenting support for youth.

(C) A supervised independent living setting under the post-18 program described in section 4243(c).

(D) A program addressing the needs of victims of trafficking.

(E) A qualified residential treatment program specifically designed to meet the needs of a child with serious emotional or behavioral health needs.

(c) PLAN REQUIRED.—

(1) IN GENERAL.—The Director shall develop a plan to eliminate the use of large congregate care facilities by the date that is 2 years after the date of the enactment of this Act.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Specific measures the Director will take to eliminate the use of such facilities.

(B) Performance benchmarks that require the Director to place unaccompanied noncitizen children in compliant congregate care facilities as follows:

(i) 25 percent of such children not later than the date that is 1 year after the date of the enactment of this Act.

(ii) 75 percent of such children not later than 545 days after such date of enactment.

(iii) 100 percent of such children not later than 2 years after such date of enactment.

(3) SUBMITTAL TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to Congress the plan developed under paragraph (1).

(d) TRANSITIONAL SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—To the extent that the transition to childcare facilities housing 25 unaccompanied noncitizen children or fewer affects nongovernmental organizations that provide services to such children, the Director shall increase funding to such organizations—

(1) to prevent a disruption or decrease in services;

(2) to establish centralized locations for unaccompanied noncitizen children to receive services from such organizations; and

(3) to increase funding for representation of released children.

SEC. 4222. LEAST RESTRICTIVE SETTING.

An unaccompanied noncitizen child in the custody of the Secretary shall be placed in the least restrictive setting that most approximates a family and in which the child's special needs, if any, may be met consistent with the best interests and special needs of the child.

SEC. 4223. FOSTER FAMILY CARE.

(a) PREFERENCE FOR FOSTER FAMILY CARE.—

(1) IN GENERAL.—With respect to an unaccompanied noncitizen child in the custody of the Secretary, the Director shall make active efforts to place the child in the least restrictive setting that most approximates a family and in which the child's special needs, if any, may be met.

(2) ADDITIONAL CONSIDERATION.—Such an unaccompanied noncitizen child shall be placed within reasonable proximity to the location of the child's immigration proceedings, taking into account any special needs of the child before placing the child in a childcare facility.

(b) TRANSITIONAL FOSTER CARE.—

(1) IN GENERAL.—An unaccompanied noncitizen child whose length of care in the custody of the Secretary is anticipated to be not more than 30 days shall be eligible for a transitional foster care placement in a family home licensed to provide such shorter term care.

(2) PRIORITY.—The Director shall prioritize for placement in transitional foster care the following categories of unaccompanied noncitizen children:

(A) Unaccompanied noncitizen children under 13 years of age.

(B) Sibling groups with 1 or more siblings who are under 13 years of age.

(C) Unaccompanied noncitizen children who are pregnant or parenting.

(D) Unaccompanied noncitizen children with special needs, including any unaccompanied noncitizen child with a disability.

(c) STAYS EXPECTED TO EXTEND MORE THAN 30 DAYS.—

(1) IN GENERAL.—An unaccompanied noncitizen child whose length of care in the custody of the Secretary is anticipated to be more than 30 days, or a noncitizen who entered the custody of the Secretary as a child and who has reached the age of 18 years, shall be eligible for a long-term foster care placement in the least restrictive setting that most approximates a family and in which the child's best interests and any special needs may be met.

(2) CONTRACTING REQUIREMENTS.—The Director shall—

(A) seek to enter into 1 or more contracts with State-licensed foster care providers for the provision of long-term foster care placements for all eligible unaccompanied noncitizen children; and

(B) ensure that such providers accept unaccompanied noncitizen children for placement in a timely manner.

(d) ACCESS TO FOSTER CARE FOR CHILDREN WITH DISABILITIES OR MENTAL OR BEHAVIORAL HEALTH-RELATED NEEDS.—

(1) IN GENERAL.—The Director shall—

(A) ensure access to transitional and long-term foster care placements for unaccompanied noncitizen children notwithstanding—

(i) disabilities;

(ii) behavioral concerns or involvement in the juvenile justice system;

(iii) prior incident reports; or

(iv) prior or current restrictive placements (as defined in section 4226); and

(B) seek to enter into 1 or more contracts with foster care providers that have the documented capacity and commitment to accept children regardless of disabilities or mental or behavioral health-related needs.

(2) EQUAL ACCESS.—

(A) IN GENERAL.—An unaccompanied noncitizen child with mental or behavioral health-related needs who does not pose a documented, imminent threat to himself or herself, to others, or to the community shall

be eligible for, and shall be provided equal access to, a foster care placement.

(B) ELIGIBILITY FOR TRANSFER.—If such a child is in a restrictive placement, he or she shall be eligible for direct transfer to a foster care placement.

(3) LIMITATION ON REFUSAL OF PLACEMENT.—A State-licensed program that operates a childcare facility may not refuse placement of an unaccompanied noncitizen child based on a disability or a mental or behavioral health-related need absent individualized documentation that—

(A) State licensing requirements bar acceptance of the specific unaccompanied noncitizen child based on the child's individual needs; and

(B) a request for a variance from such a requirement has been denied or is unavailable under State law.

(e) BACKGROUND CHECKS.—

(1) IN GENERAL.—The Director shall ensure that a Federal Bureau of Investigation background check and, in any applicable State, a child abuse or neglect registry check, has been conducted for each resident of a foster care placement for an unaccompanied noncitizen child.

(2) LIMITATION ON DENIAL OF PLACEMENT.—A criminal history of a resident of a potential foster care placement shall not be the basis for a denial of the foster care placement for an unaccompanied noncitizen child unless the Director demonstrates that such history—

(A) includes a conviction for child abuse or trafficking; or

(B)(i) is less than 10 years old; and

(ii) has a direct and immediate impact on the safety of the unaccompanied noncitizen child.

SEC. 4224. ADDITIONAL REQUIREMENTS RELATING TO CHILDREN WITH DISABILITIES AND CHILDREN WITH MENTAL HEALTH NEEDS.

(a) PRIORITIZATION OF RELEASE.—The Director shall prioritize the release to sponsors of unaccompanied noncitizen children with disabilities so that such children may receive, in the community rather than in immigration custody, evidence-based, trauma-informed services tailored to their needs.

(b) ACCESS TO SERVICES WHILE IN CUSTODY.—In the case of an unaccompanied noncitizen child with disabilities who cannot be expeditiously released, the Director shall provide access to any necessary service in the least restrictive integrated setting possible until a family-based placement is secured.

(c) SUPPORT.—The Director shall support unaccompanied noncitizen children with disabilities by—

(1) contracting with a range of placements so as to ensure that integrated settings are available for such children;

(2) providing resources to support placement, such as by connecting providers with community-based services or assisting with licensing variances; and

(3) developing and delivering trauma-informed disability-related training to all frontline care provider staff, in collaboration with stakeholders who have expertise in serving children with disabilities.

(d) NETWORK CAPACITY.—Not less than 75 percent of all childcare facilities and foster care placements shall have appropriate State licensing and documented capability to house unaccompanied noncitizen children with disabilities.

SEC. 4225. MINIMIZING TRANSFERS.

(a) IN GENERAL.—The Director shall—

(1) minimize transfer of unaccompanied noncitizen children among childcare facilities and between short-term and long-term foster care placements; and

(2) ensure that—

(A) the Ombudsperson tracks any third or subsequent transfer of a child between childcare facilities or placements;

(B) unaccompanied noncitizen children remain in the least restrictive settings that most approximate a family; and

(C) unaccompanied noncitizen children who are siblings are housed together in the same childcare facility unless there is an extraordinary need for specialized care, such as inpatient health care services.

(b) NOTICE.—

(1) IN GENERAL.—In the case of an unaccompanied noncitizen child who is transferred to another childcare facility or foster family home placement, not less than 48 hours before the transfer occurs, the Director shall—

(A) notify the child in a language and format the child understands; and

(B) notify and provide a justification for the transfer to the child's sponsor, legal counsel or local legal services provider, and child advocate, as applicable.

(2) EXCEPTION.—

(A) IN GENERAL.—Paragraph (1) shall not apply in an unusual and compelling circumstance, such as—

(i) a circumstance in which—

(I) the safety of the unaccompanied noncitizen child or any other individual is threatened; or

(II) the child has previously attempted to abscond from custody; or

(ii) a case in which the unaccompanied noncitizen child's legal counsel has waived notice under that paragraph.

(B) NOTICE AFTER TRANSFER.—In the case of a circumstance or waiver described in subparagraph (A), notice shall be provided to the unaccompanied noncitizen child's legal counsel or local legal services provider, and child advocate, as applicable, not later than 24 hours after the transfer.

(c) POSSESSIONS AND LEGAL PAPERS.—The Director shall ensure that any unaccompanied noncitizen child is transferred with all of his or her possessions and legal papers.

SEC. 4226. RESTRICTIVE PLACEMENTS.

(a) DEFINITIONS.—In this section:

(1) RESTRICTIVE PLACEMENT.—The term ''restrictive placement'' means—

(A) a staff-secure facility;

(B) a therapeutic staff-secure facility; and

(C) a placement in any setting other than a childcare facility, an influx facility, or licensed foster care placement.

(2) THERAPEUTIC CHILDCARE FACILITY.—The term ''therapeutic childcare facility'' means a—

(A) congregate care facility for the purpose of rehabilitation or residential treatment; and

(B) an out-of-network facility or group home the staff of which has specialized training to care for children and adolescents with significant emotional, behavioral, social, or medical needs.

(b) PLACEMENT REVIEW HEARINGS FOR TRANSFERS TO RESTRICTIVE PLACEMENTS.—

(1) IN GENERAL.—In the case of transfer of an unaccompanied noncitizen child to a restrictive placement, the Director shall provide an administrative placement review hearing conducted in accordance with sections 554 through 557 of title 5, United States Code.

(2) NOTICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Director shall provide written notice of intent to transfer an unaccompanied noncitizen child to a restrictive placement to the child concerned and the child's legal counsel and child advocate.

(B) EXCEPTION.—The Director may transfer an unaccompanied noncitizen child to a restrictive placement without providing notice under subparagraph (A) only if the Director has a reasonable belief, based on clearly articulable facts, that the child is a present, imminent danger to himself or herself or to others.

(C) ELEMENTS.—A notice required by subparagraph (A) shall include, in a language and format the unaccompanied noncitizen child understands, the following:

(i) The time, date, and location of the hearing under paragraph (1).

(ii) A description of the individualized allegations relied on by the Director in support of such transfer, including all supporting evidence.

(iii) An explanation that the unaccompanied noncitizen child—

(I) has a right to contest such transfer at such hearing; and

(II) may submit additional evidence, including witness testimony.

(3) TIMING OF HEARING.—A hearing under this subsection shall occur not less than—

(A) 72 hours after the unaccompanied noncitizen child concerned receives notice under paragraph (2); and

(B) 5 business days before the transfer to the restrictive placement is scheduled to occur.

(4) PROCEDURAL MATTERS.—

(A) NEUTRAL FACT FINDER.—A hearing under this subsection shall be presided over by a neutral fact finder who—

(i) is not an employee of the Office of Refugee Resettlement; and

(ii) has expertise in child welfare.

(B) RIGHTS OF CHILD.—

(i) IN GENERAL.—At a hearing under this subsection, an unaccompanied noncitizen child shall have—

(I) the right to counsel; and

(II) the right and opportunity to confront, inspect, and rebut the evidence alleged to justify the transfer to a restrictive placement.

(ii) WAIVER OF PRESENCE.—With the assistance of counsel, an unaccompanied noncitizen child may waive his or her presence at a hearing under this subsection.

(C) AVAILABILITY OF OFFICE OF REFUGEE RESETTLEMENT RECORDS.—The Director shall disclose to the unaccompanied noncitizen child concerned and the legal counsel and child advocate of the child, as applicable, the child's entire case file and all evidence supporting the determination to transfer the child to a restrictive placement—

(i) not later than 24 hours after such determination is made; and

(ii) not less than 2 days before the date of the hearing under this subsection.

(D) INTERPRETATION SERVICES.—An interpreter in the preferred language of the unaccompanied noncitizen child shall be made available for a hearing under this subsection.

(E) BURDENS OF PRODUCTION AND PROOF.—The Director shall have the burden of production and the burden of proof, by clear and convincing evidence, to establish that—

(i) the unaccompanied noncitizen child is a present danger to himself or herself or to others;

(ii) a restrictive placement is consistent with the best interests of the child;

(iii) there is no viable alternative to a restrictive placement to ensure the best interests of the child; and

(iv) the child's placement in a facility that is not a restrictive placement would not provide the services or resources necessary.

(F) RECORD OF PROCEEDINGS.—The record of proceedings for a hearing under this subsection, and all related documentation—

(i) shall be maintained separately and apart from the unaccompanied noncitizen child's immigration file (commonly called the ''A-File''); and

(ii) shall not form any part of, and shall not be relied upon, in any removal proceedings or any adjudication carried out by U.S. Citizenship and Immigration Services, including with respect to final decisions and discretionary factors.

(5) WRITTEN DECISION.—

(A) IN GENERAL.—Not later than 2 business days before the date on which the unaccompanied noncitizen child concerned is scheduled to be transferred to a restrictive placement, the fact finder shall issue a written decision approving or denying such transfer, which shall be binding on the Office of Refugee Resettlement.

(B) CONSIDERATION OF BEST INTEREST RECOMMENDATION.—In making a decision on such a transfer, the fact finder shall consider, and respond in writing to, the recommendation of the child advocate of the unaccompanied noncitizen child concerned.

(C) ELEMENTS.—A written decision under this paragraph shall—

(i) set forth a detailed, specific, and individualized justification for the decision; and

(ii) notify the unaccompanied noncitizen child of the child's—

(I) right to placement review hearings under subsection (e);

(II) right to seek review of the decision by the Ombudsperson under paragraph (6); and

(III) right to seek judicial review of the decision.

(D) LANGUAGE ACCESS.—The decision shall be made available in a language and in a format the unaccompanied noncitizen child understands.

(E) SUBMISSION TO OMBUDSPERSON.—Not later than 72 hours after a decision in a placement review hearing is issued under this paragraph, the fact finder shall submit the decision to the Ombudsperson.

(6) REVIEW BY OMBUDSPERSON.—

(A) IN GENERAL.—On request by an unaccompanied noncitizen child or the legal counsel or child advocate of the child, the Ombudsperson shall carry out a review of a decision under paragraph (5), which shall be completed not later than 15 days after the date on which the request for review is made.

(B) RECOMMENDATION.—

(i) IN GENERAL.—In carrying out a review under this paragraph, the Ombudsperson may make a recommendation with respect to whether such decision should be modified.

(ii) FINDING OF ERRONEOUS DECISION.—

(I) IN GENERAL.—If the Ombudsperson determines that the decision under paragraph (5) was erroneous, the Ombudsperson shall submit to the Director a recommendation for further action.

(II) WRITTEN STATEMENT.—

(aa) IN GENERAL.—If the Director declines to follow the recommendation of the Ombudsperson, the Director shall provide a detailed written justification to the child, the prospective sponsor, the legal counsel and the child advocate of the child, and the legal counsel of the prospective sponsor, as applicable.

(bb) NONDELEGATION.—The Director may not delegate the requirement to issue such a written statement to any other individual.

(c) LIMITATIONS ON PLACEMENT IN SECURE FACILITIES AND STAFF-SECURE FACILITIES.—

(1) IN GENERAL.—The Director may not place an unaccompanied noncitizen child in a staff-secure facility based solely on a risk of self-harm or behavior related to the child's trauma or mental health that could be addressed in a less restrictive setting with additional accommodations or rehabilitative care.

(2) SECURE FACILITIES.—The Director may never hold or place an unaccompanied noncitizen child in a secure facility.

(3) STAFF-SECURE FACILITIES.—

(A) IN GENERAL.—The Director may only hold or place an unaccompanied noncitizen child in a staff-secure facility if—

(i) there is clear and convincing evidence that the child poses a serious and imminent danger to others at the time of placement;

(ii) upon holistic review of the child's file, there is clear and convincing evidence that the assessed danger does not stem from the child's trauma or mental health conditions; and

(iii) even with additional accommodations and de-escalation measures, the child cannot be adequately cared for in a less restrictive setting or rehabilitative care.

(B) DURATION.—The Director may only hold an unaccompanied noncitizen child in a staff-secure facility under subparagraph (A) during the period in which the Director can demonstrate that the conditions described in that subparagraph exist.

(C) TRANSFER.—The Director shall consider transfer of the child to a less restrictive placement as soon as these requirements are no longer met, even if the child has been in the placement for less than 30 days.

(4) PROHIBITION ON PLACEMENT IN U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT FACILITIES.—The Director may not place any noncitizen child in—

(A) a U.S. Immigration and Customs Enforcement facility; or

(B) a facility operated by contract with U.S. Immigration and Customs Enforcement.

(d) PLACEMENT IN THERAPEUTIC CHILDCARE FACILITIES.—

(1) LIMITATION.—The Director may place an unaccompanied noncitizen child in a therapeutic childcare secure facility only if—

(A) the unaccompanied noncitizen child has received a detailed, individualized evaluation by a licensed psychologist or psychiatrist who is experienced in the care of children; and

(B) the mental health professional conducting the evaluation under subparagraph (A) has determined that—

(i) the child poses a substantial risk of harm to himself or herself or to others;

(ii) such placement is in the best interests of the child; and

(iii) even with additional accommodations or rehabilitative care, at the time of placement, the child cannot be adequately cared for in a less restrictive setting until the child receives services provided in such a placement.

(2) PREFERENCE FOR COMMUNITY-BASED THERAPEUTIC FOSTER CARE.—Before placing an unaccompanied noncitizen child in a therapeutic childcare facility, the Director shall first seek to place the child in a family-based therapeutic foster care placement.

(3) APPLICABILITY OF OTHER PROVISIONS.—The procedures relating to transfers, notice, and placement review hearings under this title apply equally to unaccompanied noncitizen children placed in residential treatment centers and other therapeutic childcare facilities.

(4) SERVICES TO BE PROVIDED.—

(A) EVALUATION.—

(i) IN GENERAL.—An unaccompanied noncitizen child placed in a therapeutic childcare facility shall be evaluated by a licensed psychologist or psychiatrist who is experienced in the care of children.

(ii) REPORT.—The mental health professional conducting the evaluation under clause (i) for an unaccompanied noncitizen child shall—

(I) issue a written report that sets forth—

(aa) the reasons for such placement;

(bb) treatment goals; and

(cc) a plan specific to the child for transition to a less restrictive setting; and

(II) make such report available to the unaccompanied noncitizen child and the child advocate of the child.

(B) ACCESS TO COUNSEL.—The operator of a residential treatment center or any other therapeutic childcare facility for unaccompanied noncitizen children shall provide access to—

(i) legal services; and

(ii) existing legal counsel and child advocates of such children, as applicable.

(e) MONTHLY REVIEW HEARING.—

(1) IN GENERAL.—Not less frequently than monthly, each unaccompanied noncitizen child in a restrictive placement shall be afforded a placement review hearing to determine whether continued placement in the restrictive placement is appropriate.

(2) CONDUCT OF HEARINGS.—A hearing under this subsection shall be conducted in accordance with the procedures and standards for placement review hearings under subsection (b).

(3) REPORT BY MENTAL HEALTH PROVIDER.—With respect to an unaccompanied noncitizen child who is in a therapeutic childcare facility not later than 5 days before a hearing under this subsection, a licensed psychologist or psychiatrist who is experienced in the care of children shall submit to the fact finder a detailed report on the mental health needs of the unaccompanied noncitizen child concerned.

(4) WRITTEN DECISION.—

(A) IN GENERAL.—The fact finder shall issue a written decision continuing or terminating the restrictive placement of the unaccompanied noncitizen child concerned, which shall be binding on the Office of Refugee Resettlement.

(B) CONSIDERATION OF BEST INTEREST RECOMMENDATION.—In making a decision on such placement, the fact finder shall consider—

(i) the best interest recommendation of the child advocate with respect to the unaccompanied noncitizen child concerned; and

(ii) the findings contained in the report submitted under paragraph (3).

(C) ELEMENTS.—A written decision under this paragraph shall—

(i) set forth a detailed, specific, and individualized justification for the decision; and

(ii) notify the unaccompanied noncitizen child of—

(I) the right to further placement review hearings under this subsection; and

(II) the right to seek judicial review of the decision.

(D) LANGUAGE ACCESS.—The decision shall be made available in a language and in a format the unaccompanied noncitizen child understands.

(5) RECORD OF PROCEEDINGS.—The record of proceedings for a hearing under this subsection, and all related documentation—

(A) shall be maintained separately and apart from the unaccompanied noncitizen child's immigration file (commonly called the ''A-File''); and

(B) shall not form any part of, and shall not be relied upon, in any removal proceedings or any adjudication carried out by U.S. Citizenship and Immigration Services, including with respect to final decisions and discretionary factors.

(f) PLACEMENT OF UNACCOMPANIED NONCITIZEN CHILDREN WITH DISABILITIES IN RESTRICTIVE PLACEMENTS.—

(1) IN GENERAL.—An unaccompanied noncitizen child who is receiving services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall not be placed in a facility that does not have access to such services.

(2) NEEDS DETERMINATION.—

(A) IN GENERAL.—Before placing such an unaccompanied noncitizen child in a restrictive setting, the Director shall make a determination as to whether the needs of the child can be met in a more integrated setting.

(B) ELEMENTS.—A determination under subparagraph (A) shall include—

(i) an identification of the relevant trauma-informed, evidence-based services and accommodations that have been identified as potentially relevant;

(ii) a description of any such service or accommodation that has been provided and the period of time in which the service or accommodation has been provided;

(iii) if any such service or accommodation has been ineffective, an assessment of the reason; and

(iv) an assessment of whether additional services or accommodations could be provided at the child's current placement.

(3) SERVICES AVAILABLE IN A LESS RESTRICTIVE PLACEMENT.—

(A) IN GENERAL.—If services are identified that have the potential to maintain such an unaccompanied noncitizen child in a less restrictive placement, the Director shall ensure that the child receives such services before the Director considers a transfer to a restrictive placement.

(B) IDENTIFICATION OF SERVICES AND ACCOMMODATIONS.—

(i) IN GENERAL.—For each such unaccompanied noncitizen child, at each placement review hearing under subsection (e), the Director shall explicitly identify services and accommodations that could be made available in a less restrictive placement.

(ii) JUSTIFICATION.—A recommendation by the Director against placing such an unaccompanied noncitizen child in a less restrictive placement shall be supported by specific documentation as to the reasons that, even with such accommodations, the child cannot be safely placed in a less restrictive placement.

(4) INDEPENDENT REVIEW.—

(A) IN GENERAL.—In the case of such an unaccompanied noncitizen child whom the Director intends to transfer to a restrictive placement, before the child's placement review hearing, the decision to so transfer shall be reviewed by an independent third-party licensed psychologist or psychiatrist who is experienced in the care of children in accordance with a standardized process for evaluating the data and presented rationale, including a consideration of accommodations that could avoid the need for restrictive placement.

(B) CONTINUED RESTRICTIVE PLACEMENT.—In the case of such an unaccompanied noncitizen child in a restrictive placement whom the Director does not intend to transfer to a less restrictive placement, before the child's next placement review hearing, the decision shall be reviewed by an independent third-party licensed psychologist or psychiatrist who is experienced in the care of children, in accordance with a standardized process for evaluating the data and presented rationale, including a consideration of accommodations that could avoid the need for restrictive placement.

(C) REPORT.—Not later than 45 days after conducting a review under this paragraph, the independent third-party mental health professional shall issue a written report describing the results of the review to the fact finder, the child concerned, the legal counsel and child advocate of such child, and the Director.

SEC. 4227. JUDICIAL REVIEW OF PLACEMENT.

(a) IN GENERAL.—An unaccompanied noncitizen child, or the parent, legal guardian, or nonparent family member of the child, with the consent of the child, may seek judicial review in a district court of the United States of—

(1) a determination with respect to the type of childcare facility in which the child is placed; or

(2) a sponsorship determination.

(b) VENUE.—Venue for judicial review under subsection (a) may be found in—

(1) the district in which the original childcare facility in which the unaccompanied noncitizen child concerned was placed is located; or

(2) the district in which the childcare facility to which the unaccompanied noncitizen child was transferred is located.

(c) LIMITED REVIEW.—Review under this section shall be limited to entering an order solely affecting the individual claims of the unaccompanied noncitizen child or the parent, legal guardian, or prospective sponsor seeking such review.

(d) AGENCY EXERCISE OF DISCRETION REVIEWED DE NOVO.—The exercise of discretion by the Secretary or the Secretary of Homeland Security in making a placement decision reviewed under this section shall be reviewed de novo.

(e) BOND REDETERMINATION.—An unaccompanied noncitizen child in removal proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case, unless the child indicates on the notice of custody determination form that he or she waives the right to such a hearing.

Subtitle D—Family Reunification and Standards Relating to Sponsors

SEC. 4231. FAMILY REUNIFICATION EFFORTS BY OFFICE OF REFUGEE RESETTLEMENT.

(a) IN GENERAL.—During the period in which an unaccompanied noncitizen child is in the custody of the Secretary, the Director shall—

(1) provide individualized, onsite case management and family reunification services;

(2) ensure that—

(A) a case manager contacts the child not later than 48 hours after the child is transferred to the custody of the Secretary; and

(B) in the case of case manager reassignment, the case manager reassigned to the child contacts the child not later than 24 hours after such reassignment;

(3) make and document prompt, active, and continuous efforts towards family reunification and release; and

(4) work diligently—

(A) to review family reunification applications from prospective sponsors; and

(B) to assist prospective sponsors in completing such applications and complying with sponsor requirements.

(b) PREFERENCE FOR RELEASE.—The Director may release an unaccompanied noncitizen child from the custody of the Secretary to a sponsor who is, in the order of preference, any of the following:

(1) A parent.

(2) A legal guardian.

(3) An adult relative.

(4) An adult individual, or an entity, designated by the parent or legal guardian of the unaccompanied noncitizen child as capable and willing to care for the child's well-being, which designation is supported by—

(A) a declaration signed by the parent or legal guardian under penalty of perjury before an immigration or consular officer; or

(B) such other document that makes such a designation and establishes the affiant's parentage or guardianship.

(5) A licensed program willing to accept legal custody of the child.

(6) An adult individual or entity seeking custody of the child.

(c) TIMELINES FOR REUNIFICATION.—The Director shall use the information collected under, and data requirements described in, section 4602(b)—

(1) to determine the characteristics that exert significant effect on the reunification of unaccompanied noncitizen children with a sponsor;

(2) to establish categories of children who exhibit such characteristics, which categories shall distinguish between—

(A)(i) children released to parents or legal guardians; and

(ii) children released to other sponsors; and

(B)(i) children who have home studies mandated by section 235 of the Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232);

(ii) children granted home studies through the discretion of the Director; and

(iii) other children;

(3) to establish timelines for reunification appropriate to each such category of children;

(4) to monitor ongoing reunification efforts for compliance with such timelines; and

(5) to identify systematic barriers to release for children in such categories.

(d) SYSTEMATIC BARRIERS TO RELEASE.—The Director shall eliminate any administrative hindrance identified as a systemic barrier to release under subsection (c)(4).

(e) EXPEDITED REUNIFICATION OF EARLY CHILDHOOD MINORS.—The Director shall develop procedures to facilitate the expedited reunification of unaccompanied noncitizen children who are early childhood minors with family members seeking to serve as sponsors.

(f) LIMITATION ON REMOTE SERVICES.—Case management and family reunification services may only be provided remotely for unaccompanied noncitizen children housed in an influx facility or a childcare facility activated for use during an influx.

(g) RECORDKEEPING.—The Director shall maintain a written record of the efforts made by the Office of Refugee Resettlement to reunify and release each unaccompanied noncitizen child in the custody of the Secretary.

SEC. 4232. STANDARDS RELATING TO SPONSORS.

(a) PROCEDURES AND PROTECTIONS.—

(1) IN GENERAL.—The Director shall not impose sponsor requirements (including application deadlines and requests for information or documentation about prospective sponsors, the household members of prospective sponsors, or other individuals) that do not have a substantial and direct impact on child safety.

(2) NONDISCRIMINATION.—In reviewing an application for sponsorship, the Director may not rely on the national origin, immigration status, language, religion, sexual orientation, sex (including gender identity or gender expression), color, or race of the child concerned or of the prospective sponsor to delay or deny the application.

(3) PROHIBITION ON CERTAIN REASONS FOR SPONSORSHIP DENIAL.—A prospective sponsor may not be denied sponsorship solely due to—

(A) poverty, use of public assistance, lack of employment or health insurance, or past or current health conditions that do not have a substantial and direct impact on child safety;

(B) absence of a pre-existing relationship with the unaccompanied noncitizen child concerned; or

(C) immigration status.

(4) LEGAL RIGHTS OF PROSPECTIVE SPONSORS.—

(A) IN GENERAL.—In making decisions about the sponsorship of an unaccompanied noncitizen child, the Director shall—

(i) take into consideration the legal rights of any parent, legal guardian, or family member who is seeking sponsorship of the child; and

(ii) ensure that Office of Refugee Resettlement processes for ensuring the child's safe release do not interfere with such rights.

(B) PARENTS.—A parent shall not be denied reunification with their child absent a determination supported by clear and convincing evidence that custody of the child by the parent is likely to result in serious emotional or physical damage to the child.

(5) ASSESSMENT REQUIRED.—

(A) IN GENERAL.—The Director may only release an unaccompanied noncitizen child to an individual or a licensed program for whom a prospective sponsor assessment has been completed, consistent with the requirements of section 235(c)(3) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)).

(B) ELEMENTS.—A sponsor assessment shall include—

(i) a completed family reunification application; and

(ii) consideration of the wishes and concerns of the unaccompanied noncitizen child concerned.

(C) OPPORTUNITY TO ADDRESS CONCERNS.—A prospective sponsor shall be afforded the opportunity to address any concern raised during the sponsor assessment process before the prospective sponsor's application is denied.

(D) BACKGROUND CHECKS.—

(i) IN GENERAL.—Fingerprint-based checks of national crime information databases (as defined in section 534(f)(3) of title 28, United States Code) may be requested for prospective sponsors if a public records check of the sponsor reveals safety concerns or there is a documented risk to the safety of the child.

(ii) LIMITATION.—The criminal history of the prospective sponsor, or a household member of the prospective sponsor, shall not be a basis for denial of sponsorship unless the Director demonstrates that such history includes a conviction for child abuse or trafficking, or is less than 10 years old and would have a direct and immediate impact on the safety of the unaccompanied noncitizen child concerned.

(6) SAFEGUARDS.—

(A) IN GENERAL.—The Director shall implement safeguards to prevent any information obtained in the course of the sponsor assessment process from being used for any purpose other than assessing the sponsor's fitness to care for an unaccompanied noncitizen child.

(B) APPLICABILITY.—Such safeguards shall apply regardless of the outcome of the prospective sponsor's application.

(7) ANNUAL EVALUATION.—

(A) IN GENERAL.—Not less frequently than annually, the Director shall conduct an evaluation of Office of Refugee Resettlement policies and practices to determine whether such policies and practices create unnecessary barriers to release or result in delays in unaccompanied noncitizen children's prompt release to sponsors.

(B) SUBMISSION TO OMBUDSPERSON.—The Director shall submit each evaluation conducted under subparagraph (A) to the Ombudsperson.

(b) SPONSORSHIP DETERMINATION.—

(1) IN GENERAL.—Not later than 7 days after the date on which the Director receives a family reunification application from a prospective sponsor, the Director shall make a determination with respect to whether the unaccompanied noncitizen child concerned may be placed with the sponsor.

(2) CONSIDERATION OF EFFECT OF DENIAL.—In making a determination under paragraph (1), the Director shall take into consideration the effect a denial of the application, and continued immigration custody for the unaccompanied noncitizen child concerned, would have on—

(A) the health and well-being of the child; and

(B) in the case of a prospective sponsor who is a parent, legal guardian, or a family member of the child, the right of the parent, legal guardian, or family member to the care and custody of the child.

(3) SPONSORSHIP HEARING.—

(A) IN GENERAL.—The Director shall provide an opportunity for an administrative hearing, conducted in accordance with sections 554 through 557 of title 5, United States Code, in the case of—

(i) a determination that a prospective sponsor is not fit to receive the unaccompanied noncitizen child concerned; or

(ii) failure by the Director to make a determination on a family reunification application within the timeframe set forth in paragraph (1).

(B) NOTICE.—

(i) IN GENERAL.—Not later than 24 hours after a determination or failure described in subparagraph (A), the Director shall provide notice of such a hearing to—

(I) the unaccompanied noncitizen child;

(II) the legal counsel and the child advocate of such child;

(III) the prospective sponsor; and

(IV) the legal counsel of such prospective sponsor.

(ii) ELEMENTS.—The notice required under clause (i) shall include, in a language the unaccompanied noncitizen child and the prospective sponsor understand, the following:

(I) The time, date, and location of the hearing.

(II) Notice with respect to the availability of transportation to the hearing for the child and the prospective sponsor under subparagraph (E)(i).

(III) In the case of a determination that the prospective sponsor is unfit—

(aa) the justification for such determination; and

(bb) a description of any supporting evidence and information.

(IV) In the case of a failure to make a timely determination, a justification for such failure.

(V) Notification that the unaccompanied noncitizen child and prospective sponsor may submit additional evidence, including witness testimony, in support of the family reunification application at or before the hearing.

(C) LIMITATION ON OFFICE OF REFUGEE RESETTLEMENT EVIDENCE.—In a hearing under this paragraph, the Director may only submit evidence and information that is described on the notice provided under subparagraph (B).

(D) TIMING OF HEARING.—

(i) IN GENERAL.—Except as provided in clause (ii), a hearing under this paragraph shall occur not less than 7 days and not more than 14 days after the date on which notice under subparagraph (B) is provided.

(ii) REQUEST FOR ADDITIONAL TIME.—Such a hearing may occur on a date that is more than 14 days after the date such notice is provided if the prospective sponsor requests additional time.

(E) PRESENCE AT HEARING.—

(i) TRANSPORTATION.—On request by the unaccompanied noncitizen child or the prospective sponsor, the Director shall facilitate the transportation of the child and the prospective sponsor to a centralized location for the hearing.

(ii) WAIVER OF CHILD'S PRESENCE.—With the assistance of counsel, an unaccompanied noncitizen child may waive the child's presence at a hearing under this paragraph.

(iii) VIRTUAL HEARING.—An unaccompanied noncitizen child may request a virtual hearing under this paragraph and waive the right to an in-person hearing.

(F) PROCEDURAL MATTERS.—

(i) NEUTRAL FACT FINDER.—A hearing under this paragraph shall be presided over by a neutral fact finder who—

(I) is not an employee of the Office of Refugee Resettlement; and

(II) has expertise in child welfare.

(ii) CHILD AND SPONSOR RIGHTS.—At a hearing under this paragraph, an unaccompanied noncitizen child and the child's prospective sponsor shall have—

(I) the right to counsel; and

(II) the right and opportunity to confront, inspect, and rebut the evidence alleged to justify a determination by the Director that the prospective sponsor is unfit.

(iii) INTERPRETATION SERVICES.—An interpreter in the preferred language of the unaccompanied noncitizen child and the prospective sponsor shall be made available for a hearing under this paragraph.

(iv) BURDENS OF PRODUCTION AND PROOF.—The Director shall have the burden of production and the burden of proof, by clear and convincing evidence, to establish that—

(I) placement with the prospective sponsor is likely to result in serious emotional or physical damage to the child; and

(II) continued Office of Refugee Resettlement custody is the least restrictive setting that is in the best interests of the child.

(v) RECORD OF PROCEEDINGS.—The record of proceedings for a hearing under this paragraph, and all related documentation—

(I) shall be maintained separately and apart from the unaccompanied noncitizen child's immigration file (commonly called the ''A-File''); and

(II) shall not form any part of, and shall not be relied upon, in any removal proceedings or any adjudication carried out by U.S. Citizenship and Immigration Services, including with respect to final decisions and discretionary factors.

(G) WRITTEN DECISION.—

(i) IN GENERAL.—Not later than 2 business days after the date of a hearing under this paragraph, the fact finder shall—

(I) issue a written decision ordering the release of the unaccompanied noncitizen child to the prospective sponsor or denying such release, which shall be binding on the Office of Refugee Resettlement; and

(II) provide the written decision to—

(aa) the child and the prospective sponsor; and

(bb) the legal counsel and the child advocate of the child and the legal counsel of the prospective sponsor, as applicable.

(ii) DENIALS.—In the case of a denial of release to the prospective sponsor, the decision shall—

(I) set forth detailed, specific, and individualized reasoning for such denial; and

(II) notify the child and prospective sponsor of their right to seek review of the decision by the Ombudsperson under subparagraph (H).

(iii) LANGUAGE ACCESS.—The decision shall be made available in a language and in a format the unaccompanied noncitizen child and the prospective sponsor understand.

(H) REVIEW BY OMBUDSPERSON.—

(i) IN GENERAL.—On request by an unaccompanied noncitizen child, the legal counsel or prospective sponsor of such child, or the legal counsel of such prospective sponsor, the Ombudsperson shall carry out a review of a decision under subparagraph (G), which shall be completed not later than 15 days after the date on which the request for review is made.

(ii) RECOMMENDATION.—

(I) IN GENERAL.—In carrying out a review under this subparagraph, the Ombudsperson may make a recommendation on the placement or sponsorship of the unaccompanied noncitizen child concerned.

(II) FINDING OF ERRONEOUS DECISION.—

(aa) IN GENERAL.—If the Ombudsperson determines that the decision under subparagraph (G) was erroneous, the Ombudsperson shall submit to the Director a recommendation for further action.

(bb) WRITTEN STATEMENT.—

(AA) IN GENERAL.—If the Director declines to follow the recommendation of the Ombudsperson, the Director shall provide a detailed written justification to the child, the prospective sponsor, the legal counsel and the child advocate of the child, and the legal counsel of the prospective sponsor, as applicable.

(BB) NONDELEGATION.—The Director may not delegate the requirement to issue such a written statement to any other individual.

(I) JUDICIAL REVIEW.—An unaccompanied noncitizen child or nonparent family member of the child, with the consent of the child, may obtain judicial review of a decision under subparagraph (G) in a district court of the United States.

(J) CONTINUED EFFORTS BY OFFICE OF REFUGEE RESETTLEMENT.—During the pendency of a hearing under this paragraph, and any review of a decision resulting from such a hearing under subparagraph (H) or (I), the Director shall continue to seek alternative prospective sponsors for the unaccompanied noncitizen child concerned.

SEC. 4233. SPECIAL CONSIDERATIONS RELATING TO RELEASE OF CHILDREN WITH DISABILITIES.

(a) IN GENERAL.—The Director may not delay the release of an unaccompanied noncitizen child based solely on a pending evaluation for services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(b) SUPPORTING EVIDENCE REQUIRED FOR DETERMINATION NOT TO RELEASE.—A determination by the Director not to release an unaccompanied noncitizen child receiving services under such section based on a prospective sponsor's inability to meet the needs of the child shall be supported by evidence of efforts by the Director to educate, and provide concrete resources and support to, the prospective sponsor through the provision of post-release services.

(c) RELEASE TO PARENTS.—The Director may not deny the reunification of an unaccompanied noncitizen child receiving services under such section with his or her parent absent a determination supported by clear and convincing evidence that—

(1) custody of the child by the parent is likely to result in serious emotional or physical damage to the child; and

(2) continued Office of Refugee Resettlement custody is the least restrictive setting that is in the best interests of the child.

(d) REVIEW.—

(1) IN GENERAL.—With respect to a determination by the Director not to release an unaccompanied noncitizen child receiving services under such section based on an assessment that the child is a danger to himself or herself or to others, a review of such determination shall be carried out by an independent third-party licensed psychologist or psychiatrist who is experienced in the care of children before the date on which the sponsorship hearing under section 4232(b)(3) occurs.

(2) PROCEDURE.—A review under paragraph (1) shall—

(A) be carried out using a standardized method for evaluating the data and shall include the rationale for denying release; and

(B) consider the availability of assistive services or technology that could be provided to the unaccompanied noncitizen child concerned if he or she were released.

(3) AVAILABILITY.—Such a review shall be made in writing and made available to the unaccompanied noncitizen child and the child's legal counsel before the date on which a sponsorship hearing under section 4232(b)(3) occurs.

(e) OFFICE OF REFUGEE RESETTLEMENT SUPPORT FOR SPONSORS.—With respect to children with disabilities released from the custody of the Secretary, the Director shall support and assist sponsors in accessing and coordinating post-release community-based services and support or technology, to the extent such services and support are available.

(f) ALTERNATIVE PLACEMENT.—If a sponsor is not identified for an unaccompanied noncitizen child who receives services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Director shall make every effort to place the child in therapeutic foster care, foster care, or the Unaccompanied Refugee Minor program.

Subtitle E—Release

SEC. 4241. PROCEDURES FOR RELEASE.

(a) IN GENERAL.—The Secretary shall release an unaccompanied noncitizen child from the custody of the Secretary—

(1) without unnecessary delay; and

(2) as quickly as may be safely accomplished.

(b) PROVISION OF RECORDS ON RELEASE.—On release from the custody of the Secretary, including in circumstances of repatriation, the Director shall provide unaccompanied noncitizen children and their sponsors, as applicable, the unaccompanied noncitizen child's complete Office of Refugee Resettlement case file and records, including—

(1) documentation that details the child's medical and educational status, progress, and any related evaluations;

(2) information relating to any special needs of the child; and

(3) any other information relevant to promoting the child's well-being after release.

(c) PRESCRIPTION MEDICATION.—The Director shall ensure that unaccompanied noncitizen children prescribed medication are released with not less than a 60-day supply of their medication and information from a physician regarding continuing or discontinuing the medication.

(d) TRANSPORTATION.—Expenses incurred in transporting unaccompanied noncitizen children and their sponsors for the purpose of the release of the child shall be paid by the Office of Refugee Resettlement.

(e) PROHIBITION ON SECRETARY TAKING CHILD BACK INTO CUSTODY.—

(1) IN GENERAL.—After the release of an unaccompanied noncitizen child from the custody of the Secretary to a sponsor, the Secretary may not take the child back into custody.

(2) REPORTING TO STATE CHILD WELFARE AGENCY.—With respect to a child released from such custody, if the Director becomes aware of a concern related to suspected abuse or neglect in a sponsor's care, the Director may report such concerns to the applicable State child welfare agency.

SEC. 4242. POST-RELEASE SERVICES.

(a) REQUIRED IN LIMITED CIRCUMSTANCES.—

(1) IN GENERAL.—The Director may not uniformly require post-release services to be in place before releasing an unaccompanied noncitizen child to a sponsor.

(2) CASE MANAGEMENT SPECIALIST DETERMINATION.—The Director may only require post-release services to be in place before releasing an unaccompanied noncitizen child to a sponsor if, after conducting an individualized assessment of the particular needs of the child, the case management specialist makes a determination that the child would be at risk of imminent physical or emotional harm if post-release services were not in place before such release.

(b) EXPANSION.—The Director shall provide post-release services, on a voluntary basis, to unaccompanied noncitizen children, including by—

(1) conducting outreach campaigns by navigators in communities to ensure that children, sponsors, and families understand the post-release services offered;

(2) providing active assistance with school enrollment;

(3) supporting sponsors in obtaining necessary medical records, including vaccination and medication records, from the period during which the unaccompanied noncitizen children were in the custody of the Secretary;

(4) stating that all unaccompanied children released into United States communities are deemed to be ''lawfully residing'' for purposes of determining eligibility for medical assistance under Medicaid or child health assistance and pregnancy-related assistance under the Children's Health Insurance Program (CHIP) in States that have elected to cover ''lawfully residing'' pregnant individuals and children under sections 1903(v)(4) and 2107(e)(1)(O) of the Social Security Act (42 U.S.C. 1396b(v)(4), 1397gg(e)(1)(O)), as added by section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (commonly referred to as the ''CHIPRA 214 option'').

(5) ensuring access to family reunification and medical support services, including support and trauma-informed counseling for the family and mental health counseling, through direct provision of such services or through partnerships and referrals to services in the community; and

(6) ensuring that sponsors of children with special medical needs receive Office of Refugee Resettlement support in accessing appropriate medical care.

SEC. 4243. INDIVIDUALS ATTAINING 18 YEARS OF AGE.

(a) PRESUMPTION OF RELEASE ON RECOGNIZANCE.—

(1) IN GENERAL.—If an individual in the custody of the Secretary of Health and Human Services is not released to a sponsor before the individual attains the age of 18 years, there shall be a presumption that the individual shall be released on an order of recognizance.

(2) REBUTTAL.—The Secretary of Homeland Security shall bear the burden of proof, by clear and convincing evidence, in overcoming the presumption under paragraph (1) and in demonstrating that such an individual is not eligible to be released on an order of recognizance.

(3) ALTERNATIVES TO DETENTION.—

(A) IN GENERAL.—In the case of an individual aging out of the custody of the Secretary who is not eligible to be released on an order of recognizance, the individual shall be eligible to participate in noncustodial alternatives to detention programs provided by the Department of Health and Human Services, including placement with an individual, an organizational sponsor, or a supervised group home with supportive services to facilitate access to educational and occupational opportunities.

(B) PLACEMENT PREFERENCES.—The categories of placements available to an individual described in subparagraph (A) shall be the following, in order of preference:

(i) The least restrictive family-based setting, including long-term foster care.

(ii) An independent living program.

(iii) A childcare facility that meets the particular needs of the individual.

(4) CONTINUATION OF SERVICES.—The Director shall ensure that an individual released on an order of recognizance under this subsection is provided with—

(A) continued access to counseling, case management, legal counsel, and other support services during the pendency of the individual's immigration proceedings; and

(B) information on applying for special immigrant juvenile status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), and resources to assist the individual with applying for such status.

(b) POST-18 PLAN FOR INDIVIDUALS AGING OUT OF CUSTODY.—

(1) IN GENERAL.—The Director shall develop a post-18 plan for each unaccompanied noncitizen child entering Office of Refugee Resettlement custody who—

(A) is over the age of 17 years and 6 months; or

(B) is not likely to be released to a sponsor before attaining 18 years of age.

(2) ELEMENTS.—Each plan under paragraph (1) shall include the following:

(A) An investigation into organizational sponsors and social support services.

(B) Coordination with the Secretary of Homeland Security to ensure the release of the unaccompanied noncitizen child on his or her own recognizance if release to an organizational or individual sponsor is not successful.

(c) POST-18 PROGRAM.—With respect to an individual in the custody of the Secretary who attains 18 years of age before reunification, placement with a sponsor, or adjudication with respect to immigration status, the Director may extend Office of Refugee Resettlement custody for a period ending not later than the date on which the individual attains 21 years of age, if the individual—

(1)(A) has not been reunified but has a family member available for reunification;

(B) has an identified sponsor;

(C) has been admitted to long-term foster care or a residential treatment center; or

(D) otherwise does not have reunification options but has not yet been adjudicated with respect to immigration status by a local court in the applicable jurisdiction; and

(2) solely at his or her discretion, without coercion and on the recommendation of his or her case manager, elects to remain in Office of Refugee Resettlement custody in the post-18 program until the date on which, as applicable—

(A) the screening process for reunification is completed and the individual is reunified with a family member or placed with a sponsor; or

(B) the individual is adjudicated with respect to immigration status in a local court in the applicable jurisdiction, receives relief from removal, and enters an applicable program for unaccompanied refugee minors.

(d) CONSIDERATION RELATING TO U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT CUSTODY.—In considering a sponsorship application for an unaccompanied noncitizen child who may attain 18 years of age in the custody of the Secretary, the Director shall consider the potential for, and impact of, trauma and the risk to the safety and well-being of the child if the child were to be transferred to the custody of U.S. Immigration and Customs Enforcement on attaining such age.

(e) PROHIBITION ON DETENTION AND REMOVAL.—An individual who was in the custody of the Secretary as an unaccompanied noncitizen child shall not be apprehended, arrested, transferred, or taken into the custody of U.S. Immigration and Customs Enforcement, or removed from the United States, based solely on having attained 18 years of age.

(f) CONTINUED ACCESS TO DUE PROCESS, LEGAL RELIEF, AND HOUSING.—An individual who entered the United States as a child shall not lose the opportunity for due process and potential legal relief, or access to community-based housing, based solely on having attained the age of 18 years.

SEC. 4244. CUSTODY REVIEW BY OMBUDSPERSON.

(a) IN GENERAL.—If an unaccompanied noncitizen child, the legal counsel or prospective sponsor of such child, or the legal counsel of such prospective sponsor has reasonable cause to believe that the child should have been released, the child, the prospective sponsor, or such legal counsel may request an investigation by the Ombudsperson.

(b) NOTIFICATION OF LENGTHY CUSTODY.—In the case of any unaccompanied noncitizen child who remains in the custody of the Secretary for 45 days or more, the Director shall—

(1) notify the Ombudsperson of such continued custody; and

(2) provide the Ombudsperson a complete copy of the Office of Refugee Resettlement case file and a detailed explanation for such continued custody.

TITLE III—EMERGENCIES AND INFLUXES

SEC. 4301. SENSE OF CONGRESS.

It is the sense of Congress that before opening or expanding an influx facility, the Secretary and the Director should explore all other avenues for placing an unaccompanied noncitizen child in the least restrictive, State-licensed setting that most approximates a family and in which the special needs of the child, if any, may be met consistent with the best interests and special needs of the child.

SEC. 4302. DEFINITIONS.

In this title:

(1) EMERGENCY.—The term ''emergency'' means an event of limited duration, such as a natural disaster, facility fire, civil disturbance, or medical concern.

(2) OPERATIONAL CAPACITY.—The term ''operational capacity'' means the net bed capacity of Office of Refugee Resettlement facilities and other housing operated by State-licensed programs for unaccompanied noncitizen children.

SEC. 4303. PLACEMENT.

(a) IN GENERAL.—In the event of an emergency or influx that prevents the prompt placement of unaccompanied noncitizen children in childcare facilities, the Director—

(1) shall make every effort—

(A) to place arriving unaccompanied noncitizen children in other State-licensed programs; and

(B) to release unaccompanied noncitizen children from other programs as expeditiously as possible; and

(2) may not house an unaccompanied noncitizen child in an influx facility or any other emergency or temporary facility for more than 20 days.

(b) TRANSFER TO LICENSED FACILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of an unaccompanied noncitizen child for whom release to a sponsor within 20 days of placement in an influx facility is not possible, the Director shall transfer the child to a childcare facility.

(2) EXCEPTION.—The Director may not transfer a child under paragraph (1) if the transfer would prolong the child's total length of custody by more than 48 hours.

(c) LIMITATION ON TRANSFER TO INFLUX FACILITY.—The Director may not transfer to an influx facility any unaccompanied noncitizen child—

(1) for whom—

(A) a prospective sponsor has not been identified; or

(B) such transfer would delay release by more than 48 hours; or

(2) who—

(A) has been identified by the Director as—

(i) having a prospective sponsor who is not a parent, a legal guardian, or an immediate relative; or

(ii) not having any identified prospective sponsor;

(B) is younger than 16 years of age;

(C) is part of a sibling group in the custody of the Secretary of which 1 or more siblings are younger than 16 years of age;

(D) speaks a language other than English or Spanish as his or her primary language;

(E) has special needs;

(F) is currently prescribed psychotropic medication;

(G) is pregnant or parenting;

(H) will attain 18 years of age on a date that is not more than 30 days after the proposed date of transfer to the influx facility;

(I) is scheduled to be released on a date that is not more than 3 days after the proposed date of the transfer;

(J) has a pending home study;

(K) has not received a legal orientation presentation or a legal screening;

(L) has a date scheduled for a hearing before an immigration court or a State court, including family and juvenile court;

(M) has a pending application for relief from removal;

(N) has legal counsel; or

(O) has a child advocate.

(d) FAMILY GROUPS.—The Director shall ensure that—

(1) unaccompanied noncitizen children with siblings or other relatives under the age of 18 in the custody of the Secretary are not separated from each other; and

(2) such family groups have unlimited visitation with each other in influx facilities.

SEC. 4304. PLANNING FOR EMERGENCIES AND INFLUXES.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall develop a plan for—

(1) maintaining and expanding emergency capacity in licensed foster care homes and small congregate care facilities for housing unaccompanied noncitizen children so as to eliminate the need for influx facilities; and

(2) in the case of an emergency or influx, placing unaccompanied noncitizen children with sponsors as expeditiously as possible.

(b) SUPPLEMENTAL PLACEMENT LIST.—

(1) IN GENERAL.—The Director shall develop and maintain a supplemental placement list of facilities that have, in the aggregate, not fewer than 200 beds available to accept unaccompanied noncitizen children in the case of an emergency or influx, which shall be in addition to the number of beds available for placements under normal circumstances.

(2) LICENSING AND COMPLIANCE.—Any facility on the supplemental placement list shall be—

(A) licensed in the State in which it is located; and

(B) in compliance with all standards and procedures applicable to State-licensed programs under this division.

(3) ELEMENTS.—The supplemental placement list shall include, for each facility, the following:

(A) The name of the facility.

(B) The number of beds available in the facility in the case of an emergency or influx.

(C) The name and telephone number of 1 or more contact persons, including a contact person for nights, holidays, and weekends.

(D) Any limitation on categories of child the facility may accept, such as age categories.

(E) A description of any special service available.

(4) APPROPRIATE COMMUNITY SERVICES.—To the extent practicable, the Director shall attempt to include on the supplemental placement list facilities located in geographic areas in which culturally and linguistically appropriate community services are available.

(5) HIGH CAPACITY AT CHILDCARE FACILITIES.—If the operational capacity of all childcare facilities and foster care placements reaches or exceeds 75 percent for a period of 3 consecutive days, the Director shall contact the facilities on the supplemental placement list to determine the number of available supplemental placements.

(c) NEED FOR SUPPLEMENTAL PLACEMENTS EXCEEDING CAPACITY.—If the number of unaccompanied noncitizen children in need of placement in the case of an emergency or influx exceeds the available appropriate placements on the supplemental placement list, the Director shall—

(1) locate additional placements through State-licensed programs and nonprofit child and family services agencies providing placement services; and

(2) expedite the reunification and release of unaccompanied noncitizen children from U.S. Customs and Border Protection custody.

SEC. 4305. INFLUX FACILITY STANDARDS AND STAFFING.

(a) OPERATION OF INFLUX FACILITIES.—In the event that the operation of an influx facility cannot be avoided, the Director may operate an influx facility in accordance with this section.

(b) STANDARDS.—

(1) IN GENERAL.—An influx facility that does not meet the standards described in this subsection may not be used to house any child, and children housed at such an influx facility shall be transferred out of the influx facility immediately.

(2) FIRST DAY OF OPERATION.—On the first day of operation, an influx facility shall be in compliance with—

(A) the staffing ratio requirements, case management requirements, telephone call access, legal services access, education and recreation requirements, and medical and mental health services requirements that apply to childcare facilities; and

(B) the facility standards under the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.).

(3) WITHIN 30 DAYS.—Not later than 30 days after the date on which an influx facility commences operation, the influx facility shall achieve compliance with all standards set forth in title II, including State licensing standards.

(c) CONTRACTOR STANDARDS.—The Director may not enter into a contract with any entity to operate an influx facility, unless the entity has each of the following:

(1) Demonstrated experience in providing services for unaccompanied noncitizen children or children in foster care.

(2) A plan for placement of children for whom no sponsor has been identified.

(3) A plan for—

(A) identifying, and immediately notifying the Director with respect to, any child believed to have been erroneously transferred to, or in care at, the influx facility contrary to the limitations set forth in paragraphs (1) and (2) of section 4303(c); and

(B) not later than 10 days after identifying such a child, transferring the child to an appropriate placement.

(4) An emergency plan that includes protection against transmission of COVID–19 and other infectious diseases, including a plan—

(A) to provide regular testing for any applicable disease;

(B) to comply with service standards for quarantine with respect to any such disease that mirror the services and guidance for children and congregate care settings recommended by the Centers for Disease Control and Prevention; and

(C) to ensure access to immunizations for unaccompanied noncitizen children in the influx facility, in accordance with any applicable guidance of the Centers for Disease Control and Prevention.

(5) Emergency response protocols for placement, care, and transfer of children, which reduce the amount of time a child is in an emergency influx facility.

(6) A clear organizational chart, reporting structure, and contact information.

(7) A staffing plan that includes maintaining specified case manager-to-child ratios and a specified number of case manager visits with a child each week.

(8) A training plan for case managers that includes in-service coaching and individual support for a case manager's first 30 days as an employee of the entity.

(9) A written code of conduct that is—

(A) distributed to all officers, employees, and volunteers; and

(B) contains clear boundaries for working with and around children.

(10) Written ethical standards that are—

(A) distributed to all officers, employees, and volunteers; and

(B) based on accepted child welfare principles and best practices.

(11) A written security plan to protect against unauthorized access to the influx facility and other potential threats.

(12) Data systems that meet the data and quality standards described in section 4602 for tracking children through intake, case management, transportation, and placement.

(d) WAIVER.—

(1) IN GENERAL.—In the case of an influx facility, the Director may waive compliance with a standard or procedure under title II for a period of not more than 30 days.

(2) NOTICE TO CONGRESS.—If the Director waives compliance with the requirement that an influx facility shall be licensed by the State in which it is located, the Director shall provide to Congress notice of such waiver, which shall include—

(A) a justification for the waiver; and

(B)(i) a plan for the influx facility to obtain such licensing; or

(ii) in the case of an influx facility that will be unable to obtain such licensing—

(I) an explanation of the reason that—

(aa) licensing is not possible; and

(bb) the particular influx facility was chosen and remains operationally necessary.

(e) REPORTING MECHANISMS.—The Director shall establish clear procedures—

(1) for unaccompanied noncitizen children at influx facilities to directly and confidentially report incidents of abuse or neglect at influx facilities to the Ombudsperson, consulates, and State authorities; and

(2) to allow State child protective services immediate access to any influx facility to investigate any such report.

(f) STAFFING.—

(1) BACKGROUND CHECKS.—

(A) IN GENERAL.—The Director shall ensure that a Federal Bureau of Investigation background check, and in any applicable State a child abuse or neglect check, has been conducted for each influx facility staff member who will have direct contact with unaccompanied noncitizen children.

(B) TIMING OF BACKGROUND CHECKS.—The background checks described in subparagraph (A) shall be completed before a staff member interacts with any unaccompanied noncitizen child at an influx facility.

(C) PROHIBITION.—The Director shall ensure than an entity with which the Director has contracted to operate an influx facility does not hire as staff of the influx facility any individual who has—

(i) any conviction for child abuse or trafficking; or

(ii) a conviction that is less than 10 years old the underlying offense of which would have a substantial and direct effect on the safety of unaccompanied noncitizen children.

(D) SUBMITTAL OF EVIDENCE.—Not later than the date on which an influx facility commences operation, the operator of the influx facility shall submit to the Director and the Ombudsperson evidence that background checks in accordance with this paragraph—

(i) have been completed for the relevant facility staff; and

(ii) will be completed for all new hires going forward.

(2) FLUENCY IN SPANISH.—Each staff member of an influx facility who will have contact with unaccompanied noncitizen children shall—

(A) be fluent in Spanish and English; and

(B) have experience in the care of children.

(3) PEDIATRIC HEALTH SPECIALISTS.—An influx facility shall have onsite pediatric health specialists, including a pediatrician, licensed psychologist, or psychiatrist who is experienced in the care of children.

(4) RATIOS.—Not later than 15 days after the date on which an influx facility commences operation, the Director shall ensure that the influx facility maintains staffing ratios as follows:

(A) During waking hours, not less than 1 on-duty youth care worker for every 8 unaccompanied noncitizen children.

(B) During sleeping hours, not less than 1 on-duty youth care worker for every 16 unaccompanied noncitizen children.

SEC. 4306. MONITORING AND OVERSIGHT.

(a) SITE VISITS.—

(1) DIRECTOR.—

(A) IN GENERAL.—Not less frequently than monthly during the period in which an influx facility is in operation, the Director shall conduct a comprehensive onsite monitoring visit.

(B) ELEMENTS.—Each site visit conducted under subparagraph (A) shall include—

(i) an evaluation of the compliance of the influx facility with—

(I) the standards and procedures under title II; and

(II) the facility standards under the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.);

(ii) an assessment of the delivery of, and unaccompanied noncitizen children's access to, health care and mental health care services;

(iii) an assessment of unaccompanied noncitizen children's access to counsel and legal services; and

(iv) private, confidential interviews with unaccompanied noncitizen children housed in the influx facility.

(2) INSPECTOR GENERAL.—The Inspector General of the Department of Health and Human Services may conduct unscheduled visits to any influx facility, during which the Inspector General may meet confidentially with any unaccompanied noncitizen child housed in the influx facility.

(3) OMBUDSPERSON.—Not less frequently than monthly during the period in which an influx facility is in operation, the Ombudsperson shall conduct a comprehensive onsite visit to monitor for compliance with applicable Federal and State law (including regulations), including—

(A) the Flores settlement agreement;

(B) section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232); and

(C) this division.

(b) TOURS BY APPROVED STAKEHOLDERS.—Not less frequently than monthly during the period in which an influx facility is in operation, the Director shall allow approved stakeholders, including representatives from nonprofit organizations serving or advocating on behalf of unaccompanied noncitizen children, to tour the influx facility.

TITLE IV—LEGAL REPRESENTATION FOR UNACCOMPANIED NONCITIZEN CHILDREN

SEC. 4401. LEGAL ORIENTATION PRESENTATIONS AND LEGAL SCREENINGS.

(a) IN GENERAL.—Not later than 10 days after transfer to the custody of the Secretary, an unaccompanied noncitizen child shall receive a free legal orientation presentation and legal screening conducted by a legal services provider, which shall include information relating to—

(1) the right to apply for relief from removal;

(2) the right to request voluntary departure in lieu of removal; and

(3) the right to a hearing before an immigration judge.

(b) PRIORITIZATION BEFORE RELEASE.—

(1) IN GENERAL.—The Director shall make affirmative, thorough, and timely efforts to ensure that each unaccompanied noncitizen child receives a presentation and screening described in subsection (a) before release, and in the case of any unaccompanied noncitizen child who does not receive such presentation and screening before release, the Director shall ensure that the child receives the presentation and screening on release.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit the release of an unaccompanied noncitizen child to a sponsor based solely on not having received such a presentation and screening.

SEC. 4402. LEGAL REPRESENTATION.

(a) IN GENERAL.—Each unaccompanied noncitizen child in the custody of the Secretary of Health and Human Services shall be represented by counsel appointed or provided by the Secretary, at Government expense, unless the child has obtained, at his or her own expense, counsel authorized to practice in immigration proceedings.

(b) PROCEDURE.—Representation under subsection (a) shall—

(1) be appointed or provided by the Secretary as expeditiously as possible;

(2) extend through every stage of removal proceedings, from the child's initial appearance through the termination of immigration proceedings; and

(3) include any ancillary matter appropriate to such proceedings (including, to the extent practicable and as appropriate, an application for employment authorization), even if the child attains 18 years of age or is reunified with a parent or legal guardian while the proceedings are pending.

(c) PRIVATE, CONFIDENTIAL MEETING SPACE.—The Director shall ensure that unaccompanied noncitizen children are provided access to a private, confidential space to meet with legal services providers and a private, confidential telephone line to contact their legal counsel or legal services providers at the expense of the government.

(d) CONTACT WITH LEGAL COUNSEL.—An unaccompanied noncitizen child shall be permitted to call or meet with his or her legal counsel or legal services provider at any time.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) FUNDING.—Amounts made available under this section shall be maintained separately from amounts designated for childcare facilities.

(f) SCOPE OF REPRESENTATION.—Government-appointed counsel appointed or provided by the Secretary under this section may provide to an unaccompanied noncitizen child the full scope of representation, including representation in—

(1) any matter relevant to the child's well-being, including conditions of detention and matters relating to medical and mental health services and medication;

(2) placement review hearings;

(3) sponsorship hearings; and

(4) any other matter relating to immigration.

(g) COOPERATION OF OFFICE OF REFUGEE RESETTLEMENT REQUIRED.—

(1) IN GENERAL.—The Director shall ensure that the legal counsel of an unaccompanied noncitizen child has access to prompt, reasonable, and regular direct communication with case managers, case coordinators, and Federal field specialists overseeing the child's placement, release, family reunification, transfer, and medical and mental health services.

(2) REQUESTS BY COUNSEL FOR INFORMATION.—On request by the legal counsel or the independent legal services provider of an unaccompanied noncitizen child, the Director shall provide, not later than 7 days after the date on which the request is made, the following:

(A) The names and telephone numbers of all prospective sponsors of the unaccompanied noncitizen child concerned.

(B) A copy of the complete Office of Refugee Resettlement case file and records of the unaccompanied noncitizen child concerned.

TITLE V—APPOINTMENT OF CHILD ADVOCATES AND IMPROVEMENTS TO IMMIGRATION COURTS

SEC. 4501. APPOINTMENT OF CHILD ADVOCATES.

(a) IN GENERAL.—The Secretary shall appoint independent child advocates to unaccompanied noncitizen children, including—

(1) each vulnerable unaccompanied noncitizen child in the custody of the Secretary; and

(2) each vulnerable unaccompanied noncitizen child who has been released from such custody.

(b) EXPANSION OF CHILD ADVOCATE SERVICES.—

(1) IN GENERAL.—The Secretary shall increase funding for child advocate services to facilitate the expansion, by not later than the date that is 180 days after the date of the enactment of this Act, of the provision of such services to all locations at which—

(A) unaccompanied noncitizen children in the custody of the Secretary are housed; or

(B) unaccompanied noncitizen children appear before immigration courts for removal proceedings.

(2) PRIORITIZATION.—In expanding services under this subsection, the Secretary shall prioritize locations that have the highest numbers of unaccompanied noncitizen children in the custody of the Secretary and unaccompanied noncitizen children appearing before immigration courts.

(3) ACCESS TO RECORDS.—

(A) IN GENERAL.—A child advocate appointed under this section shall have timely access to all materials necessary to effectively advocate for the best interests of the unaccompanied noncitizen child concerned, including the child's complete Office of Refugee Resettlement case file and records.

(B) REQUEST.—On request by such a child advocate, the Director shall provide a complete copy of an unaccompanied noncitizen child's Office of Refugee Resettlement case file and records not later than 72 hours after the request is made.

(4) BEST INTEREST RECOMMENDATIONS.—A child advocate appointed under this section shall submit a best interest recommendation based on law, policy, medical or behavioral health, and relevant social science research to any Federal or State agency making a decision with respect to the best interests of an unaccompanied noncitizen child, including—

(A) the Department of Health and Human Services;

(B) the Department of Justice;

(C) the Department of Homeland Security; and

(D) a Federal, State, or Tribal court.

(5) CONFIDENTIALITY.—All communications between child advocates appointed under this section and unaccompanied noncitizen children shall be confidential, and such a child advocate may not be compelled to testify or provide evidence, in any proceeding, with respect to any information or opinion conveyed to the child advocate by an unaccompanied noncitizen child in the course of serving as child advocate.

(6) LEGAL SUPPORT.—The Secretary shall ensure that each location at which child advocate services are provided under this section is staffed with 1 or more attorneys who have expertise in immigration law and child welfare law.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 4502. IMMIGRATION COURT IMPROVEMENTS.

(a) HIRING OF IMMIGRATION JUDGES.—

(1) IN GENERAL.—To adjudicate pending cases and efficiently process future cases, the Attorney General shall increase the total number of immigration judges by not fewer than 75 judges during fiscal year 2024.

(2) QUALIFICATIONS.—The Attorney General shall ensure that each immigration judge hired under this subsection—

(A) is highly qualified;

(B) has substantial experience in the field of immigration law; and

(C) is trained to conduct fair and impartial hearings in accordance with applicable due process requirements.

(3) NO PREFERENCE FOR CANDIDATES WITH PRIOR SERVICE IN THE FEDERAL GOVERNMENT.—In selecting immigration judges under this subsection, the Attorney General may not assign any preference to a candidate who has prior service in the Federal Government over a candidate who has equivalent subject matter expertise based on experience in a nonprofit organization, private practice, or academia, but does not have previous Federal service.

(b) IMMIGRATION COURT STAFF.—During fiscal year 2024, the Attorney General shall—

(1) increase the total number of judicial law clerks at the Executive Office for Immigration Review by 75; and

(2) increase the total number of support staff for immigration judges, including legal assistants and interpreters, by 300.

(c) SUPPORT STAFF; OTHER RESOURCES.—The Attorney General shall ensure that the Executive Office for Immigration Review has sufficient support staff, adequate technological and security resources, and appropriate facilities to conduct the immigration proceedings required under Federal law.

(d) LIMITATION.—Amounts appropriated for the Executive Office for Immigration Review or for any other division, activity, or function of the Department of Justice may not be used to implement numeric case load judicial performance standards or other standards that could negatively impact the fair administration of justice by the immigration courts.

(e) DOCKET MANAGEMENT FOR RESOURCE CONSERVATION.—Notwithstanding any opposition from the Secretary of Homeland Security or the Attorney General, immigration

judges shall administratively close or terminate cases, and the Board of Immigration Appeals shall remand cases for administrative closure, if an individual in removal proceedings—

(1) appears to be prima facie eligible for a visa or any other immigration benefit; and

(2) has a pending application for such benefit before U.S. Citizenship and Immigration Services or any other applicable Federal agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE VI—OVERSIGHT, MONITORING, AND ENFORCEMENT

SEC. 4601. OFFICE OF THE OMBUDSPERSON FOR UNACCOMPANIED NONCITIZEN CHILDREN IN IMMIGRATION CUSTODY.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an Office of the Ombudsperson for Unaccompanied Noncitizen Children (referred to in this section as the ''Office'') to monitor and oversee compliance with this division and the amendments made by this division.

(b) INDEPENDENCE.—The Office shall be an impartial, confidential resource that is fully independent of—

(1) the Office of Refugee Resettlement; and

(2) the Department of Homeland Security.

(c) OMBUDSPERSON.—

(1) IN GENERAL.—The Office shall be headed by an Ombudsperson, who shall be appointed by, and report directly to, the Secretary.

(2) RECOMMENDATIONS FROM STAKEHOLDERS.—Before making an appointment under paragraph (1), the Secretary shall solicit and consider candidate recommendations from organizations that provide legal services to, and advocate on behalf of, immigrant children.

(3) LIMITATION ON CERTAIN FORMER EMPLOYEES.—The Secretary may not appoint as Ombudsperson any individual who, during the 2-year period preceding the date of appointment, was an employee of the Office of Refugee Resettlement or the Department of Homeland Security.

(4) TERM.—

(A) IN GENERAL.—Subject to subparagraph (C), the term of an Ombudsperson appointed under this subsection shall be not more than 4 years.

(B) CONSECUTIVE TERMS.—An Ombudsperson may be appointed for consecutive terms.

(C) EXPIRATION.—The term of an Ombudsperson shall not expire before the date on which the Ombudsperson's successor is appointed.

(5) REMOVAL FOR CAUSE.—The Secretary may only remove or suspend an Ombudsperson for neglect of duty or gross misconduct.

(6) DUTIES AND AUTHORITIES.—

(A) REGIONAL OFFICES.—

(i) ESTABLISHMENT.—The Ombudsperson shall establish not fewer than 7 regional offices of the Office—

(I) to strengthen State oversight;

(II) to investigate complaints;

(III) to coordinate with State licensing entities; and

(IV) to identify and address differences among State child protection laws.

(ii) LOCATIONS.—

(I) IN GENERAL.—The regional offices required under clause (i) shall be established in the following locations:

(aa) 1 regional office in Texas.

(bb) 1 regional office in Arizona.

(cc) 1 regional office in California or a State in the Northwest.

(dd) 1 regional office in a State in the Midwest.

(ee) 1 regional office in a State in the Mid-Atlantic.

(ff) 1 regional office in a State in the Northeast.

(gg) 1 regional office in a State in the Southeast.

(II) ADDITIONAL LOCATIONS.—The Ombudsperson may make a recommendation to the Secretary with respect to the location of any additional regional office.

(iii) APPOINTMENT OF DEPUTIES.—The Ombudsperson shall appoint a full-time deputy for each regional office, who shall serve at the Ombudsperson's discretion.

(iv) APPLICABILITY OF OTHER PROVISIONS.—The regional offices established under this subparagraph shall have the same access to facilities and records, maintain the same rights, roles, and responsibilities, and be subject to the same confidentiality requirements as the Office.

(B) HIRING.—

(i) IN GENERAL.—The Ombudsperson shall hire to carry out the functions of the Office necessary personnel, including clerical personnel, who shall serve at the discretion of the Ombudsperson.

(ii) SUBJECT MATTER EXPERTS.—The personnel hired under clause (i) shall include relevant subject matter experts, including—

(I) legal advocates or specialists in the fields of child and family welfare, immigration, and human rights;

(II) pediatricians;

(III) child and adolescent psychiatrists and psychologists;

(IV) social workers;

(V) data analysts with demonstrable expertise in child welfare or immigration; and

(VI) youth or young adults with experience as noncitizen children in immigration custody.

(C) MONITORING.—

(i) IN GENERAL.—The Ombudsperson shall monitor, including by making site visits, for compliance with all applicable law and standards relating to noncitizen children in immigration custody.

(ii) INFLUX FACILITIES.—The Ombudsperson shall conduct site visits of influx facilities, as described in section 4306.

(D) INVESTIGATIONS.—

(i) IN GENERAL.—The Ombudsperson—

(I) may conduct any investigation relating to noncitizen children in immigration custody the Ombudsperson considers necessary; and

(II) shall investigate—

(aa) claims of abuse, neglect, or mistreatment of noncitizen children by the Government or any other entity while in immigration custody; and

(bb) complaints made against foster care providers, including in the case of such a provider that is subject to State oversight.

(ii) TIMELINE.—The Ombudsperson shall commence an investigation under clause (i)(II) not later than 30 days after the date on which a claim or complaint described in that clause is received.

(iii) REPORTING OF STATE LICENSING VIOLATIONS.—If in the course of an investigation under clause (i)(II)(bb) the Ombudsperson discovers a State licensing violation, the Ombudsperson shall report the violation to the child welfare licensing agency of the applicable State.

(iv) PROCEDURES.—The Ombudsperson shall establish a procedure for conducting investigations, receiving and processing complaints, and reporting findings.

(v) NOTIFICATION.—

(I) COMMENCEMENT OF INVESTIGATION.—If the Ombudsperson decides to commence an investigation based on a complaint received, not later than 45 days after the date on which the investigation commences, the Ombudsperson shall so notify the complainant.

(II) DECISION NOT TO INVESTIGATE OR TO DISCONTINUE INVESTIGATION.—If the Ombudsperson decides not to investigate a complaint or to discontinue an investigation commenced under this subparagraph, not later than 45 days after the date on which such an action is taken, the Ombudsperson shall notify the complainant and provide a reason for such action.

(III) PROGRESS AND RESULTS.—The Ombudsperson shall provide a complainant with updates on the progress of an investigation and shall notify the complainant of the results of the investigation.

(vi) CONFIDENTIALITY.—

(I) IN GENERAL.—All information obtained by the Ombudsperson from a complaint shall be confidential under applicable Federal and State confidentiality law, regardless of whether the Ombudsperson—

(aa) investigates the complaint;

(bb) refers the complaint to any other entity for investigation; or

(cc) determines that the complaint is not a proper subject for an investigation.

(II) DISCLOSURE.—Disclosure of any such information may only occur as necessary to carry out the mission of the Office and as permitted by law.

(E) REPORTING MECHANISMS.—

(i) IN GENERAL.—The Ombudsperson shall establish and maintain—

(I) a public toll-free telephone number to receive complaints and reports of matters for investigation; and

(II) a public email address to receive complaints, such reports, and requests for review of placement and sponsorship decisions.

(ii) AVAILABILITY.—

(I) IN GENERAL.—The Ombudsperson shall ensure that such telephone number and email address—

(aa) are made available, and a telephone is accessible, to all children in immigration custody; and

(bb) are made available to prospective sponsors, sponsors, Flores settlement agreement class counsel, and legal services providers and child advocates who serve such noncitizen children.

(II) SPONSORSHIP APPLICATIONS.—The Director shall provide such telephone number and email address to the prospective sponsor of each unaccompanied noncitizen child.

(iii) LANGUAGE ACCESS.—

(I) IN GENERAL.—Such telephone number and email address shall be posted in public areas of each facility or placement in which 1 or more children in immigration custody are held, in multiple languages, including the top 20 preferred languages.

(II) ADDITIONAL LANGUAGES.—The Ombudsperson may require that such contact information be made available and posted in any additional language the Ombudsperson considers necessary based on the demographics of arriving noncitizen children.

(F) HEARINGS.—The Ombudsperson may hold public hearings as the Ombudsperson considers necessary.

(G) INDIVIDUAL CASE ASSISTANCE AND REVIEW.—

(i) IN GENERAL.—The Ombudsperson may offer individual case assistance for noncitizen children in immigration custody.

(ii) COMMUNICATION WITH OTHERS.—In providing such individual case assistance, the Ombudsperson may speak with a noncitizen child's prospective sponsor, family members, child advocate, legal counsel, case manager, case coordinator, and Office of Refugee Resettlement Federal field specialist staffing the noncitizen child's case, as applicable.

(H) STAKEHOLDER MEETINGS.—

(i) COMMUNITY STAKEHOLDERS.—Not less frequently than quarterly, the Ombudsperson shall invite community stakeholders, including attorneys who represent noncitizen children in immigration custody, to participate in a meeting.

(ii) DATA TRACKING PERSONNEL.—Not less frequently than quarterly, the Ombudsperson shall invite personnel of the Department of Homeland Security and the Department of Health and Human Services who manage the data tracking systems described in section 4602 to participate in a meeting for the purpose of informing the Ombudsperson with respect to the efficacy and responsiveness of the system with empirical data, analysis, and data needs.

(iii) ADDITIONAL MEETINGS.—The Ombudsperson may convene additional meetings at any time, as the Ombudsperson considers necessary.

(I) REPORTING.—

(i) ANNUAL PUBLIC REPORT.—

(I) IN GENERAL.—Not less frequently than annually, the Ombudsperson shall issue a public report on the implementation of and compliance with this division and the amendments made by this division, by the Secretary and the Secretary of Homeland Security.

(II) ELEMENTS.—Each report under subclause (I) shall include the following:

(aa) For the preceding fiscal year, the accomplishments and challenges relating to such implementation and compliance.

(bb) A summary of complaints made and investigations carried out during the preceding fiscal year, including—

(AA) the number of complaints and number and nature of other contacts;

(BB) the number of complaints made, including the type and source;

(CC) the number of investigations carried out;

(DD) the trends and issues that arose in the course of investigating complaints; and

(EE) the number of pending complaints.

(cc) For the preceding fiscal year, a summary of—

(AA) each site visit conducted;

(BB) any interview with a noncitizen child or facility staff;

(CC) facility audits and corrective actions taken or recommended;

(DD) appeals made to the Ombudsperson; and

(EE) any other information the Ombudsperson considers relevant.

(dd) A detailed analysis of the data collected under section 4602.

(ee) Recommendations—

(AA) for improving implementation and compliance with this division and the amendments made by this division; and

(BB) as to whether the Director should renew or cancel contracts with particular Office of Refugee Resettlement grantees.

(ff) A description of the priorities for the subsequent fiscal year.

(ii) REPORT ON TRAINING MATERIALS.—The Ombudsperson shall issue a public report on the training materials developed by the Director under section 4203(d)(4) that includes a description of any concerns the Ombudsperson has with respect to the materials.

(iii) ADDITIONAL REPORTS.—The Ombudsperson may issue additional reports at any time, including data analyses and findings, as the Ombudsperson considers necessary.

(J) INFORMATION GATHERING.—

(i) IN GENERAL.—The Ombudsperson may submit to the Director, the Director of U.S. Immigration and Customs Enforcement, and the juvenile coordinators of U.S. Customs and Border Protection requests for information with respect to the implementation of this division.

(ii) RESPONSE REQUIRED.—Not later than 30 days after the date on which a juvenile coordinator receives a request for information under clause (i), the juvenile coordinator shall submit a detailed response to the Ombudsperson, the Director, the Director of U.S. Immigration and Customs Enforcement, and the Commissioner of U.S. Customs and Border Protection.

(iii) COOPERATION REQUIRED.—The Secretary and the Secretary of Homeland Security shall—

(I) cooperate with any request for information by the Ombudsperson; and

(II) report to the Ombudsperson any policy or instruction issued to employees regarding the implementation of this division.

(K) SUBPOENA AUTHORITY.—

(i) IN GENERAL.—The Ombudsperson may—

(I) issue a subpoena to require the production of all information, reports, and other documentary evidence necessary to carry out the duties of the Ombudsperson; and

(II) compel by subpoena, at a specified time and place—

(aa) the appearance and sworn testimony of an individual who the Ombudsperson reasonably believes may be able to provide information relating to a matter under investigation; and

(bb) the production by an individual of a record of an object that the Ombudsperson reasonably believes may relate to a matter under investigation.

(ii) EFFECT OF FAILURE TO COMPLY.—In the case of an individual who fails to comply with a subpoena issued under this subparagraph, the Ombudsperson may commence a civil action in an appropriate court.

(L) ADDITIONAL DUTIES.—The Ombudsperson shall—

(i) develop notices of rights, as described in sections 4105(d)(5) and 4202;

(ii) review training materials, as described in section 4203(d)(4);

(iii) conduct reviews of decisions in placement review hearings, as described in section 4226(b)(6);

(iv) conduct reviews of decisions in sponsorship hearings, as described in section 4232(b)(3)(H);

(v) regularly review data collected under section 4602; and

(vi) track and monitor processing times and length of custody for noncitizen children in immigration custody.

(d) ACCESS.—

(1) FACILITIES.—

(A) IN GENERAL.—The Secretary and the Secretary of Homeland Security shall ensure unobstructed access by the Ombudsperson to any facility at which a noncitizen child is detained.

(B) INFORMATION COLLECTION FOR SITE VISITS.—For each site visit conducted by the Ombudsperson, facility staff shall provide a list of the unaccompanied noncitizen children housed in the facility, including their names, alien registration numbers, dates of birth, dates of apprehension, and the dates of facility placement—

(i) in the case of an announced site visit, not less than 48 hours before the arrival of the Ombudsperson; and

(ii) in the case of an unannounced site visit, on the arrival of the Ombudsperson.

(C) PRIVATE AND CONFIDENTIAL SPACE.—A facility shall provide a private and confidential space in which the Ombudsperson may interview unaccompanied noncitizen children and staff.

(D) DELEGATION.—The Ombudsperson may designate 1 or more individuals from outside the Ombudperson's office to conduct site visits and interview detained children.

(2) INFORMATION.—On request by the Ombudsperson, the Secretary shall ensure, not later than 48 hours after receipt of the request, unobstructed access by the Ombudsperson to—

(A) the case files, records, reports, audits, documents, papers, recommendations, or any other pertinent information relating to the care and custody of a noncitizen child; and

(B) the written policies and procedures of all childcare facilities.

(3) DEFINITION OF UNOBSTRUCTED ACCESS.—In this subsection, the term ''unobstructed access'' means—

(A) with respect to a facility, the ability—

(i) to enter the facility at any time, including unannounced, to observe and inspect all areas of the facility;

(ii) to communicate privately and without restriction with any child, caregiver, facility staff, or volunteer; and

(iii) to obtain, review, and reproduce any—

(I) record of a child, staff member, or caregiver;

(II) administrative record, policy, or document of any facility;

(III) licensing record maintained by the applicable Federal or State agency; or

(IV) record, including a confidential record, of a Federal or State agency or any contractor of a Federal or State agency, except sealed court records, production of which may only be compelled by subpoena; and

(B) with respect to information, the ability to obtain requested information in a timely manner and with the full cooperation of the Secretary or the Secretary of Homeland Security, as applicable.

(e) CONFIDENTIALITY.—

(1) IDENTITY OF COMPLAINANTS AND WITNESSES.—The Ombudsperson shall maintain confidentiality with respect to the identities of complainants or witnesses coming before the Office, except if such a disclosure is necessary—

(A) to carry out the duties of the Ombudsperson; and

(B) to support recommendations made in individual cases, annual reports, or other reports.

(2) RECORDS.—In accordance with relevant Federal and State law, the Ombudsperson may not disclose a confidential record.

(3) TESTIMONY AND DEPOSITION.—The Ombudsperson and employees of the Office may not testify or be deposed in a judicial or administrative proceeding regarding matters that have come to their attention in the exercise of their official duties, except as the Ombudsperson considers necessary to enforce this division or the amendments made by this division.

(4) SUBPOENA AND DISCOVERY.—The records of the Office, including notes, drafts, and records obtained from an individual, a provider, or an agency during intake, review, or investigation of a complaint, and any reports not released to the public are not subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as the Ombudsperson considers necessary to enforce this division or the amendments made by this division.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 4602. DATA COLLECTION AND REPORTING.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall collect and maintain a record of each noncitizen child held in the custody of the Secretary of Homeland Security.

(2) FREQUENCY AND SUBMISSION OF DATA COLLECTED.—

(A) IN GENERAL.—Not less frequently than weekly, the Secretary of Homeland Security shall—

(i) collect the information described in paragraph (3) from each district office and Border Patrol station; and

(ii) submit such data to—

(I) the Ombudsperson; and

(II) the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(3) INFORMATION DESCRIBED.—The information described in this paragraph is the following:

(A) INDIVIDUAL DATA.—For each noncitizen child in the custody of the Secretary of Homeland Security, the following:

(i) Biographical information, including full name, date of birth, country of citizenship, preferred language, and alien number.

(ii) The date the child was apprehended and placed in such custody.

(iii) The date and the time the child was released or transferred from such custody and to whom the child was so released or transferred.

(iv) For each accompanying family member of the child or other adult the child identifies as a previous caregiver, biographical and contact information.

(v) An indication as to whether the child arrived in the company of a family member other than a parent or legal guardian, and in the case of a separation from that family member, a justification for the separation.

(B) AGGREGATED DATA.—

(i) The number of children in the custody of the Secretary of Homeland Security as of the last day of each calendar month, calculated to include all such children, disaggregated by—

(I) facility; and

(II) Border Patrol sector.

(ii) The largest number of children concurrently held in such custody, calculated to include all such children, and the 1 or more dates on which such largest number occurred, disaggregated by—

(I) facility; and

(II) Border Patrol sector.

(iii) The median and average number of hours in such custody for each such child, calculated to include all such children, disaggregated by—

(I) facility; and

(II) Border Patrol sector.

(4) PUBLICATION.—Not less frequently than monthly, the Secretary of Homeland Security shall publish on a publicly accessible internet website of the Department of Homeland Security the following:

(A) The figures for the data collected under paragraph (3)(B)(i).

(B) For the preceding calendar month, the figures for the data collected under clauses (ii) and (iii) of paragraph (3)(B).

(b) OFFICE OF REFUGEE RESETTLEMENT.—

(1) IN GENERAL.—To support the data collection and monitoring duties of the Ombudsperson and to facilitate public monitoring, the Director shall—

(A) develop a systemic data collection system to collect and maintain relevant demographic information that is pertinent to serving—

(i) the population of unaccompanied noncitizen children in the custody of the Secretary of Health and Human Services; and

(ii) children who have been released from such custody with services pending;

(B) not less than every 3 years, review the data collected, the categorization of such data, the information architecture for organizing and analyzing such data, any safety concern relating to the collection of such data, and the method for obtaining or collecting such data under such system;

(C)(i) as appropriate, revise such system to make improvements in service delivery to unaccompanied noncitizen children; and

(ii) if such system is so revised, ensure the continuity of comparative data from periods before and after the revision; and

(D) ensure the ongoing functioning and use of such system by the Office of Refugee Resettlement.

(2) FREQUENCY OF DATA COLLECTED.—Not less frequently than weekly, the Director shall—

(A) collect from each childcare facility the information described in paragraph (3); and

(B) maintain such information in the system described in paragraph (1)(A).

(3) INFORMATION DESCRIBED.—The information described in this paragraph is the following:

(A) INDIVIDUAL DATA.—For each unaccompanied noncitizen child in the custody of the Secretary of Homeland Security—

(i) biographical information, including full name, date of birth, country of citizenship, preferred language, and alien number;

(ii) the date the child was apprehended and placed in such custody of the Secretary of Homeland Security;

(iii) the date the child was placed in the custody of the Secretary of Health and Human Services;

(iv) the date on which the child was placed in a childcare facility, or transferred between childcare facilities, as applicable, and the name and location of each childcare facility;

(v) in the case of a child placed in a residential treatment center, therapeutic childcare facility, staff-secure facility, or out-of-network facility, a justification for such placement;

(vi) the status of the child's family reunification process, including—

(I) a record of the 1 or more case managers who have worked on the child's case, including a description of the work performed;

(II) in the case of a child who is released or discharged from the custody of the Secretary of Health and Human Services—

(aa) the date of release or discharge;

(bb) the name of the individual to whom the child was released, as applicable; and

(cc) the reason for release or discharge; and

(III) in the case of a child removed from the United States, the date of removal and the country to which he or she was removed, regardless of whether a child was removed directly from the custody of the Secretary of Health and Human Services; and

(vii) the number of occasions on which the operator of a childcare facility or an influx facility contacted law enforcement with respect to the child, as applicable, and the justification for each such contact.

(B) FACILITY DATA.—For each childcare facility or influx facility funded by the Department of Health and Human Services—

(i) the median length of stay for unaccompanied noncitizen children placed at the facility;

(ii) for children who have been released to sponsors, the median amount of time spent by such children in the custody of the Secretary of Health and Human Services before release;

(iii) the utilization rate of the facility (excluding funded but unplaceable beds and calculated as the number of filled beds divided by the number of beds available for placement, expressed as a percentage);

(iv) the percentage of unaccompanied noncitizen children transferred from the facility to any other facility, calculated on a rolling basis; and

(v) the number and type of child abuse or neglect allegations against facility staff or against other children in the facility, and the number of such allegations substantiated.

(C) NATIONAL CAPACITY DATA.—

(i) IN GENERAL.—For all childcare facilities and influx facilities, in the aggregate—

(I) the number of pending beds; and

(II) the number of delivered beds, disaggregated by—

(aa) beds occupied by unaccompanied noncitizen children;

(bb) unoccupied beds available for potential use by unaccompanied noncitizen children; and

(cc) unavailable beds that are funded but cannot receive children.

(ii) DEFINITIONS.—In this subparagraph:

(I) DELIVERED BED.—The term ''delivered bed'' means a bed delivered to the Department of Health and Human Services for use by an unaccompanied noncitizen child.

(II) PENDING BED.—The term ''pending bed'' means a bed—

(aa) to be provided to the Department of Health and Human Services for use by an unaccompanied noncitizen child that is funded by a grant, cooperative agreement, contract, or any other means; but

(bb) that is not yet a delivered bed.

(D) FAMILY REUNIFICATION DATA.—For all unaccompanied noncitizen children in the custody of the Secretary of Health and Human Services—

(i) the median time-to-release, disaggregated by—

(I) children released to parents or legal guardians;

(II) children released to other sponsors;

(III) children who have home studies mandated by section 235 of the Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232);

(IV) children granted home studies through the discretion of the Director; and

(V) all other children; and

(ii) the number of children who have been in such custody for more than 90 days, disaggregated by—

(I) children placed in therapeutic foster care;

(II) children placed in long-term foster care; and

(III) children in placements that are not therapeutic foster care or long-term foster care.

(E) COMPREHENSIVE NATIONAL DATA.—

(i) The number and characteristics of children placed in and exiting the custody of the Secretary of Health and Human Services.

(ii) The status of the unaccompanied noncitizen child population, including the number of such children in such custody, age cohorts of such children, length of placements, types of placements, location in-network or out-of-network, and goals for reunification by sponsor or placement type.

(iii) The number and percentage of unaccompanied noncitizen children designated for and receiving any of the following:

(I) Mandatory home studies.

(II) Discretionary home studies.

(III) Post-release services.

(iv) The number and percentage of unaccompanied noncitizen children held in a facility funded by the Office of Refugee Resettlement with more than 25 other unaccompanied noncitizen children.

(v) The number and percentage of unaccompanied noncitizen children with special needs or disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(vi) For each type of childcare facility and each influx facility—

(I) the average national case manager-to-child ratio; and

(II) the national utilization rate (excluding funded but unplaceable beds and calculated

as the number of filled beds divided by the number of beds available for placement, expressed as a percentage).

(vii) The number of such facilities alleged and found to be out of compliance with the facility standards under the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.).

(viii) The number and types of violations for sexual abuse and exploitation alleged and resolved with respect to unaccompanied noncitizen children while in the custody of the Secretary of Health and Human Services, counted and categorized in accordance with the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.).

(ix) The rate of compliance with subparagraphs (A) and (B) of section 4231(a)(2).

(F) FURTHER POPULATION AND GENERAL CHARACTERISTICS DATA.—

(i) IN GENERAL.—

(I) The general status and characteristics of the population of unaccompanied noncitizen children and their family members.

(II) The general quality and speed of the placement process, and information on postplacement outcomes.

(III) Barriers to release for such children, including relevant cross-tabulations with other collected data.

(IV) An identification of children who are vulnerable to or victims of human trafficking.

(V) The general status and characteristics of facilities funded by the Office of Refugee Resettlement for the purpose of the care of unaccompanied noncitizen children.

(VI) The rate of increase or decrease in childcare facility usage, such that cross-facility comparisons are useful or systemwide seasonal variations may be anticipated.

(VII) Aggregate measures that allow comparison between facilities by size, placement type, and any other appropriate factor of number and type of child abuse or neglect allegations against staff or against other children.

(ii) COLLECTION STANDARDS.—The Director shall develop and implement standards for the collection of the information described in clause (i).

(4) SUBMISSION OF DATA AND INFORMATION.—Not less frequently than weekly, the Director shall submit, in a manner that corresponds with publication under paragraph (6), the information described in paragraph (3) for the preceding week to—

(A) the Ombudsperson; and

(B) the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(5) ADDITIONAL REQUIREMENTS.—

(A) RELIABILITY AND CONSISTENCY OF DATA COLLECTION SYSTEM.—The data collection system developed and implemented under paragraph (1) shall—

(i) ensure that—

(I) data collected is reliable and consistent over time and among jurisdictions through the use of uniform definitions and methodologies; and

(II) publicly available data remains reliable and consistent over time, unless—

(aa) the removal of data from the public domain protects individuals or groups of individuals from harm or potential harm; or

(bb) a modification to a definition or methodology is necessary to allow the Office of Refugee Resettlement to serve unaccompanied noncitizen children better, individually or as a group; and

(ii) for the information described in paragraph (3)(F), include metadata with respect to whether, and in what form, such information may be made available to the public, with the presumption that information shall be made available to the public—

(I) in the least restricted form that protects individual privacy; and

(II) on the same internet website used for publication under paragraph (6).

(B) INCENTIVES.—The Director shall use appropriate requirements and incentives to ensure that the data collection system developed and implemented under paragraph (1) functions reliably throughout the United States.

(6) PUBLICATION.—

(A) MONTHLY REPORT.—

(i) IN GENERAL.—Not less frequently than monthly, the Director shall publish on a publicly accessible internet website of the Office of Refugee Resettlement the following:

(I) As of the last day of the preceding calendar month, the figures for the data collected under subparagraphs (C), (D)(ii), and (E)(ii) of paragraph (3).

(II) For each calendar month, the figures for the data collected under subparagraphs (D)(i), (E)(i), (E)(v), and (E)(vi) of paragraph (3).

(III) If an influx facility, an emergency facility, or any other unlicensed facility is in operation to house noncitizen children, the figures for the data collected under paragraph (3)(E)(ix) and any other data required to ensure oversight and transparency under section 4306.

(IV) The data and measures described in paragraph (3)(F) for which new or continuing publication is—

(aa) in the public interest; or

(bb) required under paragraph (5)(A).

(V) A description of any change between the information reported under subclauses (I) through (IV) for the reporting period and such information reported for the preceding reporting period.

(ii) AGGREGATION OF DATA.—The information published under clause (i) shall be aggregated so as to facilitate uniform monthly reporting.

(B) ANNUAL REPORT.—

(i) IN GENERAL.—Not less frequently than annually, the Director shall publish on a publicly accessible internet website of the Office of Refugee Resettlement the following:

(I) As of the last day of each fiscal year, the figures for the data collected under subparagraphs (E)(iii), (E)(v), (E)(vii), and (E)(viii) of paragraph (3).

(II) The data and measures described in paragraph (3)(F) for which new or continuing publication is—

(aa) in the public interest; or

(bb) required under paragraph (5)(A).

(III) A description of any change between the information reported under subclauses (I) and (II) for the reporting period and such information reported for the preceding reporting period.

(ii) AGGREGATION OF DATA.—The information published under clause (i) shall be aggregated so as to facilitate uniform annual reporting.

(c) OMBUDSPERSON REVIEW OF DATA.—The Secretary of Health and Human Services and the Secretary of Homeland Security shall—

(1) ensure that the Ombudsperson—

(A) has access to all real-time data regarding noncitizen children in immigration custody; and

(B) is able to independently and regularly review data collected by the Department of Health and Human Services and Department of Homeland Security with respect to such children;

(2) respond in a timely manner to inquiries from the Ombudsperson with respect to such data; and

(3) promptly take any necessary corrective action with respect to the accuracy and integrity of such data.

SEC. 4603. ENFORCEMENT.

(a) AUDITS.—

(1) IN GENERAL.—Not less frequently than annually, the Director shall conduct an audit of each childcare facility, which shall include a site visit—

(A) to assess compliance of the childcare facility with the requirements of this division; and

(B) to determine whether the operator of the childcare facility continues to be a State-licensed program.

(2) REPORT TO OMBUDSPERSON.—Not later than 7 days after the date on which the Director completes an audit under subsection (a), the Director shall submit to the Ombudsperson a report on the audit, including a description of any corrective action required to bring the childcare facility into compliance.

(b) VIOLATIONS.—

(1) NOTIFICATION.—With respect to a childcare facility found to be in violation of this division, the Director shall provide the State-licensed program concerned with a written notification of each deficiency.

(2) APPEAL.—

(A) IN GENERAL.—A State-licensed program shall have the opportunity to administratively appeal a finding of deficiency in a childcare facility operated by the State-licensed program.

(B) NO NEW REFERRALS.—During the pendency of an appeal under subparagraph (A), the childcare facility may not receive new placements of unaccompanied noncitizen children.

(3) DEBARMENT.—Consistent with the Federal Acquisition Regulation, any operator of a childcare facility that fails to maintain an appropriate State license or meet the standards set forth in this division shall be debarred or suspended from contracting with the Secretary for not less than 3 years.

(c) CIVIL ACTION.—

(1) IN GENERAL.—An unaccompanied noncitizen child or the parent, legal guardian, or prospective sponsor of such a child alleging noncompliance by a State-licensed program with the standards and procedures set forth in this division for childcare facilities may commence a cause of action in a district court of the United States that has venue over the matter.

(2) VENUE.—Venue for an action under paragraph (1) may be found in—

(A) the district in which the original childcare facility in which the unaccompanied noncitizen child concerned was placed is located; or

(B) the district in which the childcare facility to which the unaccompanied noncitizen child was transferred is located.

(d) LIMITED REVIEW.—Review under this section shall be limited to entering an order solely affecting the individual claims of the unaccompanied noncitizen child or the parent, legal guardian, or prospective sponsor seeking such review.

(e) INTERFERENCE WITH OMBUDSPERSON.—An employee of a Federal or State agency, a contractor of a Federal or State agency, or a care provider who intentionally prevents, interferes with, or attempts to impede the work of the Ombudsperson shall be subject to a civil penalty, which shall be not more than $2,500 for each violation.

(f) BREACH OF DUTY OF CARE.—If the Ombudsperson has reason to believe that an employee of a Federal or State agency or a contractor of a Federal or State agency has, in the conduct of official duties, breached the duty of care or engaged in misconduct, the Ombudsperson shall refer the matter to

the head of such Federal or State agency, a grand jury, or other appropriate official or agency.

(g) CRIMINAL PENALTY FOR DISCRIMINATION OR RETALIATION.—A violation of section 4604 or any provision of title VII shall be a misdemeanor.

SEC. 4604. PROTECTION FROM RETALIATION.

(a) IN GENERAL.—The Director may not—

(1) take an adverse action against an Office of Refugee Resettlement-funded legal services provider, child advocate program, or any other entity based on the legal services provider, child advocate program, or other entity having pursued judicial review or a civil action under this division, or any civil action in a State court, on behalf of an unaccompanied noncitizen child or the parent, legal guardian, or prospective sponsor of such a child; or

(2) discourage, interfere in, or withdraw funds from any Office of Refugee Resettlement-funded legal services provider, child advocate program, or any other entity that—

(A) pursues judicial review or a civil action under this division, or any civil action in State court, to challenge the conditions of such a child's custody or the denial of release from custody; or

(B) assists such a child or the parent, legal guardian, or prospective sponsor of such a child to so challenge.

(b) PROTECTION FOR INDIVIDUALS FILING COMPLAINTS WITH OMBUDSPERSON.—An employee of a Federal or State agency, a contractor for a Federal or State agency, or a care provider shall not retaliate against any individual for having filed a complaint with, or provided information to, the Ombudsperson.

(c) PROTECTIONS FOR NONCITIZEN CHILDREN REPORTING DISCRIMINATION.—Noncitizen children in immigration custody may not be retaliated against for reporting discrimination, filing a charge of discrimination, or participating in a discrimination investigation or lawsuit.

SEC. 4605. MANDATORY ACCESS TO DETENTION FACILITIES FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Subject to subsection (c), the Secretary concerned shall allow a Member of Congress to tour any facility in which 1 or more detained individuals are housed, including unaccompanied noncitizen children, at a time between 8:00 a.m. and 7:00 p.m. on a date requested by the Member of Congress if, not later than 24 hours before the date requested in the case of a Department of Homeland Security facility, or not later than 2 business days before the date requested in the case of a Department of Health and Human Services facility, the Secretary concerned receives written notice from the Member of Congress that includes—

(1) the name of the facility; and

(2) the date on which the Member of Congress intends to tour the facility.

(b) ACCOMPANYING MEMBERS OF THE PRESS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary concerned shall allow 1 or more members of the press to accompany a Member of Congress on a tour of a facility under this section.

(2) LIMITATIONS.—

(A) STILL OR VIDEO CAMERAS.—The Secretary concerned shall not be required to allow a member of the press to enter a facility under paragraph (1) with a still or video camera.

(B) PERSONALLY IDENTIFYING INFORMATION.—As a condition of entering a facility under paragraph (1), a member of the press shall agree not to release any personally identifying information of a staff member of the facility or a child housed at the facility without the express authorization of such staff member or child.

(c) LIMITATION.—The Secretary concerned may limit a tour under subsection (a) to—

(1) in the case of a facility that houses not more than 50 unaccompanied noncitizen children—

(A) not more than 5 Members of Congress; and

(B) accompanying members of the press under subsection (b); and

(2) in the case of a facility that houses more than 50 detained individuals, including unaccompanied noncitizen children—

(A) not more than 10 Members of Congress; and

(B) accompanying members of the press under subsection (b).

(d) DEFINITION OF SECRETARY CONCERNED.—In this section, the term ''Secretary concerned'' means, as applicable—

(1) the Secretary of Homeland Security; or

(2) the Secretary of Health and Human Services.

TITLE VII—NONDISCRIMINATION

SEC. 4701. FAIR AND EQUAL TREATMENT.

(a) IN GENERAL.—All noncitizen children in immigration custody shall be treated fairly and equally and provided with inclusive, safe, and nondiscriminatory services.

(b) FREEDOM FROM DISCRIMINATION.—

(1) IN GENERAL.—Noncitizen children in immigration custody shall have the right to be free from discrimination and harassment on the basis of actual or perceived characteristics relating to race, ethnic group identification, ancestry, national origin, color, religion, sex (including sexual orientation, gender identity, and expression), language, mental or physical disability, or HIV status.

(2) PROVISION OF SERVICES.—Services provided to noncitizen children under this division shall be delivered in a manner that is sensitive to the age, culture, native language, and complex needs of each noncitizen child.

(c) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to diminish any protection under any other Federal or State anti-discrimination law.

SEC. 4702. RESPONSIBILITIES OF CARE PROVIDERS.

(a) IN GENERAL.—During the entire period in which a noncitizen child is held in immigration custody, the child's care providers shall ensure that the child—

(1) is treated and served fairly and equally;

(2) is treated with dignity and respect;

(3) is cared for in an inclusive and respectful environment; and

(4) is not subject to discrimination or harassed based on actual or perceived characteristics.

(b) SPECIAL CONSIDERATIONS.—During the entire period in which a noncitizen child is held in immigration custody, the child's care providers—

(1) in the case of an noncitizen indigenous child, in partnership with the noncitizen indigenous child and, to the extent practicable, the parents, extended family, and members of the cultural community of the child, shall make active efforts to maintain the child's connections to culture, tradition, and prevailing indigenous lifeways, including through culturally appropriate programs and services;

(2) shall maintain privacy and confidentiality of information relating to the child's sexual orientation and gender identity;

(3) shall use the child's correct names and pronouns corresponding to the child's gender identity;

(4) in the case of an LGBTQI child—

(A) shall—

(i) ensure that the child is housed according to an assessment of the child's gender identity and housing preference, health and safety needs, and State and local licensing standards;

(ii) offer an individualized assessment to determine whether additional or alternate restroom accommodations should be provided;

(iii) allow the child to dress and express themselves according to their gender identity;

(iv) allow the child to choose the gender of staff that will conduct a pat-down search if such a search is necessary; and

(v) consider the child's gender self-identification and the effects of a housing assignment on the child's health and safety; and

(B) shall not—

(i) label the child as a likely abuser or punish the child for the child's sexual orientation, gender identity, or gender expression; or

(ii) isolate or involuntarily segregate the noncitizen child solely because of the child's sexual orientation, gender identity, or gender expression.

TITLE VIII—INFORMATION SHARING AND DATA PROTECTION

SEC. 4801. SEPARATION OF RECORDS.

The Director shall ensure that—

(1) all unaccompanied noncitizen children's personal information and Office of Refugee Resettlement case files and records are maintained separately and apart from such children's immigration files (commonly known as ''A-Files''); and

(2) such case files and records are not accessible by the Department of Homeland Security.

SEC. 4802. PROHIBITION ON USE FOR DENIAL OF RELIEF OR IN REMOVAL PROCEEDINGS.

An unaccompanied noncitizen child's Office of Refugee Resettlement case file or record shall not be used by the Secretary of Homeland Security or the Attorney General—

(1) to deny any application for relief; or

(2) to facilitate involuntary removal in any proceeding, including expedited removal, reinstatement of removal, and proceedings under section 362 or 365 of the Public Health Service Act (42 U.S.C. 265, 268).

SEC. 4803. DISCLOSURE.

(a) INFORMED CONSENT REQUIRED.—

(1) IN GENERAL.—The personal information and Office of Refugee Resettlement case file and records of an unaccompanied noncitizen child—

(A) shall be confidential; and

(B) subject to paragraph (2), may only be disclosed if the child has—

(i) consulted with the child's legal counsel; and

(ii) provided informed consent for disclosure.

(2) CHILDREN UNDER 12 YEARS OF AGE.—In the case of an unaccompanied noncitizen child under the age of 12 years, only the parent, legal guardian, or sponsor may provide consent for disclosure of the personal information or Office of Refugee Resettlement case file of the child.

(3) SUBSEQUENT DISCLOSURE PROHIBITED.—Once disclosed, the personal information or Office of Refugee Resettlement case file of an unaccompanied noncitizen child may not be subsequently disclosed to a third party unless the child has—

(A) consulted with his or her legal counsel; and

(B) provided informed consent for disclosure.

SEC. 4804. PROHIBITION ON INFORMATION SHARING.

(a) CHILD IN CUSTODY AND PROSPECTIVE SPONSORS.—The Director may not provide any information about an unaccompanied

noncitizen child in the custody of the Secretary, or prospective sponsors, to the Attorney General or the Secretary of Homeland Security without consent of the unaccompanied noncitizen child concerned or the prospective sponsor, as applicable, and the legal counsel of the child or sponsor, respectively.

(b) IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—The sharing of any information between the Office of Refugee Resettlement and the Department of Homeland Security for purposes of immigration enforcement is prohibited.

(2) EXPLANATION FOR PROSPECTIVE SPONSORS.—The Director shall ensure that Office of Refugee Resettlement communications with sponsors and prospective sponsors, including the family reunification application packet, includes an explanation that information provided to the Office of Refugee Resettlement may only be shared with the Department of Homeland Security if the child and sponsor or prospective sponsor concerned have provided informed consent.

(c) RELIEF FROM REMOVAL.—The sharing of any information between the Office of Refugee Resettlement and the Department of Homeland Security or the Department of Justice for purposes of relief from removal is prohibited.

(d) EXCEPTIONS.—

(1) IN GENERAL.—The Secretary may provide for the disclosure of information in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) NATIONAL SECURITY PURPOSES.—The Secretary may provide for the disclosure of information to national security officials to be used solely for a national security purpose in a manner that protects the confidentiality of such information.

(3) LAW ENFORCEMENT PURPOSES.—The Secretary may provide for the disclosure of information to law enforcement officials to be used solely for a legitimate law enforcement purpose in a manner that protects the confidentiality of such information.

(4) ELIGIBILITY FOR BENEFITS.—The Secretary may disclose information to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641).

(5) ADJUDICATION OF APPLICATIONS FOR RELIEF.—Government entities adjudicating applications for relief under the immigration laws and government personnel carrying out mandated duties under section 101(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(i)(1)), may, with the prior written consent of the noncitizen involved, communicate with nonprofit, nongovernmental victims' service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise in working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph shall be construed as affecting the ability of an applicant to designate a safe organization through which Governmental agencies may communicate with the applicant.

(e) RULE OF CONSTRUCTION.—Subsections (a), (b), and (c) shall not be construed as preventing—

(1) disclosure of information in connection with judicial review of a determination in a manner that protects the confidentiality of such information; or

(2) the Secretary from disclosing to the chair and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

SEC. 4805. COUNSELING RECORDS.

(a) IN GENERAL.—Subject to subsection (b), information shared by an unaccompanied noncitizen child in counseling sessions, and written records and notes of counseling sessions, may not be shared with the child's case management specialist or any other employee of the Office of Refugee Resettlement, the Department of Health and Human Services, the Department of Justice, or the Department of Homeland Security.

(b) DISCLOSURE.—The information, records, and notes described in subsection (a) may be shared—

(1) with an employee described in that subsection only if the child presents a documented imminent threat to himself or herself or to any other individual; or

(2) with the Department of Justice or the Department of Homeland Security if the child has—

(A) consulted with his or her legal counsel; and

(B) provides informed consent for the disclosure.

(c) JUVENILE INFORMATION.—

(1) IN GENERAL.—Juvenile information, including records of children separated from family, shall remain confidential regardless of the child's immigration status.

(2) RULE OF CONSTRUCTION.—Nothing in this division may be construed as authorizing—

(A) the disclosure of juvenile information to Federal officials absent a court order of the judge of the juvenile court on filing a petition;

(B) the dissemination of juvenile information to, or by, Federal officials absent a court order of the judge of the juvenile court on filing a petition;

(C) the attachment of juvenile information to any other document given to, or provided by, Federal officials absent prior approval of the presiding judge of the juvenile court; or

(D) any disclosure that would otherwise violate this division.

(3) DEFINITION OF JUVENILE INFORMATION.—In this section, the term ''juvenile information'' includes the juvenile case file and information related to a noncitizen child (including the name, date, and place of birth of the child, the child's health and education records, and the immigration status of the child) that is—

(A) obtained or created independent of, or in connection with, immigration, asylum, or juvenile court proceedings of which the child is a subject; and

(B) maintained by any Federal or State agency, including a court, probation office, child welfare agency, or law enforcement agency.

SEC. 4806. DATA PROTECTION FOR SPONSORS.

(a) IN GENERAL.—With respect to any information required of sponsors or prospective sponsors or any data collected in pursuit of sponsorship, the following protections shall apply:

(1) Such information and data—

(A) may not be disclosed for any purpose or effect other than reunification of the family unit, placement of a child with a sponsor, or oversight by Congress;

(B) shall be immune from legal process; and

(C) shall not, without the consent of the sponsor or prospective sponsor concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(2) The Secretary or any other officer or employee of the Department of Health and Human Services may not—

(A) use such information or data for any purpose other than for purposes of reunification under section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232);

(B) make any publication in which such information or data can be identified; or

(C) permit any individual other than the sworn officers and employees of the Department of Health and Human Services to examine such information or data.

TITLE IX—MISCELLANEOUS PROVISION

SEC. 4901. RULE OF CONSTRUCTION.

Nothing in this division may be construed—

(1) to limit the rights of a noncitizen child—

(A) to preserve 1 or more issues for judicial review in the appeal of an individual case; or

(B) to exercise any independent right the noncitizen child may otherwise have;

(2) to affect the application of the Flores settlement agreement to all children in immigration custody;

(3) to abrogate, modify, or replace the Flores settlement agreement; or

(4) to preclude or limit Flores settlement agreement class counsel from conducting independent investigations or seeking enforcement actions relating to violations of the Flores settlement agreement in any appropriate district court of the United States.

SA 1468. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BORDER EMERGENCY AUTHORITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 244A. BORDER EMERGENCY AUTHORITY.

''(a) USE OF AUTHORITY.—

''(1) IN GENERAL.—In order to respond to extraordinary border circumstances, there shall be available to the Secretary, notwithstanding any other provision of law, a border emergency authority.

''(2) EXCEPTIONS.—The border emergency authority shall not be activated with respect to any of the following:

''(A) A citizen or national of the United States.

''(B) An alien who is lawfully admitted for permanent residence.

''(C) An alien who an immigration officer determines, with the approval of a supervisory immigration officer, should be excepted from the border emergency authority based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests, or an alien who an immigration officer determines, in consultation with U.S. Immigration and Customs Enforcement, should be excepted from the border emergency authority due to operational considerations.

''(D) An alien who is determined to be a victim of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

''(E) An alien who has a valid visa or other lawful permission to enter the United States, including—

''(i) a member of the Armed Forces of the United States and associated personnel, United States Government employees or contractors on orders abroad, or United States Government employees or contractors, and an accompanying family member who is on orders or is a member of the alien's household, subject to required assurances;

''(ii) an alien who holds a valid travel document upon arrival at a port of entry;

''(iii) an alien from a visa waiver program country under section 217 who is not otherwise subject to travel restrictions and who arrives at a port of entry; or

''(iv) an alien who presents at a port of entry pursuant to a process approved by the Secretary to allow for safe and orderly entry into the United States.

''(3) APPLICABILITY.—The border emergency authority shall only be activated as to aliens who are not subject to an exception under paragraph (2), and who are, after the authority is activated, within 100 miles of the United States southwest land border and within the 14-day period after entry.

''(b) BORDER EMERGENCY AUTHORITY DESCRIBED.—

''(1) IN GENERAL.—Whenever the border emergency authority is activated, the Secretary shall summarily remove from and prohibit, in whole or in part, entry into the United States of any alien identified in subsection (a)(3) who is subject to such authority in accordance with this subsection.

''(2) TERMS AND CONDITIONS.—

''(A) SUMMARY REMOVAL.—Notwithstanding any other provision of this Act, subject to subparagraph (B), the Secretary shall issue a summary removal order and summarily remove an alien to the country of which the alien is a subject, national, or citizen (or, in the case of an alien having no nationality, the country of the alien's last habitual residence), or in accordance with the processes established under section 241, unless the summary removal of the alien to such country would be prejudicial to the interests of the United States.

''(B) WITHHOLDING AND CONVENTION AGAINST TORTURE INTERVIEWS.—

''(i) IN GENERAL.—In the case of an alien subject to the border emergency authority who manifests a fear of persecution or torture with respect to a proposed country of summary removal, an asylum officer (as defined in section 235(b)(1)(E)) shall conduct an interview, during which the asylum officer shall determine that, if such alien demonstrates during the interview that the alien has a reasonable possibility of persecution or torture, such alien shall be referred to or placed in proceedings under section 240.

''(ii) SOLE MECHANISM TO REQUEST PROTECTION.—An interview under this subparagraph conducted by an asylum officer shall be the sole mechanism by which an alien described in clause (i) may make a claim for protection under—

''(I) section 241(b)(3); and

''(II) the Convention Against Torture.

''(iii) ALIEN REFERRED FOR ADDITIONAL PROCEEDINGS.—In the case of an alien interviewed under clause (i) who demonstrates that the alien is eligible to apply for protection under section 241(b)(3) or the Convention Against Torture, the alien—

''(I) shall not be summarily removed; and

''(II) shall instead be processed under section 240.

''(iv) ADDITIONAL REVIEW.—

''(I) OPPORTUNITY FOR SECONDARY REVIEW.—A supervisory asylum officer shall review any case in which the asylum officer who interviewed the alien under the procedures in clause (iii) finds that the alien is not eligible for protection under section 241(b)(3) or the Convention Against Torture.

''(II) VACATUR.—If, in conducting such a secondary review, the supervisory asylum officer determines that the alien demonstrates eligibility for such protection—

''(aa) the supervisory asylum officer shall vacate the previous negative determination; and

''(bb) the alien shall instead be processed under section 240.

''(III) SUMMARY REMOVAL.—If an alien does not seek such a secondary review, or if the supervisory asylum officer finds that such alien is not eligible for such protection, the supervisory asylum officer shall order the alien summarily removed without further review.

''(3) ACTIVATIONS OF AUTHORITY.—

''(A) DISCRETIONARY ACTIVATION.—The Secretary may activate the border emergency authority if, during a period of 7 consecutive calendar days, there is an average of 100 or more aliens who are encountered each day.

''(B) MANDATORY ACTIVATION.—The Secretary shall activate the border emergency authority if—

''(i) during a period of 7 consecutive calendar days, there is an average of 1,000 or more aliens who are encountered each day; or

''(ii) on any 1 calendar day, a combined total of 2,000 or more aliens are encountered.

''(C) CALCULATION OF ACTIVATION.—For purposes of subparagraphs (A) and (B), the average for the applicable 7-day period shall be calculated using—

''(i) the sum of—

''(I) the number of encounters that occur between the southwest land border ports of entry of the United States;

''(II) the number of encounters that occur between the ports of entry along the southern coastal borders; and

''(III) the number of inadmissible aliens encountered at a southwest land border port of entry as described in subsection (a)(2)(E)(iv); divided by

''(ii) 7.

''(c) BAR TO ADMISSION.—Any alien who, during a period of 365 days, has 2 or more summary removals pursuant to the border emergency authority, shall be inadmissible for a period of 1 year beginning on the date of the alien's most recent summary removal.

''(d) RULE OF CONSTRUCTION.—For purposes of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the 1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)), the Convention Against Torture, and any other applicable treaty, as applied to this section, the interview under this section shall occur only in the context of the border emergency authority.

''(e) JUDICIAL REVIEW.—Judicial review of any decision or action applying the border emergency authority shall be governed only by this subsection as follows:

''(1) Notwithstanding any other provision of law, except as provided in paragraph (2), no court or judge shall have jurisdiction to review any cause or claim by an individual alien arising from the decision to enter a summary removal order against such alien under this section, or removing such alien pursuant to such summary removal order.

''(2) The United States District Court for the Southern District of Texas shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(f) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section shall take effect on the day after the date of the enactment of this section.

''(2) 7-DAY PERIOD.—The initial activation of the authority under subparagraph (A) or (B)(i) of subsection (b)(3) shall take into account the average number of encounters during the preceding 7 consecutive calendar days, as described in such subparagraphs, which may include the 6 consecutive calendar days immediately preceding the date of the enactment of this section.

''(g) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(h) DEFINITIONS.—In this section:

''(1) BORDER EMERGENCY AUTHORITY.—The term 'border emergency authority' means all authorities and procedures under this section.

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and includes the regulations implementing any law enacted pursuant to Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(3) ENCOUNTER.—With respect to an alien, the term 'encounter' means an alien who—

''(A) is physically apprehended by U.S. Customs and Border Protection personnel—

''(i) within 100 miles of the southwest land border of the United States during the 14-day period immediately after entry between ports of entry; or

''(ii) at the southern coastal borders during the 14-day period immediately after entry between ports of entry; or

''(B) is seeking admission at a southwest land border port of entry and is determined to be inadmissible, including an alien who utilizes a process approved by the Secretary to allow for safe and orderly entry into the United States.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) SOUTHERN COASTAL BORDERS.—The term 'southern coastal borders' means all maritime borders in California, Texas, Louisiana, Mississippi, Alabama, and Florida.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Border emergency authority.''.

SA 1469. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM NUMBER OF PAROLEES.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(C) The number of aliens the Secretary of Homeland Security may parole into the United States under this subsection shall not exceed a total of 10,000 during a single fiscal year.''.

SA 1470. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1388 submitted and intended to be proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROVISIONAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

''SEC. 235B. PROVISIONAL REMOVAL PROCEEDINGS.

''(a) GENERAL RULES.—

''(1) AUTHORITY.—The Secretary shall have the authority to place individuals, including families, in provisional removal proceedings.

''(2) DETENTION.—Individuals and families subject to provisional removal proceedings shall be detained.

''(3) TIMING.—The provisional removal proceedings described in this section shall conclude, to the maximum extent practicable, not later than 90 days after the date the alien is inspected and determined inadmissible.

''(b) PROCEDURES FOR PROVISIONAL REMOVAL PROCEEDINGS.—

''(1) COMMENCEMENT.—

''(A) IN GENERAL.—Provisional removal proceedings shall commence under this section with respect to an alien immediately after the Secretary properly serves a notice of removal proceedings on the alien.

''(B) 90-DAY TIMEFRAME.—The 90-day period under subsection (a)(3) with respect to an alien shall commence upon an inspection and inadmissibility determination of the alien.

''(2) SERVICE AND NOTICE OF INTERVIEW REQUIREMENTS.—In provisional removal proceedings conducted under this section, the Secretary shall—

''(A) serve notice to the alien or to the alien's counsel of record;

''(B) ensure that such notice, to the maximum extent practicable, is in the alien's native language or in a language the alien understands; and

''(C) include in such notice—

''(i) the nature of the proceedings against the alien;

''(ii) the legal authority under which such proceedings will be conducted; and

''(iii) the charges against the alien and the statutory provisions the alien is alleged to have violated;

''(3) PROTECTION DETERMINATION.—

''(A) IN GENERAL.—To the maximum extent practicable, within 90 days after the date on which an alien is referred for proceedings under this section, an asylum officer shall conduct a protection determination of such alien in person or through a technology appropriate for protection determinations.

''(B) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection determination. The testimony of the alien shall be under oath or affirmation administered by the asylum officer.

''(C) INTERPRETERS.—Whenever necessary, the asylum officer shall procure the assistance of an interpreter, to the maximum extent practicable, in the alien's native language or in a language the alien understands, during any protection determination.

''(D) LOCATION.—Any protection determination authorized under this section shall occur in a location convention to the detention of the aliens.

''(E) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection determination, which—

''(i) shall be provided to the alien, or to the alien's counsel of record, upon a decision; and

''(ii) shall include—

''(I) a summary of the material facts stated by the alien;

''(II) any additional facts relied upon by the asylum officer;

''(III) the asylum officer's analysis of why, in the light of the facts referred to in subclauses (I) and (II), the alien has or has not established a positive or negative outcome from the protection determination; and

''(IV) a copy of the asylum officer's interview notes.

''(F) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States.

''(G) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(i) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(ii) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(H) PROTECTION OF INFORMATION.—

''(i) SENSITIVE OR LAW ENFORCEMENT INFORMATION.—Nothing in this section may be construed to compel any employee of the Department of Homeland Security to disclose any information that is otherwise protected from disclosure by law.

''(ii) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (E) to the alien or to the alien's counsel of record, the Director shall protect any information that is prohibited by law from being disclosed.

''(c) PROTECTION DETERMINATION.—

''(1) IDENTITY VERIFICATION.—The Secretary may not conduct the protection determination with respect to an alien until the identity of the alien has been checked against all appropriate records and databases maintained by the Attorney General, the Secretary of State, or the Secretary.

''(2) IN GENERAL.—

''(A) ELIGIBILITY.—Upon the establishing the identity of an alien pursuant to paragraph (1), the asylum officer shall conduct a protection determination in a location selected in accordance with this section.

''(B) OUTCOME.—

''(i) POSITIVE PROTECTION DETERMINATION OUTCOME.—If the protection determination conducted pursuant to subparagraph (A) results in a positive protection determination outcome, the alien shall be referred to protection merits removal proceedings in accordance with the procedures described in paragraph (4).

''(ii) NEGATIVE PROTECTION DETERMINATION OUTCOME.—If such protection determination results in a negative protection determination outcome, the alien shall be subject to the process described in subsection (d).

''(3) RECORD.—

''(A) USE OF RECORD.—In each protection determination, or any review of such determination, the record of the alien's protection determination required under subsection (b)(3)(E) shall constitute the underlying application for the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture for purposes of the protection merits interview.

''(B) DATE OF FILING.—The date on which the Secretary issues a notification of a positive protection determination pursuant to paragraph (2)(B)(i) shall be considered, for all purposes, the date of filing and the date of receipt of the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture, as applicable.

''(4) REFERRAL FOR ASYLUM PROCEEDINGS.—

''(A) IN GENERAL.—If the alien receives a positive protection determination, he or she shall be referred to asylum proceedings under section 240.

''(B) NOTIFICATIONS.—As soon as practicable after a positive protection determination, the Secretary shall—

''(i) issue a written notification to the alien of the outcome of such determination; and

''(ii) include all of the information described in subsection (b)(2).

''(d) NEGATIVE PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If an alien receives a negative protection determination, the asylum officer shall—

''(A) provide such alien with written notification of such determination; and

''(B) subject to paragraph (2), order the alien removed from the United States without hearing or review.

''(2) OPPORTUNITY TO REQUEST RECONSIDERATION OR APPEAL.—The Secretary shall notify any alien described in paragraph (1) immediately after receiving notification of a negative protection determination under this subsection that he or she—

''(A) may request reconsideration of such determination in accordance with paragraph (3); and

''(B) may request administrative review of such protection determination decision in accordance with paragraph (4).

''(3) REQUEST FOR RECONSIDERATION.—

''(A) IN GENERAL.—Any alien with respect to whom a negative protection determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination.

''(B) DECISION.—The Director, or designee, in the Director's unreviewable discretion, may grant or deny a request for reconsideration made pursuant to subparagraph (A), which decision shall not be subject to review.

''(4) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—The administrative review of a protection determination with respect to an alien under this subsection shall be at the discretion of the Secretary.

''(B) EXCEPTION.—An alien referred to in subparagraph (A), or the alien's counsel of record, may submit such additional evidence or testimony in accordance with such policies and procedures as the Secretary may prescribe.

''(C) REVIEW.—Each review described in subparagraph (A) may be conducted by asylum officers so designated by the Secretary at the discretion of the Secretary.

''(D) STANDARD OF REVIEW.—In accordance with the procedures prescribed by the Secretary, a review of the record of the protection determination carried out pursuant to this section may be undertaken for clear error.

''(E) DETERMINATION.—

''(i) TIMING.—The Secretary shall complete a review under this paragraph, to the maximum extent practicable, not later than 72 hours after receiving a request from an alien pursuant to subparagraph (D).

''(ii) EFFECT OF POSITIVE DETERMINATION.—If, after conducting a review under this paragraph, the Secretary determines that an alien has a positive protection determination, the alien shall be referred for asylum proceedings under section 240.

''(iii) EFFECT OF NEGATIVE DETERMINATION.—If, after conducting a review under this paragraph, the Secretary determines that an alien has a negative protection determination, the alien shall be ordered removed from the United States without additional review.

''(5) JURISDICTIONAL MATTERS.—In any action brought against an alien under section 275(a) or 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of removal entered under this section.

''(e) SERVICE OF PROTECTION DETERMINATION DECISION.—

''(1) PROTECTION DETERMINATION DECISION.—

''(A) IN GENERAL.—Upon reaching a decision regarding a protection determination, the Secretary shall—

''(i) immediately notify the alien, and the alien's counsel of record, if applicable, that a determination decision has been made; and

''(ii) schedule the service of the protection determination decision, which shall take place, to the maximum extent practicable, not later than 5 days after such notification.

''(B) SPECIAL RULES.—

''(i) LOCATION.—Each service of a protection determination decision scheduled pursuant to subparagraph (A)(ii) may occur at—

''(I) a U.S. Immigration and Customs Enforcement facility;

''(II) an Immigration Court; or

''(III) any other federally owned or federally leased building that—

''(aa) the Secretary has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the minimum requirements under this subparagraph.

''(ii) MINIMUM REQUIREMENTS.—In conducting each service of a protection determination decision, the Director shall ensure basic notice.

''(2) PROCEDURES FOR SERVICE OF PROTECTION DETERMINATION DECISIONS.—

''(A) WRITTEN DECISION.—The Secretary shall ensure that each alien and the alien's counsel of record, if applicable, attending a determination decision receives a written decision that includes, at a minimum, the articulated basis for the denial of the protection benefit sought by the alien.

''(B) LANGUAGE ACCESS.—The Secretary shall ensure that each written decision required under subparagraph (A) is delivered to the alien in—

''(i) the alien's native language, to the maximum extent practicable; or

''(ii) another language the alien understands.

''(C) ACCESS TO COUNSEL.—An alien who has obtained the services of counsel shall be represented by such counsel, at no expense to the Federal Government, at the service of the protection determination. Nothing in this subparagraph may be construed to create a substantive due process right or to unreasonably delay the scheduling of the service of the protection determination.

''(D) ASYLUM OFFICER.—A protection determination decision may only be served by an asylum officer.

''(E) PROTECTIONS FOR ASYLUM OFFICER DECISIONS BASED ON THE MERITS OF THE CASE.—The Secretary may not impose restrictions on an asylum officer's ability to grant or deny relief sought by an alien in a protection determination or protection merits interview based on a numerical limitation.

''(3) NEGATIVE PROTECTION DETERMINATION.—

''(A) ADVISEMENT OF RIGHTS AND OPPORTUNITIES.—If an alien receives a negative protection determination decision, the asylum officer shall—

''(i) advise the alien if an alternative option of return is available to the alien, including—

''(I) voluntary departure;

''(II) withdrawal of the alien's application for admission; or

''(III) voluntary repatriation; and

''(ii) provide written or verbal information to the alien regarding the process, procedures, and timelines for appealing such denial, to the maximum extent practicable, in the alien's native language, or in a language the alien understands.

''(4) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(5) FINAL ORDER OF REMOVAL.—If an alien receives a negative protection determination decision, an alien shall be removed in accordance with section 241 upon a final order of removal.

''(f) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section, shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(g) SAVINGS PROVISIONS.—

''(1) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien released pursuant to this section if otherwise authorized by law.

''(2) SPECIAL RULE.—For aliens who are natives or citizens of Cuba released pursuant to this section and who are otherwise eligible for adjustment of status under the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the 'Cuban Adjustment Act'), the requirement that an alien has been inspected and admitted or paroled into the United States shall not apply. Aliens who are natives or citizens of Cuba or Haiti and have been released pursuant to section 240 (8 U.S.C. 1229) shall be considered to be individuals described in section 501(e)(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note).

''(3) REVIEW OF PROTECTION DETERMINATIONS.—Except for reviews of constitutional claims, no court shall have jurisdiction to review a protection determination issued by U.S. Citizenship and Immigration Services under this section.

''(4) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(h) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the Northern District of Texas, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(i) DEFINITIONS.—In this section:

''(1) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(3) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(4) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(5) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Provisional removal proceedings.''.

SA 1471. Mr. HAWLEY (for himself, Mr. LUJÁN, Mr. CRAPO, Mr. SCHMITT, Mr. HEINRICH, and Mr. KELLY) submitted an amendment intended to be

proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—RADIATION EXPOSURE COMPENSATION ACT

TITLE I—MANHATTAN PROJECT WASTE

SEC. 4001. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Radiation Exposure Compensation Expansion Act''.

SEC. 4002. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.

The Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by inserting after section 5 the following:

''SEC. 5A. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.

''(a) IN GENERAL.—A claimant shall receive compensation for a claim made under this Act, as described in subsection (b) or (c), if—

''(1) a claim for compensation is filed with the Attorney General—

''(A) by an individual described in paragraph (2); or

''(B) on behalf of that individual by an authorized agent of that individual, if the individual is deceased or incapacitated, such as—

''(i) an executor of estate of that individual; or

''(ii) a legal guardian or conservator of that individual;

''(2) that individual, or if applicable, an authorized agent of that individual, demonstrates that the individual—

''(A) was physically present in an affected area for a period of at least 2 years after January 1, 1949; and

''(B) contracted a specified disease after such period of physical presence;

''(3) the Attorney General certifies that the identity of that individual, and if applicable, the authorized agent of that individual, is not fraudulent or otherwise misrepresented; and

''(4) the Attorney General determines that the claimant has satisfied the applicable requirements of this Act.

''(b) LOSSES AVAILABLE TO LIVING AFFECTED INDIVIDUALS.—

''(1) IN GENERAL.—In the event of a claim qualifying for compensation under subsection (a) that is submitted to the Attorney General to be eligible for compensation under this section at a time when the individual described in subsection (a)(2) is living, the amount of compensation under this section shall be in an amount that is the greater of $50,000 or the total amount of compensation for which the individual is eligible under paragraph (2).

''(2) LOSSES DUE TO MEDICAL EXPENSES.—A claimant described in paragraph (1) shall be eligible to receive, upon submission of contemporaneous written medical records, reports, or billing statements created by or at the direction of a licensed medical professional who provided contemporaneous medical care to the claimant, additional compensation in the amount of all documented out-of-pocket medical expenses incurred as a result of the specified disease suffered by that claimant, such as any medical expenses not covered, paid for, or reimbursed through—

''(A) any public or private health insurance;

''(B) any employee health insurance;

''(C) any workers' compensation program; or

''(D) any other public, private, or employee health program or benefit.

''(c) PAYMENTS TO BENEFICIARIES OF DECEASED INDIVIDUALS.—In the event that an individual described in subsection (a)(2) who qualifies for compensation under subsection (a) is deceased at the time of submission of the claim—

''(1) a surviving spouse may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the amount of $25,000; or

''(2) in the event that there is no surviving spouse, the surviving children, minor or otherwise, of the deceased individual may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the total amount of $25,000, paid in equal shares to each surviving child.

''(d) AFFECTED AREA.—For purposes of this section, the term 'affected area' means—

''(1) in the State of Missouri, the ZIP Codes of 63031, 63033, 63034, 63042, 63045, 63074, 63114, 63135, 63138, 63044, 63121, 63140, 63145, 63147, 63102, 63304, 63134, 63043, 63341, 63368, and 63367;

''(2) in the State of Tennessee, the ZIP Codes of 37732, 37755, 37756, 37841, 37847, 37852, 37872, 37892, 37714, 37715, 37729, 37757, 37762, 37766, 37769, 37819, 37847, 37870, 37719, 37726, 37733, 37748, 37770, 37829, 37845, 37849, 37931, 37779, 37807, 37866, 37709, 37721, 37754, 37764, 37806, 37853, 37871, 37901, 37902, 37909, 37912, 37914, 37915, 37916, 37917, 37918, 37919, 37920, 37921, 37922, 37923, 37924, 37927, 37928, 37929, 37930, 37932, 37933, 37934, 37938, 37939, 37940, 37950, 37995, 37996, 37997, 37998, 37337, 37367, 37723, 37854, 38555, 38557, 38558, 38571, 38572, 38574, 38578, 38583, 37763, 37771, 37774, 37830, 37840, 37846, 37874, 37321, 37332, 37338, 37381, 37742, 37772, 37846, 37322, 37336, and 37880;

''(3) in the State of Alaska, the ZIP Codes of 99546 and 99547; and

''(4) in the State of Kentucky, the ZIP Codes of 42001, 42003, and 42086.

''(e) SPECIFIED DISEASE.—For purposes of this section, the term 'specified disease' means any of the following:

''(1) Any leukemia, other than chronic lymphocytic leukemia, provided that the initial exposure occurred after the age of 20 and the onset of the disease was at least 2 years after first exposure.

''(2) Any of the following diseases, provided that the onset was at least 2 years after the initial exposure:

''(A) Multiple myeloma.

''(B) Lymphoma, other than Hodgkin's disease.

''(C) Primary cancer of the—

''(i) thyroid;

''(ii) male or female breast;

''(iii) esophagus;

''(iv) stomach;

''(v) pharynx;

''(vi) small intestine;

''(vii) pancreas;

''(viii) bile ducts;

''(ix) gall bladder;

''(x) salivary gland;

''(xi) urinary bladder;

''(xii) brain;

''(xiii) colon;

''(xiv) ovary;

''(xv) liver, except if cirrhosis or hepatitis B is indicated; or

''(xvi) lung.

''(f) PHYSICAL PRESENCE.—

''(1) IN GENERAL.—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless demonstrated by submission of—

''(A) contemporaneous written residential documentation and at least 1 additional employer-issued or government-issued document or record that the claimant, for at least 2 years after January 1, 1949, was physically present in an affected area; or

''(B) other documentation determined by the Attorney General to demonstrate that the claimant, for at least 2 years after January 1, 1949, was physically present in an affected area.

''(2) TYPES OF PHYSICAL PRESENCE.—For purposes of determining physical presence under this section, a claimant shall be considered to have been physically present in an affected area if—

''(A) the claimant's primary residence was in the affected area;

''(B) the claimant's place of employment was in the affected area; or

''(C) the claimant attended school in the affected area.

''(g) DISEASE CONTRACTION IN AFFECTED AREAS.—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless the claimant submits—

''(1) written medical records or reports created by or at the direction of a licensed medical professional, created contemporaneously with the provision of medical care to the claimant, that the claimant, after a period of physical presence in an affected area, contracted a specified disease; or

''(2) other documentation determined by the Attorney General to demonstrate that the claimant contracted a specified disease after a period of physical presence in an affected area.''.

SEC. 4003. COOPERATIVE AGREEMENT.

(a) IN GENERAL.—Not later than September 30, 2024, the Secretary of Energy, acting through the Director of the Office of Legacy Management, shall award to an eligible association a cooperative agreement to support the safeguarding of human and ecological health at the Amchitka, Alaska, Site.

(b) REQUIREMENTS.—A cooperative agreement awarded under subsection (a)—

(1) may be used to fund—

(A) research and development that will improve and focus long-term surveillance and monitoring of the site;

(B) workforce development at the site; and

(C) such other activities as the Secretary considers appropriate; and

(2) shall require that the eligible association—

(A) engage in stakeholder engagement; and

(B) to the greatest extent practicable, incorporate Indigenous knowledge and the participation of local Indian Tribes in research and development and workforce development activities.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE ASSOCIATION.—The term ''eligible association'' means an association of 2 or more of the following:

(A) An institution of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) located in the State of Alaska.

(B) An agency of the State of Alaska.

(C) A local Indian Tribe.

(D) An organization—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

(ii) located in the State of Alaska.

(2) LOCAL INDIAN TRIBE.—The term ''local Indian Tribe'' means an Indian tribe (as that term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) that is located in the Aleut Region of the State of Alaska.

TITLE II— COMPENSATION FOR WORKERS INVOLVED IN URANIUM MINING

SEC. 4101. SHORT TITLE.

This title may be cited as the ''Radiation Exposure Compensation Act Amendments of 2024''.

SEC. 4102. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note).

SEC. 4103. EXTENSION OF FUND.

Section 3(d) is amended—

(1) by striking the first sentence and inserting ''The Fund shall terminate 19 years after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2024.''; and

(2) by striking ''2-year'' and inserting ''19-year''.

SEC. 4104. CLAIMS RELATING TO ATMOSPHERIC TESTING.

(a) LEUKEMIA CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO AND TESTS AT THE NEVADA SITE AND IN THE PACIFIC.—Section 4(a)(1)(A) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''October 31, 1958'' and inserting ''November 6, 1962'';

(B) in subclause (II)—

(i) by striking ''in the affected area'' and inserting ''in an affected area''; and

(ii) by striking ''or'' after the semicolon;

(C) by redesignating subclause (III) as subclause (V); and

(D) by inserting after subclause (II) the following:

''(III) was physically present in an affected area for a period of at least 1 year during the period beginning on September 24, 1944, and ending on November 6, 1962;

''(IV) was physically present in an affected area—

''(aa) for a period of at least 1 year during the period beginning on July 1, 1946, and ending on November 6, 1962; or

''(bb) for the period beginning on April 25, 1962, and ending on November 6, 1962; or''; and

(2) in clause (ii)(I), by striking ''physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III)'' and inserting ''physical presence described in subclause (I), (II), (III), or (IV) of clause (i) or onsite participation described in clause (i)(V)''.

(b) AMOUNTS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1) is amended—

(1) in subparagraph (A), by striking ''an amount'' and inserting ''the amount''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) AMOUNT.—If the conditions described in subparagraph (C) are met, an individual who is described in subparagraph (A) shall receive $150,000.''.

(c) CONDITIONS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1)(C) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(d) SPECIFIED DISEASES CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO AND TESTS AT THE NEVADA SITE AND IN THE PACIFIC.—Section 4(a)(2) is amended—

(1) in subparagraph (A)—

(A) by striking ''in the affected area'' and inserting ''in an affected area'';

(B) by striking ''2 years'' and inserting ''1 year''; and

(C) by striking ''October 31, 1958'' and inserting ''November 6, 1962'';

(2) in subparagraph (B)—

(A) by striking ''in the affected area'' and inserting ''in an affected area''; and

(B) by striking ''or'' at the end;

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following:

''(C) was physically present in an affected area for a period of at least 1 year during the period beginning on September 24, 1944, and ending on November 6, 1962;

''(D) was physically present in an affected area—

''(i) for a period of at least 1 year during the period beginning on July 1, 1946, and ending on November 6, 1962; or

''(ii) for the period beginning on April 25, 1962, and ending on November 6, 1962; or''.

(e) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED DISEASES.—Section 4(a)(2) is amended in the matter following subparagraph (E) (as redesignated by subsection (d) of this section) by striking ''$50,000 (in the case of an individual described in subparagraph (A) or (B)) or $75,000 (in the case of an individual described in subparagraph (C)),'' and inserting ''$150,000''.

(f) MEDICAL BENEFITS.—Section 4(a) is amended by adding at the end the following:

''(5) MEDICAL BENEFITS.—An individual receiving a payment under this section shall be eligible to receive medical benefits in the same manner and to the same extent as an individual eligible to receive medical benefits under section 3629 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t).''.

(g) DOWNWIND STATES.—Section 4(b)(1) is amended to read as follows:

''(1) 'affected area' means—

''(A) except as provided under subparagraphs (B) and (C), Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Guam;

''(B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or subsection (a)(2)(C), only New Mexico; and

''(C) with respect to a claim by an individual under subsection (a)(1)(A)(i)(IV) or subsection (a)(2)(D), only Guam.''.

(h) CHRONIC LYMPHOCYTIC LEUKEMIA AS A SPECIFIED DISEASE.—Section 4(b)(2) is amended by striking ''other than chronic lymphocytic leukemia'' and inserting ''including chronic lymphocytic leukemia''.

SEC. 4105. CLAIMS RELATING TO URANIUM MINING.

(a) EMPLOYEES OF MINES AND MILLS.—Section 5(a)(1)(A)(i) is amended—

(1) by inserting ''(I)'' after ''(i)'';

(2) by striking ''December 31, 1971; and'' and inserting ''December 31, 1990; or''; and

(3) by adding at the end the following:

''(II) was employed as a core driller in a State referred to in subclause (I) during the period described in such subclause; and''.

(b) MINERS.—Section 5(a)(1)(A)(ii)(I) is amended by inserting ''or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury'' after ''nonmalignant respiratory disease''.

(c) MILLERS, CORE DRILLERS, AND ORE TRANSPORTERS.—Section 5(a)(1)(A)(ii)(II) is amended—

(1) by inserting '', core driller,'' after ''was a miller'';

(2) by inserting '', or was involved in remediation efforts at such a uranium mine or uranium mill,'' after ''ore transporter'';

(3) by inserting ''(I)'' after ''clause (i)''; and

(4) by striking all that follows ''nonmalignant respiratory disease'' and inserting ''or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury; or''.

(d) COMBINED WORK HISTORIES.—Section 5(a)(1)(A)(ii) is further amended—

(1) by striking ''or'' at the end of subclause (I); and

(2) by adding at the end the following:

''(III)(aa) does not meet the conditions of subclause (I) or (II);

''(bb) worked, during the period described in clause (i)(I), in two or more of the following positions: miner, miller, core driller, and ore transporter;

''(cc) meets the requirements of paragraph (4) or (5), or both; and

''(dd) submits written medical documentation that the individual developed lung cancer or a nonmalignant respiratory disease or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury after exposure to radiation through work in one or more of the positions referred to in item (bb);''.

(e) DATES OF OPERATION OF URANIUM MINE.—Section 5(a)(2)(A) is amended by striking ''December 31, 1971'' and inserting ''December 31, 1990''.

(f) SPECIAL RULES RELATING TO COMBINED WORK HISTORIES.—Section 5(a) is amended by adding at the end the following:

''(4) SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR INDIVIDUALS WITH AT LEAST ONE YEAR OF EXPERIENCE.—An individual meets the requirements of this paragraph if the individual worked in one or more of the positions referred to in paragraph (1)(A)(ii)(III)(bb) for a period of at least one year during the period described in paragraph (1)(A)(i)(I).

''(5) SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR MINERS.—An individual meets the requirements of this paragraph if the individual, during the period described in paragraph (1)(A)(i)(I), worked as a miner and was exposed to such number of working level months that the Attorney General determines, when combined with the exposure of such individual to radiation through work as a miller, core driller, or ore transporter during the period described in paragraph (1)(A)(i)(I), results in such individual being exposed to a total level of radiation that is greater or equal to the level of exposure of an individual described in paragraph (4).''.

(g) DEFINITION OF CORE DRILLER.—Section 5(b) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'core driller' means any individual employed to engage in the act or process of obtaining cylindrical rock samples of uranium or vanadium by means of a borehole drilling machine for the purpose of mining uranium or vanadium.''.

SEC. 4106. EXPANSION OF USE OF AFFIDAVITS IN DETERMINATION OF CLAIMS; REGULATIONS.

(a) AFFIDAVITS.—Section 6(b) is amended by adding at the end the following:

''(3) AFFIDAVITS.—

''(A) EMPLOYMENT HISTORY.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate the employment history of an individual as a miner, miller, core driller, or ore transporter if the affidavit—

''(i) is provided in addition to other material that may be used to substantiate the employment history of the individual;

''(ii) attests to the employment history of the individual;

''(iii) is made subject to penalty for perjury; and

''(iv) is made by a person other than the individual filing the claim.

''(B) PHYSICAL PRESENCE IN AFFECTED AREA.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate an individual's physical presence in an affected area during a period described in section

4(a)(1)(A)(i) or section 4(a)(2) if the affidavit—

''(i) is provided in addition to other material that may be used to substantiate the individual's presence in an affected area during that time period;

''(ii) attests to the individual's presence in an affected area during that period;

''(iii) is made subject to penalty for perjury; and

''(iv) is made by a person other than the individual filing the claim.

''(C) PARTICIPATION AT TESTING SITE.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate an individual's participation onsite in a test involving the atmospheric detonation of a nuclear device if the affidavit—

''(i) is provided in addition to other material that may be used to substantiate the individual's participation onsite in a test involving the atmospheric detonation of a nuclear device;

''(ii) attests to the individual's participation onsite in a test involving the atmospheric detonation of a nuclear device;

''(iii) is made subject to penalty for perjury; and

''(iv) is made by a person other than the individual filing the claim.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 6 is amended—

(1) in subsection (b)(2)(C), by striking ''section 4(a)(2)(C)'' and inserting ''section 4(a)(2)(E)'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4'' and inserting ''subsection (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of section 4''; and

(ii) in clause (i), by striking ''subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4'' and inserting ''subsection (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of section 4''; and

(B) in subparagraph (B), by striking ''section 4(a)(2)(C)'' and inserting ''section 4(a)(2)(E)''; and

(3) in subsection (e), by striking ''subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4'' and inserting ''subsection (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of section 4''.

(c) REGULATIONS.—

(1) IN GENERAL.—Section 6(k) is amended by adding at the end the following: ''Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2024, the Attorney General shall issue revised regulations to carry out this Act.''.

(2) CONSIDERATIONS IN REVISIONS.—In issuing revised regulations under section 6(k) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note), as amended under paragraph (1), the Attorney General shall ensure that procedures with respect to the submission and processing of claims under such Act take into account and make allowances for the law, tradition, and customs of Indian tribes, including by accepting as a record of proof of physical presence for a claimant a grazing permit, a homesite lease, a record of being a holder of a post office box, a letter from an elected leader of an Indian tribe, or a record of any recognized tribal association or organization.

SEC. 4107. LIMITATION ON CLAIMS.

(a) EXTENSION OF FILING TIME.—Section 8(a) is amended—

(1) by striking ''2 years'' and inserting ''19 years''; and

(2) by striking ''RECA Extension Act of 2022'' and inserting ''Radiation Exposure Compensation Act Amendments of 2024''.

(b) RESUBMITTAL OF CLAIMS.—Section 8(b) is amended to read as follows:

''(b) RESUBMITTAL OF CLAIMS.—

''(1) DENIED CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 2024, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2024 shall not be applied to the limitation under the preceding sentence.

''(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

''(A) IN GENERAL.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 2024, any claimant who received compensation under this Act may submit a request to the Attorney General for additional compensation and benefits. Such request shall contain—

''(i) the claimant's name, social security number, and date of birth;

''(ii) the amount of award received under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2024;

''(iii) any additional benefits and compensation sought through such request; and

''(iv) any additional information required by the Attorney General.

''(B) ADDITIONAL COMPENSATION.—If the claimant received compensation under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2024 and submits a request under subparagraph (A), the Attorney General shall—

''(i) pay the claimant the amount that is equal to any excess of—

''(I) the amount the claimant is eligible to receive under this Act (as amended by the Radiation Exposure Compensation Act Amendments of 2024); minus

''(II) the aggregate amount paid to the claimant under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2024; and

''(ii) in any case in which the claimant was compensated under section 4, provide the claimant with medical benefits under section 4(a)(5).''.

SEC. 4108. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS OF URANIUM MINING AND MILLING.

(a) DEFINITIONS.—In this section—

(1) the term ''institution of higher education'' has the meaning given under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(2) the term ''program'' means the grant program established under subsection (b); and

(3) the term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—The Secretary shall establish a grant program relating to the epidemiological impacts of uranium mining and milling. Grants awarded under the program shall be used for the study of the epidemiological impacts of uranium mining and milling among non-occupationally exposed individuals, including family members of uranium miners and millers.

(c) ADMINISTRATION.—The Secretary shall administer the program through the National Institute of Environmental Health Sciences.

(d) ELIGIBILITY AND APPLICATION.—Any institution of higher education or nonprofit private entity shall be eligible to apply for a grant. To apply for a grant an eligible institution or entity shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2024 through 2026.

SEC. 4109. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) COVERED EMPLOYEES WITH CANCER.—Section 3621(9) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(9)) is amended by striking subparagraph (A) and inserting the following:

''(A) An individual with a specified cancer who is a member of the Special Exposure Cohort, if and only if—

''(i) that individual contracted that specified cancer after beginning employment at a Department of Energy facility (in the case of a Department of Energy employee or Department of Energy contractor employee) or at an atomic weapons employer facility (in the case of an atomic weapons employee); or

''(ii) that individual—

''(I) contracted that specified cancer after beginning employment in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, or any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act; and

''(II) was employed in a uranium mine or uranium mill described under subclause (I) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) at any time during the period beginning on January 1, 1942, and ending on December 31, 1990.''.

(b) MEMBERS OF SPECIAL EXPOSURE COHORT.—Section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384q) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) The Advisory Board on Radiation and Worker Health under section 3624 shall advise the President whether there is a class of employees—

''(A) at any Department of Energy facility who likely were exposed to radiation at that facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received; and

''(B) employed in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, and any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act, at any time during the period beginning on January 1, 1942, and ending on December 31, 1990, who likely were exposed to radiation at that mine or mill but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received.''; and

(2) by striking subsection (b) and inserting the following:

''(b) DESIGNATION OF ADDITIONAL MEMBERS.—

''(1) Subject to the provisions of section 3621(14)(C), the members of a class of employees at a Department of Energy facility, or at an atomic weapons employer facility, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

''(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

''(B) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

''(2) Subject to the provisions of section 3621(14)(C), the members of a class of employees employed in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, and any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act, at any time during the period beginning on January 1, 1942, and ending on December 31, 1990, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

''(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

''(B) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.''.

SA 1472. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF ENTRY OF ALIENS.

(a) SHORT TITLE.—This section may be cited as the ''Border Safety and Security Act of 2024''.

(b) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise provided, the terms used in this section have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) COVERED ALIEN.—The term ''covered alien'' means an alien seeking entry to the United States who is inadmissible under paragraph (6) or (7) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(3) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note).

(c) AUTHORITY TO SUSPEND ENTRY OF ALIENS AT BORDERS OF THE UNITED STATES.—Notwithstanding any other provision of law, if the Secretary of Homeland Security determines, in the discretion of the Secretary, that the suspension of the entry of covered aliens at an international land or maritime border of the United States is necessary in order to achieve operational control over such border, the Secretary may prohibit, in whole or in part, the entry of covered aliens at such border for such period as the Secretary determines is necessary for such purpose.

(d) REQUIRED SUSPENSION OF ENTRY OF ALIENS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall prohibit the entry of covered aliens for any period during which the Secretary cannot—

(1) detain such covered aliens in accordance with section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)); or

(2) place such covered aliens in a program consistent with section 235(b)(2)(C) of such Act (8 U.S.C. 1225(b)(2)(C)).

(e) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—The attorney general of a State, or another authorized State officer, alleging a violation of a subsection (d) that affects such State or its residents may bring an action against the Secretary of Homeland Security on behalf of the residents of such State in an appropriate United States district court to obtain appropriate injunctive relief.

SA 1473. Mr. COTTON (for himself, Mr. BRAUN, Mr. CRAMER, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 32, strike line 1 and all that follows through page 33, line 14.

On page 37, strike lines 10 through 20.

Beginning on page 38, strike line 4 and all that follows through page 39, line 19.

SA 1474. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXCEPTIONS TO ASYLUM ELIGIBILITY.

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 nonpolitical 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.

''(ii) 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 Attorney General under subparagraph (A)(xiii).''.

SA 1475. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.''.

SA 1476. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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).''.

SA 1477. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.''.

SA 1478. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.''.

SA 1479. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.''.

SA 1480. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to

amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.—'';

(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'';

(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.)—'';

(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)'';

(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)''; and

(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.

SA 1481. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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''; and

(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)''; and

(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).''.

SA 1482. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IMMIGRATION PAROLE REFORM.

(a) IN GENERAL.—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.''.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), each of the following exceptions apply:

(A) 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.

(B) Section 212(d)(5)(J) of the Immigration and Nationality Act, as added by subsection (a), shall take effect on the date of the enactment of this Act.

(C) 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.

SA 1483. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. 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 nonimmigrant 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 recission 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).

''(ii) 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 employee 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.''.

SA 1484. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. 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 result 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.''.

SA 1485. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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)) is 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.

SA 1486. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.''.

SA 1487. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF SUBTITLE A OF TITLE IV OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(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.

(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.

SA 1488. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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'';

(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 ''PAPERWORK'';

(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.''.

SA 1489. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain

improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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),''.

SA 1490. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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)), 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)). 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)). The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SA 1491. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.

SA 1492. Mr. TUBERVILLE submitted an amendment intended to be submitted by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. 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)'' each place such term appears and inserting ''subparagraph (A) or (C) of section 212(a)(6)''; and

(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 under 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 may 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) in clause (iii)(IV)—

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

(bb) by adding at the end the following: ''The alien may 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 may 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.—The Secretary of Homeland Security, without exception, including pursuant to parole or release pursuant to section 236(a), but excluding as expressly authorized pursuant to section 212(d)(5), shall return to a foreign territory contiguous to the United States any alien arriving on land from such 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) if, at any time, the Secretary 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).

''(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 such State in an appropriate United States district court to obtain appropriate injunctive relief.''; and

(2) by adding at the end the following:

''(e) AUTHORITY TO PROHIBIT INTRODUCTION OF CERTAIN ALIENS.—If the Secretary of

Homeland Security determines, in the discretion of the Secretary, 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.''.

SA 1493. Mr. TUBERVILLE submitted an amendment intended to be submitted by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPERATIONAL DETENTION FACILITIES.

(a) IN GENERAL.—Not later than June 30, 2024, 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, and subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021. In carrying out 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 the facilities 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 as 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 on which 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 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 Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SA 1494. Mr. TUBERVILLE submitted an amendment intended to be submitted by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

It is the policy of the United States—

(1) 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; and

(2) 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.

SA 1495. Mr. TUBERVILLE submitted an amendment intended to be submitted by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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.

(b) MINIMUM REQUIREMENTS.—The agreements required to be negotiated under subsection (a) shall—

(1) be designed to facilitate a regional approach to immigration enforcement; and

(2) provide that—

(A) 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;

(B) 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;

(C) the Government of Mexico commit to provide the individuals described in subparagraphs (A) and (B) with appropriate humanitarian protections;

(D) 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;

(E) 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;

(F) 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

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

(c) NOTIFICATION IN ACCORDANCE WITH CASE-ZABLOCKI ACT.—Not later than 48 hours after any agreement described in subsection

(a) is signed, the Secretary of State, in accordance with section 112b of title 1, United States Code, shall inform the relevant congressional committees of such agreement.

(d) 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).

SA 1496. Mr. TUBERVILLE submitted an amendment intended to be submitted by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) AMENDMENT.—

(1) 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.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to all actions that occur before, on, or after such date.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the amendment made by subsection (a)(1) 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) 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 are younger than 18 years of age, or families consisting of 1 or more of such children and the parents or legal guardians of such childr6en, that is located in that State, be licensed by the State or by any political subdivision of such State.

SA 1497. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION C—BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND FOREIGN AFFAIRS

SEC. 4000. SHORT TITLE.

This division may be cited as the ''Secure the Border Act of 2024''.

TITLE I—BORDER SECURITY

SEC. 4001. DEFINITIONS.

In this title:

(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. 4002. 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 unexpired 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—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Appropriations of the House of Representatives.

(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. 4003. 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''; and

(cc) by adding at the end the following:

''(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:

''(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:

''(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 manportable 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. 4004. 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 relating 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. 4005. 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:

''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 lifecycle 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:

''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. 4006. 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. 4007. 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 released 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. 4008. 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:

''(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 4007 of the Secure the Border Act of 2024 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:

''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. 4009. 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:

''(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. 4010. 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:

''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:

''Sec. 2010. Operation Stonegarden.''.

SEC. 4011. 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.—Section 411(e)(3) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)(3)) 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:

''(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 4011 of the Secure the Border Act of 2024; 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. 4012. 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 4003, 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. 4013. 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. 4014. 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. 4015. 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. 4016. 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. 4017. 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. 4018. 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. 4019. 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. 4020. 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 rulemaking 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. 4021. 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. 4022. 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. 4023. 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. 4024. 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. 4025. 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. 4026. 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 Program 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. 4027. 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. 4028. 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.

TITLE II—ASYLUM REFORM AND BORDER PROTECTION

SEC. 4101. 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. 4102. 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. 4103. 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. 4104. EXCEPTIONS.

Section 208(b)(2) 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 nonpolitical 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.

''(ii) 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 Attorney General under subparagraph (A)(xiii).''.

SEC. 4105. EMPLOYMENT AUTHORIZATION.

Section 208(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(2)) 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. 4106. ASYLUM FEES.

Section 208(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(3)) 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. 4107. 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. 4108. 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. 4109. 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. 4110. 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. 4111. 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 III—BORDER SAFETY AND MIGRANT PROTECTION

SEC. 4201. 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)'' and inserting ''subparagraph (A) or (C) of section 212(a)(6)''; and

(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 returned to a country as described in paragraph (3).''; and

(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.''; and

(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. 4202. 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 IV—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

SEC. 4301. 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. 4302. 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. 4303. 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 4302 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 V—ENSURING UNITED FAMILIES AT THE BORDER

SEC. 4401. 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 VI—PROTECTION OF CHILDREN

SEC. 4501. 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. 4502. 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.—'';

(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'';

(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.)—'';

(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)'';

(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)''; and

(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. 4503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE 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''; and

(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. 4504. 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 VII—VISA OVERSTAYS PENALTIES

SEC. 4601. 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''; and

(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)''; and

(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 VIII—IMMIGRATION PAROLE REFORM

SEC. 4701. 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. 4702. 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 4701, 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. 4703. 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. 4704. 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 IX—LEGAL WORKFORCE

SEC. 4801. 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 2024, 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 nonimmigrant 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 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024.

''(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 the Secure the Border Act of 2024. 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 4814 of the Secure the Border Act of 2024 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 the Secure the Border Act of 2024.

''(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 4807(c) of the Secure the Border Act of 2024.

''(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 4807(c) of the Secure the Border Act of 2024, 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).

''(ii) 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024. 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 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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 the Secure the Border Act of 2024, 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. 4802. 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 result 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. 4803. 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 4801(b), 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. 4804. 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. 4805. 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. 4806. 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 4802.

(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. 4807. 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'';

(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 ''PAPERWORK'';

(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. 4808. 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. 4809. 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 4802, 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 Commissioner 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. 4810. 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 4802, 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 4802. 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 4802. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 4811. 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. 4812. 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. 4813. 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. 4814. 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. 4815. 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. 4816. 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.

SA 1498. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION C—SECURE THE BORDER ACT OF 2024

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Secure the Border Act of 2024''.

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

DIVISION C—SECURE THE BORDER ACT OF 2024

Sec. 4001. Short title; table of contents.

TITLE I—BORDER SECURITY

Sec. 4101. Definitions.
Sec. 4102. Border wall construction.
Sec. 4103. Strengthening the requirements for barriers along the southern border.
Sec. 4104. Border and port security technology investment plan.
Sec. 4105. Border security technology program management.
Sec. 4106. U.S. Customs and Border Protection technology upgrades.
Sec. 4107. U.S. Customs and Border Protection personnel.
Sec. 4108. Anti-Border Corruption Act reauthorization.
Sec. 4109. Establishment of workload staffing models for U.S. Border Patrol and Air and Marine Operations of CBP.
Sec. 4110. Operation Stonegarden.
Sec. 4111. Air and Marine Operations flight hours.
Sec. 4112. Eradication of carrizo cane and salt cedar.
Sec. 4113. Border patrol strategic plan.
Sec. 4114. U.S. Customs and Border Protection spiritual readiness.
Sec. 4115. Restrictions on funding.
Sec. 4116. Collection of DNA and biometric information at the border.
Sec. 4117. 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. 4118. Publication by U.S. Customs and Border Protection of operational statistics.
Sec. 4119. Alien criminal background checks.
Sec. 4120. Prohibited identification documents at airport security checkpoints; notification to immigration agencies.
Sec. 4121. Prohibition against any COVID–19 vaccine mandate or adverse action against DHS employees.
Sec. 4122. CBP One app limitation.
Sec. 4123. Report on Mexican drug cartels.
Sec. 4124. GAO study on costs incurred by States to secure the southwest border.
Sec. 4125. Report by Inspector General of the Department of Homeland Security.
Sec. 4126. Offsetting authorizations of appropriations.
Sec. 4127. Report to Congress on foreign terrorist organizations.
Sec. 4128. Assessment by Inspector General of the Department of Homeland Security on the mitigation of unmanned aircraft systems at the southwest border.

TITLE II—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS

Subtitle A—Asylum Reform and Border Protection

Sec. 5101. Safe third country.
Sec. 5102. Credible fear interviews.
Sec. 5103. Clarification of asylum eligibility.
Sec. 5104. Exceptions.
Sec. 5105. Employment authorization.
Sec. 5106. Asylum fees.
Sec. 5107. Rules for determining asylum eligibility.
Sec. 5108. Firm resettlement.
Sec. 5109. Notice concerning frivolous asylum applications.
Sec. 5110. Technical amendments.
Sec. 5111. Requirement for procedures relating to certain asylum applications.

Subtitle B—Border Safety and Migrant Protection

Sec. 5201. Inspection of applicants for admission.
Sec. 5202. Operational detention facilities.

Subtitle C—Preventing Uncontrolled Migration Flows in the Western Hemisphere

Sec. 5301. United States policy regarding Western Hemisphere cooperation on immigration and asylum.
Sec. 5302. Negotiations by Secretary of State.
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Subtitle D—Ensuring United Families at the Border

Sec. 5401. Clarification of standards for family detention.

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Sec. 5501. Findings.
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Sec. 5503. Special immigrant juvenile status for immigrants unable to reunite with either parent.
Sec. 5504. Rule of construction.

Subtitle F—Visa Overstays Penalties

Sec. 5601. Expanded penalties for illegal entry or presence.

Subtitle G—Immigration Parole Reform

Sec. 5701. Immigration parole reform.
Sec. 5702. Implementation.
Sec. 5703. Cause of action.
Sec. 5704. Severability.

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Sec. 5801. Employment eligibility verification process.
Sec. 5802. Employment eligibility verification system.
Sec. 5803. Recruitment, referral, and continuation of employment.
Sec. 5804. Good faith defense.
Sec. 5805. Preemption and States' rights.
Sec. 5806. Repeal.
Sec. 5807. Penalties.
Sec. 5808. Fraud and misuse of documents.
Sec. 5809. Protection of Social Security Administration programs.
Sec. 5810. Fraud prevention.
Sec. 5811. Use of employment eligibility verification photo tool.
Sec. 5812. Identity authentication employment eligibility verification pilot programs.
Sec. 5813. Inspector General audits.
Sec. 5814. Agriculture workforce study.
Sec. 5815. Sense of Congress on further implementation.
Sec. 5816. Repealing regulations.

TITLE I—BORDER SECURITY

SEC. 4101. DEFINITIONS.

In this title:

(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. 4102. 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 unexpired 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. 4103. 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''; and

(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 manportable 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. 4104. 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 relating 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. 4105. 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 lifecycle 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. 4106. 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. 4107. 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 released 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. 4108. 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 4107 of the Secure the Border Act of 2024 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. 4109. 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. 4110. 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. 4111. 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 4111 of the Secure the Border Act of 2024; 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. 4112. 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 4103 of this title, 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. 4113. 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. 4114. 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. 4115. 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. 4116. 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. 4117. 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. 4118. 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. 4119. 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. 4120. 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. 4121. 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. 4122. 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. 4123. 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. 4124. 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. 4125. 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. 4126. 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 Program 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. 4127. 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. 4128. 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.

TITLE II—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS

Subtitle A—Asylum Reform and Border Protection

SEC. 5101. 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. 5102. 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. 5103. 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. 5104. 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 nonpolitical 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.

''(ii) 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 Attorney General under subparagraph (A)(xiii).''.

SEC. 5105. 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. 5106. 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. 5107. 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. 5108. FIRM RESETTLEMENT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by this subtitle, 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. 5109. 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. 5110. 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. 5111. 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.

Subtitle B—Border Safety and Migrant Protection

SEC. 5201. 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)''; and

(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 returned to a country as described in paragraph (3).''; and

(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.''; and

(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. 5202. 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.

Subtitle C—Preventing Uncontrolled Migration Flows in the Western Hemisphere

SEC. 5301. 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. 5302. 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. 5303. 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 5302 of this subtitle 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.

Subtitle D—Ensuring United Families at the Border

SEC. 5401. 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.

Subtitle E—Protection of Children

SEC. 5501. 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 subtitle 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. 5502. 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.—'';

(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'';

(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.)—'';

(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)'';

(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)''; and

(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. 5503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE 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''; and

(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. 5504. RULE OF CONSTRUCTION.

Nothing in this subtitle 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.

Subtitle F—Visa Overstays Penalties

SEC. 5601. 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''; and

(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)''; and

(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).''.

Subtitle G—Immigration Parole Reform

SEC. 5701. 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. 5702. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle 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 5701 of this subtitle, 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. 5703. 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 subtitle or the amendments made by this subtitle 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. 5704. SEVERABILITY.

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

Subtitle H—Legal Workforce

SEC. 5801. 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 nonimmigrant 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 recission 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).

''(ii) 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 employee 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. 5802. 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 result 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. 5803. 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 5801(b) of this subtitle, 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. 5804. 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. 5805. 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. 5806. 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 5802 of this subtitle.

(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. 5807. 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'';

(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 ''PAPERWORK'';

(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. 5808. 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. 5809. 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 5802 of this subtitle, 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 Commissioner 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. 5810. 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 5802 of this subtitle, 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 5802 of this subtitle. 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 5802 of this subtitle. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 5811. 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. 5812. 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. 5813. 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. 5814. 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. 5815. 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. 5816. 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.

SA 1499. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—H–1B AND L–1 VISA REFORM ACT OF 2024

SEC. 4001. SHORT TITLE.

This division may be cited as the ''H–1B and L–1 Visa Reform Act of 2024''.

TITLE I—H–1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H–1B Employer Application Requirements

SEC. 4101. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended to read as follows:

''(A) The employer—

''(i) is offering and will offer to H–1B nonimmigrants, during the period of authorized employment for each H–1B nonimmigrant, wages that are determined based on the best information available at the time the application is filed and which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median wage for all workers in the occupational classification in the area of employment; and

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such H–1B nonimmigrant that will not adversely affect the working conditions of United States workers similarly employed by the employer or by an employer with which such H–1B nonimmigrant is placed pursuant to a waiver under paragraph (2)(E).''.

(b) INTERNET POSTING REQUIREMENT.—Section 212(n)(1)(C) of such Act (8 U.S.C. 1182(n)(1)(C)) is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(3) by inserting before clause (ii), as redesignated by paragraph (2), the following:

''(i) has posted on the internet website described in paragraph (3), for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

''(I) the wages and other terms and conditions of employment;

''(II) the minimum education, training, experience, and other requirements for the position; and

''(III) the process for applying for the position; and''.

(c) WAGE DETERMINATION INFORMATION.—Section 212(n)(1)(D) of such Act (8 U.S.C. 1182(n)(1)(D)) is amended by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(d) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Section 212(n)(1)(E) of such Act (8 U.S.C. 1182(n)(1)(E)) is amended to read as follows:

''(E)(i) The employer—

''(I) will not at any time displace a United States worker with 1 or more H–1B nonimmigrants; and

''(II) did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer.

''(ii) The 180-day periods referred to in clause (i) may not include any period of onsite or virtual training of H–1B nonimmigrants by employees of the employer.''.

(2) RECRUITMENT.—Section 212(n)(1)(G)(i) of such Act (8 U.S.C. 1182(n)(1)(G)(i)) is amended by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject''.

(e) WAIVER REQUIREMENT.—Section 212(n)(1)(F) of such Act (8 U.S.C. 1182(n)(1)(F)) is amended to read as follows:

''(F) The employer will not place, outsource, lease, or otherwise contract for the services or placement of H–1B nonimmigrants with another employer, regardless of the physical location where such services will be performed, unless the employer of the alien has been granted a waiver under paragraph (2)(E).''.

SEC. 4102. NEW APPLICATION REQUIREMENTS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 4101, is further amended by inserting after subparagraph (G) the following:

''(H)(i) The employer, or a person or entity acting on the employer's behalf, has not advertised any available position specified in the application in an advertisement that states or indicates that—

''(I) such position is only available to an individual who is or will be an H–1B nonimmigrant; or

''(II) an individual who is or will be an H–1B nonimmigrant shall receive priority or a preference in the hiring process for such position.

''(ii) The employer has not primarily recruited individuals who are or who will be H–1B nonimmigrants to fill such position.

''(I) If the employer employs 50 or more employees in the United States—

''(i) the sum of the number of such employees who are H–1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) does not exceed 50 percent of the total number of employees; and

''(ii) the employer's corporate organization has not been restructured to evade the limitation under clause (i).

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statements filed by the employer with respect to the H–1B nonimmigrants for such period.''.

SEC. 4103. APPLICATION REVIEW REQUIREMENTS.

(a) TECHNICAL AMENDMENT.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by sections 4101 and 4102, is further amended, in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer.''.

(b) APPLICATION REVIEW REQUIREMENTS.—Section 212(n)(1)(K), as designated by subsection (a), is amended—

(1) in the fourth sentence, by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) in the fifth sentence, by striking ''only for completeness'' and inserting ''for completeness, indicators of fraud or misrepresentation of material fact,'';

(3) in the sixth sentence—

(A) by striking ''or obviously inaccurate'' and inserting '', presents indicators of fraud or misrepresentation of material fact, or is obviously inaccurate''; and

(B) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(4) by adding at the end the following: ''If the Secretary of Labor's review of an application identifies indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).''.

SEC. 4104. H–1B VISA ALLOCATION.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(3)), is amended—

(1) by striking the first sentence and inserting the following:

''(A) Subject to subparagraph (B), aliens who are subject to the numerical limitations under paragraph (1)(A) shall be issued visas, or otherwise provided nonimmigrant status, in a manner and order established by the Secretary of Homeland Security, by regulation.''; and

(2) by adding at the end the following:

''(B) The Secretary shall consider petitions for nonimmigrant status under section 101(a)(15)(H)(i)(b) in the following order:

''(i) Petitions for nonimmigrants described in section 101(a)(15)(F) who, while physically present in the United States, have earned an advanced degree in a field of science, technology, engineering, or mathematics from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that has been accredited by an accrediting entity that is recognized by the Department of Education.

''(ii) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 4 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(iii) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of any other advanced degree program, undertaken while physically present in the United States, from an institution of higher education described in clause (i).

''(iv) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 3 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(v) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of a bachelor's degree program, undertaken while physically present in the United States, in a field of science, technology, engineering, or mathematics from an institution of higher education described in clause (i).

''(vi) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of bachelor's degree programs, undertaken while physically present in the United States, in any other fields from an institution of higher education described in clause (i).

''(vii) Petitions for aliens who will be working in occupations listed in Group I of the Department of Labor's Schedule A of occupations in which the Secretary of Labor has determined there are not sufficient United States workers who are able, willing, qualified, and available.

''(viii) Petitions filed by employers meeting the following criteria of good corporate citizenship and compliance with the immigration laws:

''(I) The employer is in possession of—

''(aa) a valid E-Verify company identification number; or

''(bb) if the enterprise is using a designated agent to perform E-Verify queries, a valid E-Verify client company identification number and documentation from U.S. Citizenship and Immigration Services that the commercial enterprise is a participant in good standing in the E-Verify program.

''(II) The employer is not under investigation by any Federal agency for violation of the immigration laws or labor laws.

''(III) A Federal agency has not determined, during the immediately preceding 5 years, that the employer violated the immigration laws or labor laws.

''(IV) During each of the preceding 3 fiscal years, at least 90 percent of the petitions filed by the employer under section 101(a)(15)(H)(i)(b) were approved.

''(V) The employer has filed, pursuant to section 204(a)(1)(F), employment-based immigrant petitions, including an approved labor certification application under section 212(a)(5)(A), for at least 90 percent of employees imported under section 101(a)(15)(H)(i)(b) during the preceding 3 fiscal years.

''(ix) Any remaining petitions.

''(C) In this paragraph the term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, biological and biomedical sciences, mathematics and statistics, and physical sciences.''.

SEC. 4105. H–1B WORKERS EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) is amended by striking ''is employed (or has received an offer of employment) at'' each place such phrase appears and inserting ''is employed by (or has received an offer of employment from)''.

SEC. 4106. SPECIALTY OCCUPATION TO REQUIRE AN ACTUAL DEGREE.

Section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) attainment of a bachelor's or higher degree in the specific specialty directly related to the occupation as a minimum for entry into the occupation in the United States.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) For purposes of section 101(a)(15)(H)(i)(b), the requirements under this paragraph, with respect to a specialty occupation, are—

''(A) full State licensure to practice in the occupation, if such licensure is required to practice in the occupation; or

''(B) if a license is not required to practice in the occupation—

''(i) completion of a United States degree described in paragraph (1)(B) for the occupation; or

''(ii) completion of a foreign degree that is equivalent to a United States degree described in paragraph (1)(B) for the occupation.''.

SEC. 4107. LABOR CONDITION APPLICATION FEE.

Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by sections 4101 through 4103, is further amended by adding at the end the following:

''(6)(A) The Secretary of Labor shall promulgate a regulation that requires applicants under this subsection to pay a reasonable application processing fee.

''(B) All of the fees collected under this paragraph shall be deposited as offsetting receipts within the general fund of the Treasury in a separate account, which shall be known as the 'H–1B Administration, Oversight, Investigation, and Enforcement Account' and shall remain available until expended. The Secretary of the Treasury shall refund amounts in such account to the Secretary of Labor for salaries and related expenses associated with the administration, oversight, investigation, and enforcement of the H–1B nonimmigrant visa program.''.

SEC. 4108. H–1B SUBPOENA AUTHORITY FOR THE DEPARTMENT OF LABOR.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (I) as subparagraph (J); and

(2) by inserting after subparagraph (H) the following:

''(I) The Secretary of Labor is authorized to take such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to ensure employer compliance with the terms and conditions under this subsection. The rights and remedies provided to H–1B nonimmigrants under this subsection are in addition to any other contractual or statutory rights and remedies of such nonimmigrants and are not intended to alter or affect such rights and remedies.''.

SEC. 4109. LIMITATION ON EXTENSION OF H–1B PETITION.

Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) is amended to read as follows:

''(4)(A) Except as provided in subparagraph (B), the period of authorized admission of a nonimmigrant described in section 101(a)(15)(H)(i)(b) may not exceed 3 years.

''(B) The period of authorized admission of a nonimmigrant described in subparagraph (A) who is the beneficiary of an approved employment-based immigrant petition under section 204(a)(1)(F) may be authorized for a period of up to 3 additional years if the total period of stay does not exceed six years, except for an extension under section 104(c) or 106(b) of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note).''.

SEC. 4110. ELIMINATION OF B–1 VISAS IN LIEU OF H–1 VISAS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

''(12) Unless otherwise authorized by law, an alien normally classifiable under section

101(a)(15)(H)(i) who seeks admission to the United States to provide services in a specialty occupation described in paragraph (1) or (3) of subsection (i) may not be issued a visa or admitted under section 101(a)(15)(B) for such purpose. Nothing in this paragraph may be construed to authorize the admission of an alien under section 101(a)(15)(B) who is coming to the United States for the purpose of performing skilled or unskilled labor if such admission is not otherwise authorized by law.''.

Subtitle B—Investigation and Disposition of Complaints Against H–1B Employers

SEC. 4201. GENERAL MODIFICATION OF PROCEDURES FOR INVESTIGATION AND DISPOSITION.

Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

(1) by striking ''(A) Subject'' and inserting the following:

''(A)(i) Subject'';

(2) by striking ''12 months'' and inserting ''two years'';

(3) by striking the last sentence; and

(4) by adding at the end the following:

''(ii)(I) Upon the receipt of a complaint under clause (i), the Secretary may initiate an investigation to determine if such failure or misrepresentation has occurred.

''(II) In conducting an investigation under subclause (I), the Secretary may—

''(aa) conduct surveys of the degree to which employers comply with the requirements under this subsection; and

''(bb) conduct compliance audits of employers that employ H–1B nonimmigrants.

''(III) The Secretary shall—

''(aa) conduct annual compliance audits of not fewer than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants; and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(iii) The process for receiving complaints under clause (i) shall include a hotline that is accessible 24 hours a day, by telephonic and electronic means.''.

SEC. 4202. INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.

Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(G)(i)(I)'' and inserting ''a condition under subparagraph (A), (B), (C), (D), (E), (F), (G)(i), (H), (I), or (J) of paragraph (1)'';

(B) in subclause (I)—

(i) by striking ''$1,000'' and inserting ''$5,000''; and

(ii) by striking ''and'' at the end;

(C) in subclause (II)—

(i) by striking ''the Attorney General shall not approve petitions'' and inserting ''the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications'';

(ii) by striking ''under section 204 or 214(c)'' and inserting ''under section 101(a)(15)(E)(iii), 101(a)(15)(H)(i)(b1), 204, 214(c), or 214(e)''; and

(iii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''$5,000'' and inserting ''$25,000'';

(B) in subclause (II)—

(i) by striking ''the Attorney General shall not approve petitions'' and inserting ''the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications'';

(ii) by striking ''under section 204 or 214(c)'' and inserting ''under section 101(a)(15)(E)(iii), 101(a)(15)(H)(i)(b1), 204, 214(c), or 214(e)''; and

(iii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(3) in clause (iii)—

(A) in the matter preceding subclause (I), by striking ''the employer displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application'' and inserting ''a United States worker employed at a worksite that the employer supplies with nonimmigrant workers was displaced in violation of paragraph (1)(E) or the conditions of a waiver under subparagraph (E)'';

(B) in subclause (I)—

(i) by striking ''may'' and inserting ''shall'';

(ii) by striking ''$35,000'' and inserting ''$150,000''; and

(iii) by striking ''and'' at the end;

(C) in subclause (II)—

(i) by striking ''the Attorney General shall not approve petitions'' and inserting ''the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications'';

(ii) by striking ''under section 204 or 214(c)'' and inserting ''under section 101(a)(15)(E)(iii), 101(a)(15)(H)(i)(b1), 204, 214(c), or 214(e)''; and

(iii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(4) by striking clause (iv) and inserting the following:

''(iv)(I) An employer that has filed an application under this subsection violates this clause by taking, failing to take, or threatening to take or fail to take a personnel action, or intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against an employee because the employee—

''(aa) disclosed information that the employee reasonably believes evidences a violation of this subsection or any rule or regulation pertaining to this subsection; or

''(bb) cooperated or sought to cooperate with the requirements under this subsection or any rule or regulation pertaining to this subsection.

''(II) In this subparagraph, the term 'employee' includes—

''(aa) a current employee;

''(bb) a former employee; and

''(cc) an applicant for employment.

''(III) An employer that violates this clause shall be liable to the employee harmed by such violation for lost wages and benefits.''; and

(5) in clause (v)—

(A) by inserting ''(I)'' after ''(v)''; and

(B) by adding at the end the following:

''(II) Upon the termination of an H–1B nonimmigrant's employment on account of such alien's disclosure of information or cooperation in an investigation described in clause (iv), the nonimmigrant stay of any beneficiary and any dependents listed on the beneficiary's petition will be authorized and the alien will not accrue any period of unlawful presence under section 212(a)(9) for a 90-day period or until the expiration of the authorized validity period, whichever comes first, following the date of such termination for the purpose of departure or extension of nonimmigrant status based upon a subsequent offer of employment.''; and

(6) in clause (vi)—

(A) by amending subclause (I) to read as follows:

''(I) It is a violation of this clause for an employer that has filed an application under this subsection—

''(aa) to require an H–1B nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date agreed to by the nonimmigrant and the employer; or

''(bb) to fail to offer to an H–1B nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(AA) the opportunity to participate in health, life, disability, and other insurance plans;

''(BB) the opportunity to participate in retirement and savings plans; and

''(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''; and

(B) in subclause (III), by striking ''$1,000'' and inserting ''$5,000''.

SEC. 4203. WAIVER REQUIREMENTS.

(a) IN GENERAL.—Section 212(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(E)) is amended to read as follows:

''(E)(i) The Secretary of Labor may waive the prohibition under paragraph (1)(F) if the Secretary determines that the employer seeking such waiver has established that—

''(I) the employer with which the H–1B nonimmigrant would be placed—

''(aa) will not at any time displace a United States worker with 1 or more H–1B nonimmigrants; and

''(bb) has not displaced and will not displace a United States worker employed by the employer within the period beginning 180 days before the date of the placement of the nonimmigrant with the employer and ending 180 days after such date (not including any period of on-site or virtual training of H–1B nonimmigrants by employees of the employer);

''(II) the H–1B nonimmigrant will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the H–1B nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with which the H–1B nonimmigrant will be placed.

''(ii) The Secretary shall grant or deny a waiver under this subparagraph not later than seven days after the date on which the Secretary receives an application for such waiver.''.

(b) RULEMAKING.—

(1) RULES FOR WAIVERS.—The Secretary of Labor, after notice and a period for comment, shall promulgate a final rule for an employer to apply for a waiver under section 212(n)(2)(E) of the Immigration and Nationality Act, as amended by subsection (a).

(2) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress, and publish in the Federal Register and in other appropriate media, a notice of the date on which the rules required under paragraph (1) are promulgated.

SEC. 4204. INITIATION OF INVESTIGATIONS.

Section 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(G)) is amended—

(1) in clause (i), by striking ''if the Secretary of Labor'' and all that follows and inserting ''with regard to the employer's compliance with the requirements under this subsection.'';

(2) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary may conduct an investigation into the employer's compliance with the requirements under this subsection.'';

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection unless the Secretary of Labor receives the information not later than 2 years'';

(7) by amending clause (v), as redesignated, to read as follows:

''(v)(I) Except as provided in subclause (II), the Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation under this subparagraph. Such notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced.

''(II) The Secretary of Labor is not required to comply with subclause (I) if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements under this subsection.

''(III) A determination by the Secretary of Labor under this clause shall not be subject to judicial review.'';

(8) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary, not later than 120 days after the date of such determination, shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code.''; and

(9) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty in accordance with subparagraph (C).''.

SEC. 4205. INFORMATION SHARING.

Section 212(n)(2)(H) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(H)) is amended to read as follows:

''(H) The Director of U.S. Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H–1B nonimmigrants as part of the petition adjudication process that indicates that the employer is not complying with visa program requirements for H–1B nonimmigrants. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

SEC. 4206. CONFORMING AMENDMENT.

Section 212(n)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(F)) is amended by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''.

Subtitle C—Other Protections

SEC. 4301. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(3)) is amended to read as follows:

''(3)(A) Not later than 90 days after the date of the enactment of the H–1B and L–1 Visa Reform Act of 2024, the Secretary of Labor shall establish a searchable internet website for posting positions in accordance with paragraph (1)(C) that is available to the public without charge.

''(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the internet website described in subparagraph (A).

''(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out this paragraph.''.

(b) PUBLICATION REQUIREMENT.—The Secretary of Labor shall submit to Congress, and publish in the Federal Register and in other appropriate media, a notice of the date on which the internet website required under section 212(n)(3) of the Immigration and Nationality Act, as amended by subsection (a), will be operational.

(c) APPLICATION.—The amendment made by subsection (a) shall apply to any application filed on or after the date that is 30 days after the date described in subsection (b).

SEC. 4302. TRANSPARENCY AND REPORT ON WAGE SYSTEM.

(a) IMMIGRATION DOCUMENTS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(m) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 21 business days after receiving a written request from a former, current, or prospective employee listed as the beneficiary of an employment-based nonimmigrant petition, the employer who filed such petition shall provide such beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department that is related to an immigrant or nonimmigrant petition filed by the employer for such employee or beneficiary.

''(2) WITHHOLDING OF FINANCIAL OR PROPRIETARY INFORMATION.—If a document required to be provided to an employee or prospective employee under paragraph (1) includes any sensitive financial or proprietary information of the employer, the employer may redact such information from the copies provided to such person.''.

(b) GAO REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report that—

(1) analyzes the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system;

(2) specifically addresses whether the systems in place accurately reflect the complexity of current job types and geographic wage differences; and

(3) makes recommendations concerning necessary updates and modifications.

SEC. 4303. REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this division, is further amended by adding at the end the following:

''(s) REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.—

''(1) IN GENERAL.—Upon issuing a visa to an applicant, who is outside the United States, for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15), the issuing office shall provide the applicant with—

''(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections;

''(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights; and

''(C) a copy of the petition submitted for the nonimmigrant under section 212(n) or the petition submitted for the nonimmigrant under subsection (c)(2)(A), as appropriate.

''(2) APPLICANTS INSIDE THE UNITED STATES.—Upon the approval of an initial petition filed for an alien who is in the United States and seeking status under subparagraph (H)(i)(b) or (L) of section 101(a)(15), the Secretary of Homeland Security shall provide the applicant with the material described in subparagraphs (A), (B), and (C) of paragraph (1).''.

SEC. 4304. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire up to 200 additional employees to administer, oversee, investigate, and enforce programs involving nonimmigrant employees described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

(b) SOURCE OF FUNDS.—The cost of hiring the additional employees authorized to be hired under subsection (a) shall be recovered with funds from the H–1B Administration, Oversight, Investigation, and Enforcement Account established under section 212(n)(6) of the Immigration and Nationality Act, as added by section 107.

SEC. 4305. TECHNICAL CORRECTION.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled ''An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998'' (Public Law 108–449; 118 Stat. 3470), as subsection (u).

SEC. 4306. APPLICATION.

Except as specifically otherwise provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

TITLE II—L–1 VISA FRAUD AND ABUSE PROTECTIONS

SEC. 4401. PROHIBITION ON DISPLACEMENT OF UNITED STATES WORKERS AND RESTRICTING OUTPLACEMENT OF L–1 NONIMMIGRANTS.

(a) RESTRICTION ON OUTPLACEMENT OF L–1 WORKERS.—Section 214(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)) is amended to read as follows:

''(F)(i) Unless an employer receives a waiver under clause (ii), an employer may not employ an alien, for a cumulative period exceeding 1 year, who—

''(I) will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L); and

''(II) will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent, including pursuant to an outsourcing, leasing, or other contracting agreement.

''(ii) The Secretary of Labor may grant a waiver of the requirements under clause (i) if the Secretary determines that the employer requesting such waiver has established that—

''(I) the employer with which the alien referred to in clause (i) would be placed—

''(aa) will not at any time displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) with 1 or more nonimmigrants described in section 101(a)(15)(L); and

''(bb) has not displaced and will not displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) employed by the employer within the period beginning 180 days before the date of the placement of such alien with the employer and ending 180 days after such date (not including any period of on-site or virtual training of nonimmigrants described in section 101(a)(15)(L) by employees of the employer);

''(II) such alien will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for an unaffiliated employer with which the nonimmigrant will be placed, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

''(iii) The Secretary shall grant or deny a waiver under clause (ii) not later than seven days after the date on which the Secretary receives the application for the waiver.''.

(b) PROHIBITION ON DISPLACEMENT OF UNITED STATES WORKERS.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

''(G)(i) An employer importing an alien as a nonimmigrant under section 101(a)(15)(L)—

''(I) may not at any time displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) with 1 or more such nonimmigrants; and

''(II) may not displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) employed by the employer during the period beginning 180 days before and ending 180 days after the date of the placement of such a nonimmigrant with the employer.

''(ii) The 180-day periods referenced in clause (i) may not include any period of on-site or virtual training of nonimmigrants described in clause (i) by employees of the employer.''.

(c) RULEMAKING.—The Secretary of Homeland Security, after notice and a period for comment, shall promulgate rules for an employer to apply for a waiver under section 214(c)(2)(F)(ii), as added by subsection (a).

SEC. 4402. L–1 EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 4401, is further amended by adding at the end the following:

''(H)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or to be employed in, a new office, the petition may be approved for up to 12 months only if—

''(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

''(II) the employer operating the new office has—

''(aa) an adequate business plan;

''(bb) sufficient physical premises to carry out the proposed business activities; and

''(cc) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, for the entire period beginning on the date on which the petition was approved under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods and services;

''(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

''(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new office; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) A new office employing the beneficiary of an L–1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services for the entire period for which the petition is sought.

''(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion.''.

SEC. 4403. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 4401 and 4402, is further amended by adding at the end the following:

''(I) The Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country for purposes of approving petitions under this paragraph.''.

SEC. 4404. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L–1 EMPLOYERS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 4401 through 4403, is further amended by adding at the end the following:

''(J)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements under this subsection.

''(ii) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide the interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (L).

''(viii)(I) The Secretary may conduct surveys of the degree to which employers comply with the requirements under this section.

''(II) The Secretary shall—

''(aa) conduct annual compliance audits of not less than 1 percent of the employers that

employ nonimmigrants described in section 101(a)(15)(L) during the applicable fiscal year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L); and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(ix) The Secretary is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with the terms and conditions under this paragraph. The rights and remedies provided to nonimmigrants described in section 101(a)(15)(L) under this paragraph are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of such nonimmigrants, and are not intended to alter or affect such rights and remedies.''.

SEC. 4405. WAGE RATE AND WORKING CONDITIONS FOR L–1 NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 4401 through 4404, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time in excess of 1 year shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median wage for all workers in the occupational classification in the area of employment; and

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed by the employer or by an employer with which such nonimmigrant is placed pursuant to a waiver under subparagraph (F)(ii).

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more such nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) to require such a nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) to fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''.

(b) RULEMAKING.—The Secretary of Homeland Security, after notice and a period of comment and taking into consideration any special circumstances relating to intracompany transfers, shall promulgate rules to implement the requirements under section 214(c)(2)(K) of the Immigration and Nationality Act, as added by subsection (a).

SEC. 4406. PENALTIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 4401 through 4405, is further amended by adding at the end the following:

''(L)(i) If the Secretary of Homeland Security determines, after notice and an opportunity for a hearing, that an employer failed to meet a condition under subparagraph (F), (G), (K), or (M), or misrepresented a material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications filed with respect to that employer during a period of at least 1 year for 1 or more aliens to be employed as such nonimmigrants by the employer; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

''(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (K), or (M) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications filed with respect to that employer during a period of at least 2 years for 1 or more aliens to be employed as such nonimmigrants by the employer; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.''.

SEC. 4407. PROHIBITION ON RETALIATION AGAINST L–1 NONIMMIGRANTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 4401 through 4406, is further amended by adding at the end the following:

''(M)(i) An employer that has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) violates this subparagraph by taking, failing to take, or threatening to take or fail to take, a personnel action, or intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements under this subsection, or any rule or regulation pertaining to this subsection.

''(ii) Upon termination of the employment of an alien described in section 101(a)(15)(L) on account of actions by such alien described in subclauses (I) and (II) of clause (i), such alien's nonimmigrant stay and the stay of any beneficiary and any dependents listed on the beneficiary's petition or application will be authorized and the aliens will not accrue any period of unlawful presence under section 212(a)(9) for a 90-day period or upon the expiration of the authorized validity period, whichever comes first, following the date of such termination for the purpose of departure or extension of nonimmigrant status based upon a subsequent offer of employment.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 4408. ADJUDICATION BY DEPARTMENT OF HOMELAND SECURITY OF PETITIONS UNDER BLANKET PETITION.

(a) IN GENERAL.—Section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)) is amended to read as follows:

''(A) The Secretary of Homeland Security shall establish a procedure under which an importing employer that meets the requirements established by the Secretary may file a blanket petition with the Secretary to authorize aliens to enter the United States as nonimmigrants described in section 101(a)(15)(L) instead of filing individual petitions under paragraph (1) on behalf of such aliens. Such procedure shall permit—

''(i) the expedited adjudication by the Secretary of Homeland Security of individual petitions covered under such blanket petitions; and

''(ii) the expedited processing by the Secretary of State of visas for admission of aliens covered under such blanket petitions.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. 4409. REPORTS ON EMPLOYMENT-BASED NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended to read as follows—

''(8) The Secretary of Homeland Security or Secretary of State, as appropriate, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes, with respect to petitions under subsection (e) and each subcategory of subparagraphs (H), (L), (O), (P), and (Q) of section 101(a)(15)—

''(A) the number of such petitions (or applications for admission, in the case of applications by Canadian nationals seeking admission under subsection (e) or section 101(a)(15)(L)) which have been filed;

''(B) the number of such petitions which have been approved and the number of workers (by occupation) included in such approved petitions;

''(C) the number of such petitions which have been denied and the number of workers (by occupation) requested in such denied petitions;

''(D) the number of such petitions which have been withdrawn;

''(E) the number of such petitions which are awaiting final action;

''(F) the number of aliens in the United States under each subcategory under section 101(a)(15)(H); and

''(G) the number of aliens in the United States under each subcategory under section 101(a)(15)(L).''.

(b) NONIMMIGRANT CHARACTERISTICS REPORT.—Section 416(c) of the American Competitiveness and Workforce Improvement Act of 1998 (8 U.S.C. 1184 note) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) ANNUAL H–1B NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b));

''(ii) a list of all employers who petitioned for H–1B workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of H–1B nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of H–1B nonimmigrants;

''(B) a list of all employers for whom more than 15 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(C) a list of all employers for whom more than 50 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(D) a gender breakdown by occupation and by country of origin of H–1B nonimmigrants;

''(E) a list of all employers who have been granted a waiver under section 214(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1184(n)(2)(E)); and

''(F) the number of H–1B nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country.'';

(2) by redesignating paragraph (3) as paragraph (5);

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

''(3) ANNUAL L–1 NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L));

''(ii) a list of all employers who petitioned for L–1 workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of L–1 nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of L–1 nonimmigrants;

''(B) a gender breakdown by occupation and by country of L–1 nonimmigrants;

''(C) a list of all employers who have been granted a waiver under section 214(c)(2)(F)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)(ii));

''(D) the number of L–1 nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country;

''(E) the number of applications that have been filed for each subcategory of nonimmigrant described under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), based on an approved blanket petition under section 214(c)(2)(A) of such Act; and

''(F) the number of applications that have been approved for each subcategory of nonimmigrant described under such section 101(a)(15)(L), based on an approved blanket petition under such section 214(c)(2)(A).

''(4) ANNUAL H–1B EMPLOYER SURVEY.—The Secretary of Labor shall—

''(A) conduct an annual survey of employers hiring foreign nationals under the H–1B visa program; and

''(B) issue an annual report that—

''(i) describes the methods employers are using to meet the requirement under section 212(n)(1)(G)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(G)(i)) of taking good faith steps to recruit United States workers for the occupational classification for which the nonimmigrants are sought, using procedures that meet industry-wide standards;

''(ii) describes the best practices for recruiting among employers; and

''(iii) contains recommendations on which recruiting steps employers can take to maximize the likelihood of hiring American workers.''; and

(4) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

SEC. 4410. SPECIALIZED KNOWLEDGE.

Section 214(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(B)) is amended to read as follows:

''(B)(i) For purposes of section 101(a)(15)(L), the term 'specialized knowledge'—

''(I) means knowledge possessed by an individual whose advanced level of expertise and proprietary knowledge of the employer's product, service, research, equipment, techniques, management, or other interests of the employer are not readily available in the United States labor market;

''(II) is clearly unique from those held by others employed in the same or similar occupations; and

''(III) does not apply to persons who have general knowledge or expertise which enables them merely to produce a product or provide a service.

''(ii)(I) The ownership of patented products or copyrighted works by a petitioner under section 101(a)(15)(L) does not establish that a particular employee has specialized knowledge. In order to meet the definition under clause (i), the beneficiary shall be a key person with knowledge that is critical for performance of the job duties and is protected from disclosure through patent, copyright, or company policy.

''(II) Unique procedures are not proprietary knowledge within this context unless the entire system and philosophy behind the procedures are clearly different from those of other firms, they are relatively complex, and they are protected from disclosure to competition.''.

SEC. 4411. TECHNICAL AMENDMENTS.

(a) DELEGATION OF AUTHORITY.—Section 212(n)(5)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(5)(F)) is amended by striking ''Department of Justice'' and inserting ''Department of Homeland Security''.

(b) PETITIONS FOR CERTAIN NONIMMIGRANT VISAS.—Section 214(c) of such Act (8 U.S.C. 1184(c)) is amended by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''.

SEC. 4412. APPLICATION.

Except as otherwise specifically provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

SA 1500. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—STOPPING BORDER SURGES ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Stopping Border Surges Act''.

TITLE I—UNACCOMPANIED ALIEN CHILDREN

SEC. 4011. 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 paragraph heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(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'';

(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);

(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.)—'';

(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

(iv) in subparagraph (C)—

(I) by amending the subparagraph heading to read as follows: ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(II) in the matter preceding clause (i), by striking ''The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States'' and inserting ''The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

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

''(3) SPECIAL RULES FOR INTERVIEWING UNACCOMPANIED ALIEN CHILDREN.—An unaccompanied alien child shall be interviewed by an immigration officer with specialized training in interviewing child trafficking victims.''; and

(D) in paragraph (6)(D), as redesignated—

(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 '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'' before the semicolon at the end;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''believed not to meet the criteria listed in subsection (a)(2)(A)'' before the semicolon at the end; and

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

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

''(i) INFORMATION TO BE PROVIDED TO THE DEPARTMENT OF HOMELAND SECURITY.—Before placing an unaccompanied alien 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, the following information:

''(I) The name of the individual.

''(II) The Social Security number of the individual, if available.

''(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.

''(VI) Contact information for the individual.

''(ii) SPECIAL RULE.—Not later than 90 days after the date of the enactment of this subparagraph, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security the information listed in clause (i) with respect to any unaccompanied alien child apprehended between January 1, 2021, and such date of enactment who the Secretary of Health and Human Services has placed with an individual.

''(iii) 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 shall—

''(I) if the immigration status of an individual with whom a child is placed is unknown, investigate the immigration status of such individual; and

''(II) upon determining that an individual with whom a child is placed is unlawfully present in the United States, initiate removal proceedings against such individual pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.)''; and

(B) in paragraph (5)—

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

(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 apprehended on or after the date of enactment of this Act.

SEC. 4012. 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) RULE OF 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, and all determinations regarding the detention of such children shall be in the discretion of the Secretary of Homeland Security.

''(2) RELEASE OF MINORS OTHER THAN UNACCOMPANIED ALIENS.—An alien minor who is not an unaccompanied alien child may not be released by the Secretary of Homeland Security other than to a parent or legal guardian who is lawfully present in the United States.

''(3) 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 amendment made by subsection (a) is 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)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to all actions that occur before, on, or after such date of enactment.

(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 1 or more of such children and the parents or legal guardians of such children, that is located in such State, be licensed by the State or by any political subdivision of such State.

SEC. 4013. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE 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''; and

(2) in clause (iii)—

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

(B) in subclause (II), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(III) an alien may not be granted special immigrant juvenile status under this subparagraph if his or her reunification with any parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law;''.

TITLE II—ASYLUM REFORM

SEC. 4021. CLARIFICATION OF ASYLUM ELIGIBILITY.

(a) 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 ''and has arrived in the United States at a port of entry,'' after ''United States''.

(b) ELIGIBILITY.—Section 208(b)(1)(A) of such Act (8 U.S.C. 1158(b)(1)(A)) is amended by inserting ''and is eligible to apply for asylum under subsection (a)'' after ''section 101(a)(42)(A)''.

SEC. 4022. 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 that the alien may be removed'' and inserting the following: ''if the Attorney General or the Secretary of Homeland Security determines that—

''(i) the alien may be removed'';

(2) by striking ''removed, pursuant to a bilateral or multilateral agreement, to'' and inserting ''removed to'';

(3) by inserting '', on a case by case basis,'' before ''finds that'';

(4) by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(ii) 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 judgement 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 younger than 18 years of age; 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 all countries that 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. 4023. APPLICATION TIMING.

Section 208(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(B)) is amended by striking ''1 year'' and inserting ''6 months''.

SEC. 4024. CLARIFICATION OF BURDEN OF PROOF.

Section 208(b)(1)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)(i)) is amended by striking ''at least one central reason'' and inserting ''the central reason''.

SEC. 4025. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.

(a) ASYLUM CREDIBILITY DETERMINATIONS.—Section 208(b)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

(b) RELIEF FOR REMOVAL CREDIBILITY DETERMINATIONS.—Section 240(c)(4)(C) of such Act (8 U.S.C. 1229a(c)(4)(C)) is amended by inserting '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials'' after ''all relevant factors''.

SEC. 4026. ADDITIONAL EXCEPTION.

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

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien's country of nationality or, if stateless, another part of the alien's country of last habitual residence.''.

SEC. 4027. JURISDICTION OF ASYLUM APPLICATIONS.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by striking subparagraph (C).

SEC. 4028. RENUNCIATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.

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

''(4) RENUNCIATION OF STATUS PURSUANT TO RETURN TO HOME COUNTRY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any alien who is granted asylum status under this Act, who, absent changed country conditions, subsequently returns to the country of such alien's nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated.

''(B) WAIVER.—The Secretary has discretion to waive subparagraph (A) if it is established to the satisfaction of the Secretary that the alien had a compelling reason for the return. The waiver may be sought prior to departure from the United States or upon return.''.

(b) CONFORMING AMENDMENT.—Section 208(c)(3) of such Act (8 U.S.C. 1158(c)(3)) is amended by inserting ''or (4)'' after ''paragraph (2)''.

SEC. 4029. CLARIFICATION REGARDING EMPLOYMENT ELIGIBILITY.

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

(1) by striking ''prior to 180 days'' and inserting ''before the date that is 1 year''; and

(2) by inserting ''and the authorization shall expire 6 months after the date on which it is granted'' before the period at the end.

SEC. 4030. 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 at the end 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 to read as follows:

''(6) FRIVOLOUS APPLICATIONS.—

''(A) CONSEQUENCE.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum after receiving the written warning required under paragraph (4)(C), such alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) DETERMINATION.—An application shall be considered frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) the application 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) OPPORTUNITY TO CLARIFY CLAIM.—An application may not be considered frivolous under this paragraph unless the Secretary or the Attorney General are satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the applicant's claim.

''(D) WITHHOLDING OF REMOVAL.—A determination under this paragraph that an alien filed a frivolous asylum application shall not preclude such alien from seeking withholding of removal under section 241(b)(3) or protection pursuant to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.''.

SEC. 4031. 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 ''claim'' and all that follows, and inserting ''claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208, and it is more probable than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 4032. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that—

(1) questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a uniform manner, to the extent possible; and

(2) such questions and the answers provided in response to such questions are recorded in a uniform manner.

(b) CREDIBLE FEAR INTERVIEW CHECKLISTS.—The Secretary of Homeland Security shall—

(1) provide a checklist of standard questions and concepts to be addressed in all interviews required under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) to immigration officers exercising decision-making authority in such interviews;

(2) routinely update such checklist to include relevant changes to law and procedures; and

(3) require all immigration officers utilizing such checklists to provide concise justifications of their decisions regardless of whether credible fear was or was not established by the alien.

(c) FACTORS RELATING TO SWORN STATEMENTS.—To the extent practicable, any sworn or signed written statement taken from an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for such sworn statement.

(d) INTERPRETERS.—The Secretary of Homeland Security shall ensure the use of a competent interpreter who is not affiliated with the government of the country from which the alien may claim asylum if the interviewing officer does not speak a language understood by the alien.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—All interviews of aliens subject to expedited removal shall be recorded (either by audio or by audio visual). Such recordings shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving such aliens.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to create—

(1) any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person; or

(2) any right of review in any administrative, judicial, or other proceeding.

SEC. 4033. PENALTIES FOR ASYLUM FRAUD.

Section 1001 of title 18, United States Code, is amended by adding at the end the following:

''(d) Any person who, in any matter before the Secretary of Homeland Security or the

Attorney General pertaining to asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or withholding of removal under section 241(b)(3) of such Act (8 U.S.C. 1231(b)(3)), knowingly and willfully—

''(1) makes any materially false, fictitious, or fraudulent statement or representation; or

''(2) makes or uses any false writings or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry,

shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 4034. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.

Section 3291 of title 18, United States Code, is amended—

(1) by striking ''1544,'' and inserting ''1544, and section 1546,''; and

(2) by inserting ''or within 10 years after the fraud is discovered'' before the period at the end.

SEC. 4035. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act, as amended by this title, is further 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 (b)(2), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(3) 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

(4) in subsection (d)—

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

(B) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(C) 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''.

SA 1501. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SCRUTINY OF VISAS FOR CHINESE COMMUNIST PARTY MEMBERS.

(a) INADMISSIBILITY.—Section 212(a)(3)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(D)) is amended—

(1) in the subparagraph heading, by striking ''IMMIGRANT MEMBERSHIP'' and inserting ''MEMBERSHIP''; and

(2) by adding at the end the following:

''(v) PROHIBITION ON ISSUANCE OF CERTAIN VISAS TO MEMBERS OF THE CHINESE COMMUNIST PARTY.—An alien who is or has been a member of or affiliated with the Chinese Communist Party—

''(I) is inadmissible; and

''(II) shall not be issued a visa as a nonimmigrant described in section 101(a)(15)(B).''.

(b) APPLICATIONS FOR VISA EXTENSIONS.—With respect to applications to extend visas issued to nonimmigrants described in section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) through enrollment in the Electronic Visa Update System or any successor system—

(1) the Commissioner of U.S. Customs and Border Protection shall ensure that such system has a functionality for determining whether an applicant is a covered alien; and

(2) in the case of an applicant determined to be a covered alien, the applicant's request for enrollment shall be denied.

(c) CANCELLATION OF VISAS AUTHORIZED.—

(1) IN GENERAL.—On encountering a covered alien who is in possession of a valid, unexpired visa issued under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)), the Commissioner of U.S. Customs and Border Protection shall cancel such visa.

(2) ROLE OF BUREAU OF CONSULAR AFFAIRS.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary for Consular Affairs shall—

(A) cancel all nonimmigrant visas issued to covered aliens under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)); and

(B) update the Consular Consolidated Database and the Consular Lookout and Support System to reflect such cancellations.

(3) REMEDY.—The sole legal remedy available to an alien whose visa has been cancelled under this subsection shall be to submit a new application for a visa in accordance with the procedures established by the Bureau of Consular Affairs.

(d) DEFINITION OF COVERED ALIEN.—In this section, the term ''covered alien'' means an alien who is or has been a member of or affiliated with the Chinese Communist Party.

SA 1502. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—IMMIGRATION PAROLE REFORM

SECTION ___1. SHORT TITLE.

This title may be cited as the ''Immigration Parole Reform Act of 2024''.

SEC. ___2. 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) 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 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 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 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 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.

''(E) 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 through the normal visa process.

''(F) 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'.

''(G) 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), and (E).

''(H) 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.

''(I) 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.

''(J)(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) or (E) 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 (D) or (E) 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.

''(K) 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. ___3. 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)—

(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)(I) of the Immigration and Nationality Act, as added by section 2(b), shall take effect on the date of the enactment of this Act; and

(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. ___4. 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.

SEC. ___5. 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.

SA 1503. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. INVESTIGATION AND REPORT ON VETTING AND PROCESSING OF ILLEGAL ALIENS APPREHENDED ALONG THE SOUTHWEST BORDER AND ENSURING THAT ALL LAWS ARE BEING UPHELD.

Not less frequently than every 60 days until there have been fewer than 35,000 apprehensions per month at the southwest border for 3 consecutive months, the Inspector General of the Department of Homeland Security shall conduct an investigation and submit a report and provide a briefing to the President, the Secretary of Homeland Security, the Attorney General, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives regarding, with respect to the period beginning on January 20, 2021—

(1) the vetting procedures applicable to aliens (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))) seeking entry or admission to the United States who were apprehended along the southwest border of the United States, including the process for conducting in-person interviews with such aliens and the number of such interviews that were conducted;

(2) the total number of aliens who are unlawfully present in the United States (referred to in this section as ''illegal aliens'') who were processed and released into the interior of the United States;

(3) the number of illegal aliens who received parole (humanitarian or otherwise);

(4) the results of the audit of parole applications, including the justification for any instances in which parole was granted;

(5) the total number of illegal aliens who have been placed in removal proceedings pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a), including—

(A) how many of such illegal aliens have been removed; and

(B) how many of such illegal aliens are eligible for any immigration benefit, such as asylum or lawful permanent residence;

(6) the results of the audit of asylum application under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

(7) the total number of illegal aliens who have been placed in expedited removal proceedings pursuant to section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)), including how many have been removed;

(8) the efforts of the Department of Homeland Security to continually monitor all of the illegal aliens who were apprehended along the southwest border of the United States and then released on parole, including—

(A) the number of such illegal aliens who were given a ''notice to report'' to a U.S. Immigration and Customs Enforcement office;

(B) the number of such illegal aliens who actually reported in compliance with such notice to report;

(C) the number of such illegal aliens who were given a ''notice to appear'' before an immigration judge; and

(D) the number of such illegal aliens who have prior criminal convictions or terms of imprisonment in the United States or outside of the United States;

(9) the total number of illegal aliens who were processed and released into the interior of the United States without participating in an alternatives to detention program, such as using an ankle monitor or another tracking monitor; and

(10) the States and counties in which the Department of Homeland Security or the Department of Health and Human Services has resettled illegal aliens since January 20, 2021.

SA 1504. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the

eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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 unexpired 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.

SA 1505. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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''; and

(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 manportable 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.''.

SA 1506. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

(a) SECURE COMMUNICATIONS.—The of Commissioner of U.S. Customs and Border Protection 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).

SA 1507. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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 of U.S. Customs and Border Protection 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 released 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.

SA 1508. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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 released upon arrival, from the southwest border to destinations within the United States.

SA 1509. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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.

SA 1510. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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.''.

SA 1511. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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.

SA 1512. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.

None of the amounts appropriated or otherwise made available by this Act may be made available to the Deparftment of Homeland Security 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.

SA 1513. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than seven days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection 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 U.S. Customs and Border Protection (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).

SA 1514. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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.

SA 1515. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION AGAINST ANY COVID–19 VACCINE MANDATE OR ADVERSE ACTION AGAINST DHS EMPLOYEES.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary of Homeland Security 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 of Homeland Security 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.

SA 1516. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.

(a) OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.—None of the amounts appropriated or otherwise made available by this Act may be made available for the Alternatives to Detention Case Management Pilot Program 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.—None of the amounts appropriated or otherwise made available by this Act may be made available 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.—None of the amounts appropriated or otherwise made available by this Act may be made available for the Shelter Services Program for U.S. Customs and Border Protection.

SA 1517. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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.''.

SA 1518. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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.''.

SA 1519. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. 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),''.

SA 1520. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—STOP DANGEROUS SANCTUARY CITIES ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Stop Dangerous Sanctuary Cities Act''.

SEC. 4002. ENSURING COOPERATION BETWEEN FEDERAL LAW ENFORCEMENT OFFICERS AND STATE AND LOCAL LAW ENFORCEMENT OFFICERS TO SAFEGUARD OUR COMMUNITIES.

(a) AUTHORITY TO COOPERATE WITH FEDERAL OFFICIALS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(1) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(2) with regard to actions taken to comply with the detainer, shall have all authority available to officers and employees of the Department of Homeland Security.

(b) LEGAL PROCEEDINGS.—In any legal proceeding brought against a State, a political subdivision of State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(1) no liability shall lie against the State or political subdivision of a State for actions taken in compliance with the detainer; and

(2) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(A) the officer, employee, or agent shall be deemed—

(i) to be an employee of the Federal Government and an investigative or law enforcement officer; and

(ii) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(B) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(C) the United States shall be substituted as defendant in the proceeding.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual.

SEC. 4003. SANCTUARY JURISDICTION DEFINED.

(a) IN GENERAL.—Except as provided under subsection (b), for purposes of this division, the term ''sanctuary jurisdiction'' means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—

(1) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual; or

(2) complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual.

(b) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on its having a policy whereby its officials will not share information regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.

SEC. 4004. SANCTUARY JURISDICTIONS INELIGIBLE FOR CERTAIN FEDERAL FUNDS.

(a) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—

(1) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—Section 201(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)) is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the area in which the project is to be carried out is not a sanctuary jurisdiction (as defined in section 4003 of the Stop Dangerous Sanctuary Cities Act).''.

(2) GRANTS FOR PLANNING AND ADMINISTRATIVE EXPENSES.—Section 203(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(a)) is amended by adding at the end the following: ''A sanctuary jurisdiction (as defined in section 4003 of the Stop Dangerous Sanctuary Cities Act) may not be deemed an eligible recipient under this subsection.''.

(3) SUPPLEMENTARY GRANTS.—Section 205(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(a)) is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3)(B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) will be carried out in an area that does not contain a sanctuary jurisdiction (as defined in section 4003 of the Stop Dangerous Sanctuary Cities Act).''.

(4) GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—Section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147) is amended by adding at the end the following:

''(c) INELIGIBILITY OF SANCTUARY JURISDICTIONS.—Grant funds authorized under this section may not be used to provide assistance to a sanctuary jurisdiction (as defined in section 4003 of the Stop Dangerous Sanctuary Cities Act).''.

(b) COMMUNITY DEVELOPMENT BLOCK GRANTS.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(1) in section 102(a) (42 U.S.C. 5302(a)), by adding at the end the following:

''(25) The term 'sanctuary jurisdiction' has the meaning provided in section 4003 of the Stop Dangerous Sanctuary Cities Act.''; and

(2) in section 104(b) (42 U.S.C. 5304(b))—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and''; and

(3) in section 106 (42 U.S.C. 5306), by adding at the end the following:

''(g) PROTECTION OF INDIVIDUALS AGAINST CRIME.—

''(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction.

''(2) RETURNED AMOUNTS.—

''(A) STATE.—If a State is a sanctuary jurisdiction during the period for which it receives amounts under this title, the Secretary—

''(i) shall direct the State to immediately return to the Secretary any such amounts that the State received for that period; and

''(ii) shall reallocate amounts returned under clause (i) for grants under this title to other States that are not sanctuary jurisdictions.

''(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which it receives amounts under this title, any such amounts that the unit of general local government received for that period—

''(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary for grants under this title to States and other units of general local government that are not sanctuary jurisdictions; and

''(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State for grants under this title to other units of general local government in the State that are not sanctuary jurisdictions.

''(C) REALLOCATION RULES.—In reallocating amounts under subparagraphs (A) and (B), the Secretary—

''(i) shall apply the relevant allocation formula under subsection (b), with all sanctuary jurisdictions excluded; and

''(ii) shall not be subject to the rules for reallocation under subsection (c).''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

SA 1521. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend

title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The United States Government shall use its veto authority if the United Nations Security Council tries to admit Palestine as a full United Nations member state.

SA 1522. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available by this Act may be made available for the transportation, acceptance, or resettlement of refugees from Gaza to the United States.

SA 1523. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available by this Act may be made available to any organization that operates in Gaza.

SA 1524. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The Department of State may not recognize Palestine as a state.

SA 1525. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available by this Act for assistance for Ukraine may be made available unless and to the extent European Union allies match such assistance.

SA 1526. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available by this Act may be made for United States Agency for International Development assistance for Gaza.

SA 1527. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—EQUAL REPRESENTATION ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Equal Representation Act''.

SEC. 4002. CITIZENSHIP STATUS ON DECENNIAL CENSUS.

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g)(1) In conducting the 2030 decennial census and each decennial census thereafter, the Secretary shall include in any questionnaire distributed or otherwise used for the purpose of determining the total population by States a checkbox or other similar option for the respondent to indicate, for the respondent and for each of the members of the household of the respondent, whether that individual is—

''(A) a citizen of the United States;

''(B) a national of the United States but not a citizen of the United States;

''(C) an alien lawfully residing in the United States; or

''(D) an alien unlawfully residing in the United States.

''(2) Not later than 120 days after completion of a decennial census of the population under subsection (a), the Secretary shall make publicly available the number of persons per State, disaggregated by each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1), as tabulated in accordance with this section.''.

SEC. 4003. EXCLUSION OF NONCITIZENS FROM NUMBER OF PERSONS USED TO DETERMINE APPORTIONMENT OF REPRESENTATIVES AND NUMBER OF ELECTORAL VOTES.

(a) EXCLUSION.—Section 22(a) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by inserting after ''not taxed'' the following: ''and individuals who are not citizens of the United States''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the apportionment of Representatives carried out pursuant to the decennial census conducted during 2030 and any succeeding decennial census.

SEC. 4004. SEVERABILITY CLAUSE.

If any provision of this division or amendment made by this division, or the application thereof to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this division and amendments made by this division, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

SA 1528. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—SOUTHER BORDER TRANSPARENCY ACT OF 2024

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Southern Border Transparency Act of 2024''.

SEC. 4002. MONTHLY PUBLICATION OF PAROLE AT PORTS OF ENTRY.

Not later than 30 days after the date of the enactment of this Act, and monthly thereafter, the Commissioner of U.S. Customs and Border Protection shall publish on the U.S. Customs and Border Protection website, with respect to the applicable reporting period—

(1) the number of aliens granted parole under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) at each United States port of entry;

(2) the number of aliens encountered between land ports of entry who were subsequently granted parole, disaggregated by the U.S. Border Patrol sector;

(3) the citizenship or nationality of the aliens described in paragraphs (1) and (2); and

(4) the demographic category of the aliens described in paragraphs (1) and (2), including—

(A) accompanied minors;

(B) aliens granted parole as part of a family unit;

(C) single adults; and

(D) unaccompanied alien children.

SEC. 4003. QUARTERLY REPORT ON PROCESSING ALIENS AT SOUTHERN BORDER PORTS OF ENTRY.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Homeland Security shall—

(1) submit a report containing the information described in subsection (b) to—

(A) the Committee on the Judiciary of the Senate;

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

(C) the Committee on the Judiciary of the House of Representatives; and

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

(2) post such report on the Department of Homeland Security website.

(b) CONTENTS.—The report required under subsection (a) shall include, with respect to the applicable reporting period—

(1) the number of aliens apprehended or otherwise encountered—

(A) at each port of entry along the southern border of the United States; and

(B) within each U.S. Border Patrol sector along the southern border of the United States;

(2) the number of aliens described in paragraph (1), disaggregated by—

(A) citizenship or nationality;

(B) demographic categories, including accompanied minors, aliens granted parole as part of a family unit, single adults, and unaccompanied alien children;

(C) those who were granted voluntary departure;

(D) those who were placed into expedited removal proceedings; and

(E) those who entered into a process or outcome not described in subparagraph (C) or (D), including a description of such process or outcome;

(3) the number of aliens described in paragraph (2)(D), disaggregated by the number of such aliens who received a credible fear screening interview pursuant to section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) or a reasonable fear screening interview;

(4) the number of aliens described in paragraph (3), disaggregated by—

(A) the number of aliens determined to have a credible fear of persecution or a reasonable fear of persecution; and

(B) the number of aliens determined not to have a credible fear of persecution or a reasonable fear of persecution;

(5) the number of aliens described in paragraph (4)(A), disaggregated by the number of aliens detained pursuant to section 235(b)(1)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(iii)(IV));

(6) the number of aliens described in paragraph (4)(B), disaggregated by—

(A) those who were removed from the United States;

(B) those who were detained pending removal; and

(C) those who are not described in subparagraph (A) or (B); and

(7) a description of any actions taken against the aliens described in paragraph (6)(C).

SEC. 4004. QUARTERLY REPORT ON PAROLE REQUESTS PROCESSED BY U.S. CITIZENSHIP AND IMMIGRATION SERVICES.

Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Director of U.S. Citizenship and Immigration Services shall publish, on the U.S. Citizenship and Immigrations Services website—

(1) the number of petitions for parole submitted to U.S. Citizenship and Immigration Services pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(2) the number of such petitions that were granted by U.S. Citizenship and Immigration Services, disaggregated by the nationality of the petitioner.

SEC. 4005. ANNUAL REPORT ON ALIENS PAROLED INTO THE UNITED STATES.

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1182 note) is amended to read as follows:

''(b) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that identifies the number of aliens paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), disaggregated by those who are—

''(A) of a particular nationality;

''(B) single adults;

''(C) traveling in a family group;

''(D) children accompanied by an adult family member; or

''(E) unaccompanied alien minors.

''(2) CONTENTS.—Each report required under paragraph (1) shall include—

''(A) the total number of aliens paroled into the United States during the fiscal year immediately preceding the fiscal year in which such report is submitted, disaggregated by—

''(i) citizenship or nationality; and

''(ii) demographic categories, including accompanied minors, aliens granted parole as part of a family unit, single adults, and unaccompanied alien children;

''(B) for each fiscal year for which the Department of Homeland Security reports the information described in subparagraph (A) regarding aliens described in such subparagraph—

''(i) the number of such aliens who were granted employment authorization;

''(ii) the number of aliens described in clause (i) who had valid employment authorization at the end of the previous fiscal year;

''(iii) the number of such aliens whose parole has not ended, including those who exited the United States during the previous fiscal year;

''(iv) the number of such aliens whose status was adjusted, disaggregated by status type;

''(v) the number of such aliens for whom parole was extended, including those who exited the United States;

''(vi) the number of such aliens for whom the duration of parole expired, including those who exited the United States; and

''(vii) the number of aliens who returned to Department of Homeland Security custody from which they were paroled, disaggregated by the categories listed in subparagraphs (A) through (E) of paragraph (1).''.

SA 1529. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE V—EMPOWERING LAW ENFORCEMENT

SEC. 501. SHORT TITLE.

This title may be cited as the ''Empowering Law Enforcement Act of 2024''.

SEC. 502. DEFINED TERM.

In this title, the term ''State'' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 503. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out their law enforcement duties. This State authority has never been displaced or preempted by Federal law.

SEC. 504. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the National Crime Information Center of the Department of Justice (referred to in this section as the ''NCIC'') any information in the possession of the Secretary related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement;

(C) any alien who has remained in the United States beyond the alien's authorized period of stay; and

(D) any alien whose visa has been revoked.

(2) REQUIREMENT TO PROVIDE AND USE INFORMATION.—The NCIC shall enter the information submitted pursuant to paragraph (1) into the Immigration Violators File of the NCIC database regardless of whether—

(A) the alien received notice of a final order of removal;

(B) the alien has already been removed; or

(C) sufficient identifying information is available for the alien, such as a physical description of the alien.

(b) INCLUSION OF INFORMATION ABOUT IMMIGRATION LAW VIOLATIONS IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation, sufficient identifying information is available for the alien, or the alien has already been removed; and.''.

(c) PERMISSION TO DEPART VOLUNTARILY.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in subsection (a)(2)(A), by striking ''120 days'' and inserting ''30 days''.

SEC. 505. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 240C the following:

''SEC. 240D. TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY.

''(a) DEFINED TERM.—In this section, the term 'illegal alien' means an alien who—

''(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

''(2) after entering the United States with inspection at a time and place designated by the Secretary of Homeland Security, was granted parole into the United States;

''(3) was admitted as a nonimmigrant and, at the time the alien was taken into custody by the State or political subdivision, had failed—

''(A) to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

''(B) to comply with the conditions of the status described in subparagraph (A);

''(4) was admitted as an immigrant and subsequently failed to comply with the requirements of such status; or

''(5) failed to depart the United States as required under a voluntary departure agreement or under a final order of removal.

''(b) IN GENERAL.—If a member of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State), exercising authority with respect to the apprehension or arrest of an illegal alien, submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary shall—

''(1)(A) not later than 48 hours after the conclusion of the State charging process or dismissal process (or if no State charging or dismissal process is required, not later than 48 hours after the alien is apprehended), take the alien into the custody of the Federal Government and incarcerate the alien; or

''(B) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for law enforcement entities of such State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.

''(c) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for all reasonable expenses, as determined by the Secretary, incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien under subsection (b)(1).

''(2) COST COMPUTATION.—The amount reimbursed for costs incurred in the detention and transportation of a criminal or illegal alien under subsection (b)(1) shall be equal to the sum of—

''(A) the product of—

''(i) the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of the State (or, as appropriate, a political subdivision of the State); and

''(ii) the number of days that the alien was in the custody of the State or political subdivision; and

''(B) the cost of transporting the criminal or illegal alien from the point of apprehension or arrest to—

''(i) the location of detention; and

''(ii) if the location of detention and of custody transfer are different, to the custody transfer point.

''(d) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities under this section are held in facilities that provide an appropriate level of security.

''(e) SCHEDULE REQUIREMENT.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

''(2) AUTHORITY FOR CONTRACTS.—The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement and detention officials to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 240C the following:

''Sec. 240D. Transfer of illegal aliens from State to Federal custody.''.

SEC. 506. DETENTION OF DANGEROUS ALIENS.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place such term appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) in subparagraph (A), by striking ''90 days'' and inserting ''60 days''; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of—

''(i) the date on which the order of removal becomes administratively final;

''(ii) if the alien is not in the custody of the Secretary of Homeland Security on the date on which the order of removal becomes administratively final, the date on which the alien is taken into such custody; or

''(iii) if the alien is detained or confined (except under an immigration process) on the date on which the order of removal becomes administratively final, the date on which the alien is taken into the custody of the Secretary of Homeland Security after the alien is released from such detention or confinement.

''(C) EXTENSION OF PERIOD.—

''(i) IN GENERAL.—The removal period shall be extended beyond a period of 60 days and the Secretary of Homeland Security may, in the Secretary's sole discretion, keep the alien in detention during such extended period if—

''(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including—

''(aa) making timely application in good faith for travel or other documents necessary for the alien's departure; or

''(bb) conspiring or acting to prevent the removal of an alien that is subject to an order of removal;

''(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

''(III) the Secretary lawfully transfers custody of the alien to another Federal agency or to a State or local government agency in connection with the official duties of such agency; or

''(IV) a court or the Board of Immigration Appeals orders a remand to the immigration judge or to the Board of Immigration Appeals while the case is pending a decision on remand (with the removal period beginning anew on the date on which the alien is ordered removed on remand).

''(ii) RENEWAL.—If the removal period has been extended pursuant to clause (i), a new removal period shall begin on the date on which—

''(I) the alien makes all reasonable efforts to comply with the removal order or to fully cooperate with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order;

''(II) the stay of removal is no longer in effect; or

''(III) the alien is returned to the custody of the Secretary.

''(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—The Secretary shall keep an alien described in section 236(c)(1) in detention during the extended period described in clause (i).

''(iv) SOLE FORM OF RELIEF.—An alien may seek relief from detention under this subparagraph by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(3) in paragraph (3)—

(A) by inserting ''or is not detained pursuant to paragraph (6)'' after ''removal period''; and

(B) in subparagraph (D), by inserting ''in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws'' before the period at the end;

(4) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''in subparagraph (B)''; and

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

''(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal, should be detained or released on conditions.

''(ii) DETERMINATION.—The Secretary of Homeland Security shall determine whether to release an alien after the removal period in accordance with subparagraph (B). Such determination shall include the consideration of any evidence submitted by the alien and may include the consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the sole discretion of the Secretary, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)). An alien whose detention is extended under this subparagraph is not entitled to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the sole discretion of the Secretary, may continue to detain an alien beyond the 90 days authorized under clause (i)—

''(I) until the alien is removed, if the Secretary, in the sole discretion of the Secretary, determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent removal;

''(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, or either—

''(AA) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), of 1 or more crimes identified by the Secretary of Homeland Security by regulation, or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(BB) the alien has committed 1 or more crimes of violence (as defined in section 16 of title 18, United States Code), excluding purely political offenses, and the alien, because of a mental condition or personality disorder and behavior associated with such condition or disorder, is likely to engage in acts of violence in the future; or

''(III) pending a certification under subclause (II), if the Secretary of Homeland Security initiates the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph is not entitled to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew the certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If a Federal court or the Board of Immigration Appeals determines that an alien should be released from detention or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in discretion of the Secretary, may impose conditions on release in accordance with paragraph (3).

''(E) REDETENTION.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the discretion of the Secretary, without any limitations other than those specified in this section, may redetain any alien subject to a final removal order who is released from custody if—

''(I) removal becomes likely in the reasonably foreseeable future;

''(II) the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A); or

''(III) upon reconsideration, the Secretary, in the sole discretion of the Secretary, determines that the alien can be detained under subparagraph (B).

''(ii) APPLICABILITY.—This section shall apply to any alien returned to custody pursuant to this subparagraph as if the removal period terminated on the first day of such redetention.

''(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary of Homeland Security under this paragraph shall not be subject to review by any other agency.''.

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking ''Attorney General'' each place such term appears (except in the second place the term appears in subsection (a)) and inserting ''Secretary of Homeland Security'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General—'';

and

(B) in paragraph (2)(B), by striking ''conditional parole;'' and inserting ''recognizance;'';

(3) in subsection (b), by striking ''parole'' and inserting ''recognizance'';

(4) in subsection (c), by amending paragraph (1) to read as follows:

''(1) CUSTODY.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall take into custody any alien described in paragraph (2) or (3) of section 212(a) or in paragraph (2) or (4) of section 237(a), or who has no lawful status in the United States and has been convicted for driving while intoxicated (including a conviction for driving while under the influence or impaired by alcohol or drugs), any time after the alien is released, regardless of whether the alien—

''(i) is released related to any activity, offense, or conviction described in this paragraph;

''(ii) is released on parole, supervised release, or probation; or

''(iii) may be arrested or imprisoned again for the same offense.

''(B) SUBSEQUENT CUSTODY.—If activity, offense, or conviction described in subparagraph (A) does not result in the alien being taken into custody, the Secretary of Homeland Security shall take such alien into custody—

''(i) when the alien is brought to the attention of the Secretary; or

''(ii) when the Secretary determines it is practical to take such alien into custody.''.

(5) in subsection (e), by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(6) by adding at the end the following:

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, an alien may be detained under this section, and an alien described in subsection (c) shall be detained, without time limitation, except as provided in subsection (g), during the pendency of removal proceedings.

''(2) CONSTRUCTION.—The length of detention under this section shall not affect a detention authorized under section 241.

''(g) RELEASE ON BOND.—

''(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond in an amount that is not less than $10,000. No bond may be granted under this paragraph unless the alien establishes, by clear and convincing evidence, that the alien is not a flight risk or a risk to another person or to the community.

''(2) CERTAIN ALIENS INELIGIBLE.—No alien detained pursuant to subsection (c) may seek release on bond.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (A).—The amendments made by subsection (a) shall take effect upon the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended by subsection (a), shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after such date.

(2) SUBSECTION (B).—The amendments made by subsection (b) shall take effect upon the date of the enactment of this Act, and section 236 of the Immigration and Nationality Act, as amended by subsection (b), shall apply to any alien in detention under provisions of such section on or after such date.

SEC. 507. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) TRAINING MANUAL AND POCKET GUIDE.—

(1) PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish—

(A) a training manual for State and local law enforcement personnel to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States, including—

(i) the transportation of such aliens across State lines to detention centers; and

(ii) the identification of fraudulent documents; and

(B) an immigration enforcement pocket guide for State and local law enforcement personnel to provide a quick reference for such personnel in the course of duty.

(2) AVAILABILITY.—The training manual and pocket guide published pursuant to paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) APPLICABILITY.—Nothing in this subsection may be construed to require State or local law enforcement personnel to keep the training manual or pocket guide with them while on duty.

(4) COSTS.—The Secretary shall be responsible for all costs incurred in the publication of the training manual and pocket guide under this subsection.

(b) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall make training available to State and local law enforcement officers through as many means as possible, including—

(A) residential training at—

(i) the Federal Law Enforcement Training Center (referred to in this subsection as ''FLETC'') of the Department of Homeland Security in Glynco, Georgia; and

(ii) the Center for Domestic Preparedness of the Federal Emergency Management Agency in Anniston, Alabama;

(B) onsite training held at State or local police agencies or facilities;

(C) online training courses by computer, teleconferencing, and videotape; and

(D) recording training courses on DVD.

(2) ONLINE TRAINING.—The head of the FLETC Learning Center shall make training available for State and local law enforcement personnel through the internet using a secure, encrypted distributed learning system that—

(A) has all its servers based in the United States;

(B) is sealable and survivable; and

(C) is capable of having a portal in place not later than 30 days after the date of the enactment of this Act.

(3) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section may not displace the training of Federal personnel.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or in any other provision of law may be construed as making any immigration-related training a requirement for, or a prerequisite to, any State or local law enforcement officer exercising the inherent authority of the officer to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out the law enforcement duties of the officer.

(d) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (2), by adding at the end the following: ''Training described in this paragraph may not exceed 14 days or 80 hours, whichever is longer.''.

SEC. 508. IMMUNITY.

(a) PERSONAL IMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a law enforcement officer of a State or of a political subdivision of a State shall be immune from personal liability arising out of the enforcement of any immigration law to the same extent as a Federal law enforcement officer is immune.

(2) APPLICABILITY.—The immunity provided under paragraph (1) only applies to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer's official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of that agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

SA 1530. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENSURING ONLY CITIZENS ARE REGISTERED TO VOTE IN ELECTIONS FOR FEDERAL OFFICE.

(a) REQUIRING DOCUMENTARY PROOF OF IDENTITY, CITIZENSHIP, AND AGE ELIGIBILITY WITH NATIONAL MAIL VOTER REGISTRATION FORM.—Section 6 of the National Voter Registration Act of 1993 (52 U.S.C. 20505) is amended—

(1) in subsection (a)(1)—

(A) by striking ''Each State shall accept'' and inserting ''Each State shall have the option to accept'';

(B) by striking ''Federal Election Commission'' and inserting ''Election Assistance Commission''; and

(C) by inserting the following before the period at the end: '', provided, that the mail voter registration application form must include documentary proof of the identity, United States citizenship, and eligibility as to age of the applicant'';

(2) in subsection (b), by adding at the end the following: ''All organized voter registration programs shall demonstrate compliance with the provisions of subsection (a) and capability to request and collect documentary proof as described in subsection (a).''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(C) the person has not provided documentary proof of citizenship when registering to vote''; and

(B) in paragraph (2)(A), by inserting the following before the semicolon: '', provided that such person provides to the State or local election office a copy of their valid United States Passport or United States Military identification in order to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act''.

(b) REQUIREMENTS FOR VOTER REGISTRATION AGENCIES.—Section 7 of the National Voter Registration Act of 1993 (52 U.S.C. 20506) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A), by adding at the end the following new clause:

''(iv) Receipt of documentary proof of United States citizenship of each applicant to be registered to vote.'';

(B) in paragraph (5)(C), by inserting the following before the semicolon: '', provided that requiring documentary proof of US citizenship shall not be construed or interpreted as discouraging the applicant from registering to vote'';

(C) in paragraph (6)—

(i) in subparagraph (A)(i)(I), by striking ''(including citizenship)'' and inserting ''and requires proof of United States citizenship'';

(ii) by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) ask the applicant the question, 'Are you a citizen of the United States?', and require documentary proof of United States citizenship prior to providing the form under subparagraph (B);''; and

(iii) in subparagraph (C), as redesignated under subparagraph (B) of this paragraph, in the matter preceding clause (i), by striking ''provide'' and inserting ''upon receipt of documentary proof of United States citizenship as described in subparagraph (B), provide''; and

(2) in subsection (c)(1), by inserting ''who are citizens of the United States'' after ''for persons''.

(c) REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.—Section 8 of the National Voter Registration Act of 1993 (52 U.S.C. 20507) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting '', upon presentation and verification of documentary proof of United States citizenship'' after ''election'';

(ii) in subparagraph (A), by striking ''if the valid'' and inserting ''if the documentary proof of United States citizenship and a valid''; and

(iii) in each of subparagraphs (B), (C), and (D), by inserting ''together with the documentary proof of United States citizenship'' after ''valid voter registration form'';

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''or'' at the end; and

(ii) by adding at the end the following new subparagraphs:

''(D) based on documentary proof or verified information that the registrant is not a United States citizen; or

''(E) the registration otherwise fails to comply with applicable State law;'';

(2) in subsection (b)—

(A) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(C) by striking ''REGISTRATION.—Any'' and inserting ''REGISTRATION.—

''(1) IN GENERAL.—Any''; and

(D) by adding at the end the following new paragraph:

''(2) CLARIFICATION.—The provisions of this section shall not apply to a registration that is deemed invalid from inception because the registrant is not a United States citizen, is ineligible under State law to be registered to vote, or the registration otherwise did not comply with applicable State law at the time of registering to vote or the registration has been rendered invalid or abandoned subsequent to the initial registration by the person registering to vote in another State or otherwise is invalid under the provisions of State law.'';

(3) in subsection (c)(2)(A), by inserting the following before the period at the end: '', provided that a State shall remove at any time the name of an ineligible voter from the official lists of eligible voters if the registration is invalid due to evidence the individual is not a citizen of the United States or the registration is otherwise invalid under applicable State law'';

(4) by inserting the following after subsection (g):

''(h) REMOVAL OF NON-CITIZENS FROM REGISTRATION ROLLS.—A State may remove any

registration of a non-United States citizen at any time upon presentation of documentation or verified information that a registrant is not a United States citizen.'';

(5) by redesignating subsection (j) as subsection (l); and

(6) by inserting after subsection (i) the following new subsection:

''(j) ENSURING ONLY CITIZENS ARE REGISTERED TO VOTE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, a State may not register an individual to vote in elections for Federal office held in the State unless, at the time the individual applies to register to vote, the individual provides documentary proof that the individual is a citizen of the United States, which shall consist of any of the following (or a photocopy thereof):

''(A) A certified birth certificate issued by a State or unit of local government in a State.

''(B) A valid United States passport.

''(C) A Consular Report of Birth Abroad issued by the Secretary of State.

''(D) A Naturalization Certificate or Certificate of Citizenship issued by the Secretary of Homeland Security.

''(2) STATE REQUIREMENTS.—Each State shall take affirmative steps on an ongoing basis to ensure that only United States citizens are registered to vote under the provisions of this Act, which shall include the establishment of a program described in paragraph (3).

''(3) PROGRAM DESCRIBED.—A State may meet the requirements of paragraph (1) by establishing a program under which the State identifies non-citizens using information supplied by—

''(A) the Department of Homeland Security through the Systematic Alien Verification for Entitlements (commonly known as 'SAVE');

''(B) the Social Security Administration through the Social Security Number Verification Service; or

''(C) State agencies that supply State identification cards or drivers licenses where the agency confirms citizenship status of applicants.

''(4) AVAILABILITY OF INFORMATION.—The Department of Homeland Security, the Social Security Administration, and State agencies described in paragraph (2)(C) shall make available to the States at no cost the information necessary for each State to ensure that non-United States citizens are not registered to vote in any State.

''(5) CRIMINAL PENALTIES.—Any person who—

''(A) is not United States citizen and who knowingly registers to vote in an election for Federal office in violation of this subsection; or

''(B) knowingly registers an individual who is not a United States citizen to vote in an election for Federal office in violation of this subsection,

shall be subject to the criminal penalty described in section 12(2).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply with respect to applications for voter registration which are submitted on or after such date.

SA 1531. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION C—STOPPING BORDER SURGES

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Stopping Border Surges Act''.

TITLE I—UNACCOMPANIED ALIEN CHILDREN

SEC. 4101. 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 paragraph heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(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'';

(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);

(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.)—'';

(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

(iv) in subparagraph (C)—

(I) by amending the subparagraph heading to read as follows: ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(II) in the matter preceding clause (i), by striking ''The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States'' and inserting ''The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

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

''(3) SPECIAL RULES FOR INTERVIEWING UNACCOMPANIED ALIEN CHILDREN.—An unaccompanied alien child shall be interviewed by an immigration officer with specialized training in interviewing child trafficking victims.''; and

(D) in paragraph (6)(D), as redesignated—

(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 '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'' before the semicolon at the end;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''believed not to meet the criteria listed in subsection (a)(2)(A)'' before the semicolon at the end; and

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

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

''(i) INFORMATION TO BE PROVIDED TO THE DEPARTMENT OF HOMELAND SECURITY.—Before placing an unaccompanied alien 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, the following information:

''(I) The name of the individual.

''(II) The Social Security number of the individual, if available.

''(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.

''(VI) Contact information for the individual.

''(ii) SPECIAL RULE.—Not later than 90 days after the date of the enactment of this subparagraph, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security the information listed in clause (i) with respect to any unaccompanied alien child apprehended between January 1, 2021, and such date of enactment who the Secretary of Health and Human Services has placed with an individual.

''(iii) 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 shall—

''(I) if the immigration status of an individual with whom a child is placed is unknown, investigate the immigration status of such individual; and

''(II) upon determining that an individual with whom a child is placed is unlawfully present in the United States, initiate removal proceedings against such individual pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.)''; and

(B) in paragraph (5)—

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

(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 apprehended on or after the date of enactment of this Act.

SEC. 4102. 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) RULE OF 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, and all determinations regarding the detention of such children shall be in the discretion of the Secretary of Homeland Security.

''(2) RELEASE OF MINORS OTHER THAN UNACCOMPANIED ALIENS.—An alien minor who is not an unaccompanied alien child may not be released by the Secretary of Homeland Security other than to a parent or legal guardian who is lawfully present in the United States.

''(3) 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 amendment made by subsection (a) is 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)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to all actions that occur before, on, or after such date of enactment.

(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 1 or more of such children and the parents or legal guardians of such children, that is located in such State, be licensed by the State or by any political subdivision of such State.

SEC. 4103. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE 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''; and

(2) in clause (iii)—

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

(B) in subclause (II), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(III) an alien may not be granted special immigrant juvenile status under this subparagraph if his or her reunification with any parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law;''.

TITLE II—ASYLUM REFORM

SEC. 4201. CLARIFICATION OF ASYLUM ELIGIBILITY.

(a) 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 ''and has arrived in the United States at a port of entry,'' after ''United States''.

(b) ELIGIBILITY.—Section 208(b)(1)(A) of such Act (8 U.S.C. 1158(b)(1)(A)) is amended by inserting ''and is eligible to apply for asylum under subsection (a)'' after ''section 101(a)(42)(A)''.

SEC. 4202. 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 that the alien may be removed'' and inserting the following: ''if the Attorney General or the Secretary of Homeland Security determines that—

''(i) the alien may be removed'';

(2) by striking ''removed, pursuant to a bilateral or multilateral agreement, to'' and inserting ''removed to'';

(3) by inserting '', on a case by case basis,'' before ''finds that'';

(4) by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(ii) 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 judgement 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 younger than 18 years of age; 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 all countries that 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. 4203. APPLICATION TIMING.

Section 208(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(B)) is amended by striking ''1 year'' and inserting ''6 months''.

SEC. 4204. CLARIFICATION OF BURDEN OF PROOF.

Section 208(b)(1)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)(i)) is amended by striking ''at least one central reason'' and inserting ''the central reason''.

SEC. 4205. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.

(a) ASYLUM CREDIBILITY DETERMINATIONS.—Section 208(b)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

(b) RELIEF FOR REMOVAL CREDIBILITY DETERMINATIONS.—Section 240(c)(4)(C) of such Act (8 U.S.C. 1229a(c)(4)(C)) is amended by inserting '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials'' after ''all relevant factors''.

SEC. 4206. ADDITIONAL EXCEPTION.

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

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien's country of nationality or, if stateless, another part of the alien's country of last habitual residence.''.

SEC. 4207. JURISDICTION OF ASYLUM APPLICATIONS.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by striking subparagraph (C).

SEC. 4208. RENUNCIATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.

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

''(4) RENUNCIATION OF STATUS PURSUANT TO RETURN TO HOME COUNTRY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any alien who is granted asylum status under this Act, who, absent changed country conditions, subsequently returns to the country of such alien's nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated.

''(B) WAIVER.—The Secretary has discretion to waive subparagraph (A) if it is established to the satisfaction of the Secretary that the alien had a compelling reason for the return. The waiver may be sought prior to departure from the United States or upon return.''.

(b) CONFORMING AMENDMENT.—Section 208(c)(3) of such Act (8 U.S.C. 1158(c)(3)) is amended by inserting ''or (4)'' after ''paragraph (2)''.

SEC. 4209. CLARIFICATION REGARDING EMPLOYMENT ELIGIBILITY.

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

(1) by striking ''prior to 180 days'' and inserting ''before the date that is 1 year''; and

(2) by inserting ''and the authorization shall expire 6 months after the date on which it is granted'' before the period at the end.

SEC. 4210. 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 at the end 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 to read as follows:

''(6) FRIVOLOUS APPLICATIONS.—

''(A) CONSEQUENCE.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum after receiving the written warning required under paragraph (4)(C), such alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) DETERMINATION.—An application shall be considered frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) the application 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) OPPORTUNITY TO CLARIFY CLAIM.—An application may not be considered frivolous under this paragraph unless the Secretary or the Attorney General are satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the applicant's claim.

''(D) WITHHOLDING OF REMOVAL.—A determination under this paragraph that an alien filed a frivolous asylum application shall not preclude such alien from seeking withholding of removal under section 241(b)(3) or protection pursuant to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.''.

SEC. 4211. 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 ''claim'' and all that follows, and inserting ''claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208, and it is more probable than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 4212. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that—

(1) questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a uniform manner, to the extent possible; and

(2) such questions and the answers provided in response to such questions are recorded in a uniform manner.

(b) CREDIBLE FEAR INTERVIEW CHECKLISTS.—The Secretary of Homeland Security shall—

(1) provide a checklist of standard questions and concepts to be addressed in all interviews required under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) to immigration officers exercising decision-making authority in such interviews;

(2) routinely update such checklist to include relevant changes to law and procedures; and

(3) require all immigration officers utilizing such checklists to provide concise justifications of their decisions regardless of whether credible fear was or was not established by the alien.

(c) FACTORS RELATING TO SWORN STATEMENTS.—To the extent practicable, any sworn or signed written statement taken from an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for such sworn statement.

(d) INTERPRETERS.—The Secretary of Homeland Security shall ensure the use of a competent interpreter who is not affiliated with the government of the country from which the alien may claim asylum if the interviewing officer does not speak a language understood by the alien.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—All interviews of aliens subject to expedited removal shall be recorded (either by audio or by audio visual). Such recordings shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving such aliens.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to create—

(1) any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person; or

(2) any right of review in any administrative, judicial, or other proceeding.

SEC. 4213. PENALTIES FOR ASYLUM FRAUD.

Section 1001 of title 18, United States Code, is amended by adding at the end the following:

''(d) Any person who, in any matter before the Secretary of Homeland Security or the Attorney General pertaining to asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or withholding of removal under section 241(b)(3) of such Act (8 U.S.C. 1231(b)(3)), knowingly and willfully—

''(1) makes any materially false, fictitious, or fraudulent statement or representation; or

''(2) makes or uses any false writings or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry,

shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 4214. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.

Section 3291 of title 18, United States Code, is amended—

(1) by striking ''1544,'' and inserting ''1544, and section 1546,''; and

(2) by inserting ''or within 10 years after the fraud is discovered'' before the period at the end.

SEC. 4215. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act, as amended by this title, is further 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 (b)(2), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(3) 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

(4) in subsection (d)—

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

(B) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(C) 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''.

SA 1532. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

In section 201(a) of division A, insert after the first proviso the following: ''*Provided further*, That the $800,000,000 made available under the previous proviso may only be made available if the Department of Energy halts the review of the underlying analysis used to permit liquefied natural gas exports under the Natural Gas Act (15 U.S.C. 717 et seq.), announced on January 26, 2024, and resumes approvals for liquefied natural gas exports under that Act:''.

SA 1533. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available by this Act may be made available to the United Nations or any United Nations organization or affiliate until Hamas, Hezbollah, and all other Iranian proxies involved in terroristic activities are included on the United Nations Security Council Consolidated List.

SA 1534. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available by this Act may be made available for assistance to Gaza until all of the hostages taken on October 7, 2023, by Hamas have been released.

SA 1535. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPEDITED REMOVAL OF ALIENS CONVICTED OF AGGRAVATED ASSAULT AGAINST A FIRST RESPONDER.

(a) GROUNDS FOR DEPORTABILITY.—Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (vi) as clause (vii); and

(2) by inserting after clause (v) the following:

''(vi) AGGRAVATED ASSAULT AGAINST A FIRST RESPONDER.—Any alien who is convicted of any form of aggravated assault against a first responder, including a law enforcement officer, a firefighter, or an emergency medical technician, is deportable.''.

(b) EXPEDITED REMOVAL.—Section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)) is amended—

(1) by striking ''section 241(a)(2)(A)(iii), (B), (C), or (D)'' and inserting ''subparagraph (A)(iii), (A)(vi), (B), (C), or (D) of section 237(a)(2)''; and

(2) by striking ''section 241'' each place such term appears and inserting ''section 237''.

SA 1536. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENDING CHILD TRAFFICKING.

(a) DNA TESTING.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 211 the following:

''SEC. 211A. FAMILIAL RELATIONSHIP DOCUMENTARY REQUIREMENTS.

''(a) IN GENERAL.—Except as provided in subsection (b), an alien who has attained 18 years of age may not be admitted into the United States with a minor.

''(b) EXCEPTIONS.—An alien described in subsection (a) may be admitted into the United States with a minor if—

''(1) the alien presents to the Secretary of Homeland Security—

''(A) 1 or more documents that prove that such alien is a relative or guardian of such minor; and

''(B) a witness that testifies that such alien is a relative or guardian of such minor; or

''(2) a DNA test administered by the Secretary of Health and Human Services proves that such alien is a relative of such minor.

''(c) ADMINISTRATION OF DNA TEST.—The Secretary of Homeland Security shall request, and the Secretary of Health and Human Services shall administer, a DNA test only if the Secretary of Homeland Security is unable to determine, based on the evidence presented in accordance with subsection (b)(1), that an adult alien is a relative or guardian of the minor accompanying such alien.

''(d) DENIAL OF CONSENT.—

''(1) ALIEN.—An alien described in subsection (a) is inadmissible if—

''(A) the Secretary of Homeland Security determines that such alien has presented insufficient evidence under subsection (b)(1) to prove that the alien is a relative of the minor; and

''(B) the alien refuses to consent to a DNA test.

''(2) MINOR.—A minor accompanying an alien who is inadmissible under paragraph (1) shall be treated as an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

''(e) DNA TEST RESULTS.—If the results of a DNA test administered pursuant to subsection (c) fail to prove that an alien described in subsection (a) is a relative of a minor accompanying such alien, an immigration officer shall conduct such interviews as may be necessary to determine whether such alien is a relative or guardian of such minor.

''(f) ARREST.—An immigration officer may, pursuant to section 287, arrest an alien described in subsection (a) if the immigration officer—

''(1) determines, after conducting interviews pursuant to subsection (e), that such alien is not related to the minor accompanying the alien; and

''(2) has reason to believe that such alien is guilty of a felony offense, including the offenses of human trafficking, recycling of a minor, or alien smuggling.

''(g) DEFINITIONS.—In this section—

''(1) MINOR.—The term 'minor' means an alien who has not attained 18 years of age.

''(2) RECYCLING.—The term 'recycling' means that a minor is being used to enter the United States on more than 1 occasion by an alien who has attained 18 years of age and is not the relative or the guardian of such minor;

''(3) RELATIVE.—The term 'relative' means an individual related by consanguinity within the second degree, as determined by common law.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 211 the following:

''Sec. 211A. Familial relationship documentary requirements.''.

(b) CRIMINALIZING RECYCLING OF MINORS.—

(1) IN GENERAL.—Chapter 69 of title 18, United States Code, is amended by adding at the end the following:

''§ 1430. Recycling of minors

''(a) IN GENERAL.—Any person 18 years of age or older who knowingly uses, for the purpose of gaining entry into the United States, a minor to whom the individual is not a relative or guardian, shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) RELATIVE.—In this section, the term 'relative' means an individual related by consanguinity within the second degree, as determined by common law.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 69 of title 18, United States Code, is amended by adding at the end the following:

''1430. Recycling of minors.''.

SA 1537. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON MISSING UNACCOMPANIED MINOR CHILDREN.

Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Health and Human Services shall submit to Congress a report that includes the number of unaccompanied minor children—

(1) who have been released from the custody of Health and Human Services; and

(2) whose current location is unknown.

SA 1538. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOLLOW-UP SERVICES FOR UNACCOMPANIED ALIEN CHILDREN PLACED WITH SPONSORS.

(a) IN GENERAL.—Immediately upon placing an unaccompanied alien child with a

sponsor, the Director of the Office of Refugee Resettlement shall conduct follow-up services, including in-person home visits.

(b) ADDITIONAL SERVICES.—The Director may conduct other follow-up services, including phone calls, electronic correspondence, and other communications.

SA 1539. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PLACEMENT OF MOVABLE, TEMPORARY STRUCTURES ON CERTAIN FEDERAL LAND TO SECURE AN INTERNATIONAL BORDER OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) BORDER STATE.—The term ''Border State'' means a State that is adjacent to the northern border or southern border.

(2) FEDERAL LAND.—The term ''Federal land'' means land under the jurisdiction and management of a Federal land management agency that is adjacent to the northern border or southern border.

(3) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' means—

(A) the Bureau of Indian Affairs;

(B) the Bureau of Land Management;

(C) the Bureau of Reclamation;

(D) the Forest Service;

(E) the United States Fish and Wildlife Service; and

(F) the National Park Service.

(4) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

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

(6) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to Federal land under the jurisdiction and management of the Secretary of the Interior, acting through, as applicable—

(i) the Director of the Bureau of Indian Affairs;

(ii) the Director of the Bureau of Land Management;

(iii) the Commissioner of Reclamation;

(iv) the Director of the United States Fish and Wildlife Service; and

(v) the Director of the National Park Service; and

(B) the Secretary of Agriculture, with respect to National Forest System land, acting through the Chief of the Forest Service.

(7) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

(b) SPECIAL USE AUTHORIZATION.—Subject to subsection (c), the Secretary concerned shall not require a Border State to obtain a special use authorization for the temporary placement on Federal land within the Border State of a movable, temporary structure for the purpose of securing the northern border or southern border, if the Border State submits to the Secretary concerned notice of the proposed placement not later than 45 days before the date of the proposed placement.

(c) TEMPORARY PLACEMENT.—

(1) IN GENERAL.—A movable, temporary structure described in subsection (b) may be placed by a Border State on Federal land in accordance with that subsection for a period of not more than 1 year, subject to paragraph (2).

(2) EXTENSION.—

(A) IN GENERAL.—The period described in paragraph (1) may be extended in 90-day increments, on approval by the Secretary concerned.

(B) CONSULTATION REQUIRED.—The Secretary concerned shall consult with the Commissioner of U.S. Customs and Border Protection for purposes of determining whether to approve an extension under subparagraph (A).

(C) APPROVAL.—The Secretary concerned shall approve a request for an extension under this paragraph if the Commissioner of U.S. Customs and Border Protection determines that operational control has not been achieved as of the date of the consultation required under subparagraph (B).

SA 1540. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM NUMBER OF PAROLEES.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(C) The number of aliens the Secretary of Homeland Security may parole into the United States under this subsection shall not exceed a total of 6,000 each fiscal year.''.

SA 1541. Mr. KELLY (for himself and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SEMICONDUCTOR PROGRAM.

Title XCIX of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651 et seq.) is amended—

(1) in section 9902 (15 U.S.C. 4652)—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

''(h) AUTHORITY RELATING TO ENVIRONMENTAL REVIEW.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the provision by the Secretary of Federal financial assistance for a project described in this section that satisfies the requirements under subsection (a)(2)(C)(i) of this section shall not be considered to be a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this subsection as 'NEPA') or an undertaking for the purposes of division A of subtitle III of title 54, United States Code, if—

''(A) the activity described in the application for that project has commenced not later than December 31, 2024;

''(B) the Federal financial assistance provided is in the form of a loan or loan guarantee; or

''(C) the Federal financial assistance provided, excluding any loan or loan guarantee, comprises not more than 10 percent of the total estimated cost of the project.

''(2) SAVINGS CLAUSE.—Nothing in this subsection may be construed as altering whether an activity described in subparagraph (A), (B), or (C) of paragraph (1) is considered to be a major Federal action under NEPA, or an undertaking under division A of subtitle III of title 54, United States Code, for a reason other than that the activity is eligible for Federal financial assistance provided under this section.''; and

(2) in section 9909 (15 U.S.C. 4659), by adding at the end the following:

''(c) LEAD FEDERAL AGENCY AND COOPERATING AGENCIES.—

''(1) DEFINITION.—In this subsection, the term 'lead agency' has the meaning given the term in section 111 of NEPA (42 U.S.C. 4336e).

''(2) OPTION TO SERVE AS LEAD AGENCY.—With respect to a covered activity that is a major Federal action under NEPA, and with respect to which the Department of Commerce is authorized or required by law to issue an authorization or take action for or relating to that covered activity, the Department of Commerce shall have the first right to serve as the lead agency with respect to that covered activity under NEPA.

''(d) CATEGORICAL EXCLUSIONS.—

''(1) ESTABLISHMENT OF CATEGORICAL EXCLUSIONS.—Each of the following categorical exclusions is established for the National Institute of Standards and Technology with respect to a covered activity and, beginning on the date of enactment of this subsection, is available for use by the Secretary with respect to a covered activity:

''(A) Categorical exclusion 17.04.d (relating to the acquisition of machinery and equipment) in the document entitled 'EDA Program to Implement the National Environmental Policy Act of 1969 and Other Federal Environmental Mandates As Required' (Directive No. 17.02-2; effective date October 14, 1992).

''(B) Categorical exclusion A9 in Appendix A to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

''(C) Categorical exclusions B1.24, B1.31, B2.5, and B5.1 in Appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

''(D) The categorical exclusions described in paragraphs (4) and (13) of section 50.19(b) of title 24, Code of Federal Regulations, or any successor regulation.

''(E) Categorical exclusion (c)(1) in Appendix B to part 651 of title 32, Code of Federal Regulations, or any successor regulation.

''(F) Categorical exclusions A2.3.8 and A2.3.14 in Appendix B to part 989 of title 32, Code of Federal Regulations, or any successor regulation.

''(2) ADDITIONAL CATEGORICAL EXCLUSIONS.—Notwithstanding any other provision of law, each of the following shall be treated as a category of action categorically excluded from the requirements relating to environmental assessments and environmental impact statements under section 1501.4 of title 40, Code of Federal Regulations, or any successor regulation:

''(A) The provision by the Secretary of any Federal financial assistance for a project described in section 9902, if the facility that is the subject of the project is on or adjacent to a site—

''(i) that is owned or leased by the covered entity to which Federal financial assistance is provided for that project; and

''(ii) on which, as of the date on which the Secretary provides that Federal financial assistance, substantially similar construction, expansion, or modernization is being or has been carried out, such that the facility would not more than double existing developed acreage or on-site supporting infrastructure.

''(B) The provision by the Secretary of Defense of any Federal financial assistance relating to—

''(i) the creation, expansion, or modernization of one or more facilities described in the second sentence of section 9903(a)(1); or

''(ii) carrying out section 9903(b), as in effect on the date of enactment of this subsection.

''(C) Any activity undertaken by the Secretary relating to carrying out section 9906, as in effect on the date of enactment of this subsection.

''(e) INCORPORATION OF PRIOR PLANNING DECISIONS.—

''(1) DEFINITION.—In this subsection, the term 'prior studies and decisions' means baseline data, planning documents, studies, analyses, decisions, and documentation that a Federal agency has completed for a project (or that have been completed under the laws and procedures of a State or Indian Tribe), including for determining the reasonable range of alternatives for that project.

''(2) RELIANCE ON PRIOR STUDIES AND DECISIONS.—In completing an environmental review under NEPA for a covered activity, the Secretary may consider and, as appropriate, rely on or adopt prior studies and decisions, if the Secretary determines that—

''(A) those prior studies and decisions meet the standards for an adequate statement, assessment, or determination under applicable procedures of the Department of Commerce implementing the requirements of NEPA;

''(B) in the case of prior studies and decisions completed under the laws and procedures of a State or Indian Tribe, those laws and procedures are of equal or greater rigor than those of each applicable Federal law, including NEPA, implementing procedures of the Department of Commerce; or

''(C) if applicable, the prior studies and decisions are informed by other analysis or documentation that would have been prepared if the prior studies and decisions were prepared by the Secretary under NEPA.

''(f) DEFINITIONS.—In this section:

''(1) COVERED ACTIVITY.—The term 'covered activity' means any activity relating to the construction, expansion, or modernization of a facility, the investment in which is eligible for Federal financial assistance under section 9902 or 9906.

''(2) NEPA.—The term 'NEPA' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

SA 1542. Mr. RUBIO (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, after line 13, add the following:

SEC. 617. (a) This section may be cited as the ''Stop Taxpayer Funding of Hamas Act''.

(b) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act, or by any prior Act making appropriations for the Department of State, foreign operations, and related programs, may be made available for any expenditure in the territory of Gaza until after the President certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) such funds can be expended without benefitting any organization or persons that is—

(A) a member of Hamas, Palestinian Islamic Jihad, or any other organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) controlled or influenced by Hamas, Palestinian Islamic Jihad, or any such foreign terrorist organization; and

(2) all hostages who were taken to Gaza by any organization referred to in paragraph (1)(A) have been freed.

(c) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act, or by any prior Act making appropriations for the Department of State, foreign operations, and related programs, may be obligated or expended in the territory of Gaza through any United Nations entity or office unless the President certifies to the congressional committees referred to in subsection (b) that such entity or office is not encouraging or teaching anti-Israel or anti-Semitic ideas or propaganda.

SA 1543. Mr. DURBIN (for himself, Mr. PADILLA, Ms. CORTEZ MASTO, Mr. HEINRICH, Mr. KAINE, Mr. WARNER, Ms. BALDWIN, Mr. BOOKER, Mr. HICKENLOOPER, Ms. HIRONO, Mr. BLUMENTHAL, Mr. PETERS, Ms. DUCKWORTH, Mr. SANDERS, Mr. MENENDEZ, Mr. BENNET, Ms. BUTLER, Mr. MERKLEY, Ms. WARREN, Mr. BROWN, Mr. KING, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—DREAM ACT OF 2024

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Dream Act of 2024''.

SEC. 4002. DEFINITIONS.

In this division:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this division that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012.

(3) DISABILITY.—The term ''disability'' has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) ELEMENTARY SCHOOL; HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'', ''high school'', and ''secondary school'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(7) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) except as provided in subparagraph (B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(8) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term ''permanent resident status on a conditional basis'' means status as an alien lawfully admitted for permanent residence on a conditional basis under this division.

(9) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(10) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(11) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 4003. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions under this division.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if—

(A) the alien has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;

(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

(C) subject to paragraphs (2) and (3), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not 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; and

(iii) has not been convicted of—

(I) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more; and

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States; or

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or its recognized equivalent under State law; or

(II) in passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam.

(2) WAIVER.—With respect to any benefit under this division, the Secretary may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or family unity or if the waiver is otherwise in the public interest.

(3) TREATMENT OF EXPUNGED CONVICTIONS.—An expunged conviction shall not automatically be treated as an offense under paragraph (1). The Secretary shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the Secretary determines that the alien should be eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

(4) DACA RECIPIENTS.—The Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who was granted DACA unless the alien has engaged in conduct since the alien was granted DACA that would make the alien ineligible for DACA.

(5) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require an alien applying for permanent resident status on a conditional basis under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(7) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants such alien permanent resident status on a conditional basis under this section.

(8) MEDICAL EXAMINATION.—

(A) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination.

(B) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under subparagraph (A).

(9) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under such Act.

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

(2) ALIENS SUBJECT TO REMOVAL.—The Secretary shall provide a reasonable opportunity to apply for relief under this section to any alien who requests such an opportunity or who appears prima facie eligible for relief under this section if the alien is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order.

(3) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1), subject to paragraphs (2) and (3) of such subsection;

(ii) is at least 5 years of age; and

(iii) is enrolled in an elementary school, a secondary school, or an early childhood education program.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien under subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph.

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis under this division.

SEC. 4004. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(1) valid for a period of 8 years, unless such period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this division and the requirements to have the conditional basis of such status removed.

(c) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under paragraph (1)(C) of section 4003(b), subject to paragraphs (2) and (3) of that section; and

(2) prior to the termination, provides the alien—

(A) notice of the proposed termination; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis or applying for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) immediately before receiving or applying for such permanent resident status on a conditional basis, as appropriate, may not return to such temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for such temporary protected status.

SEC. 4005. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of an alien's permanent resident status granted under this division and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in paragraph (1)(C) of section 4003(b), subject to paragraphs (2) and (3) of that section;

(B) has not abandoned the alien's residence in the United States; and

(C)(i) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section 4003(b)(1)(D)(iii), shall not count toward the time requirements under this clause.

(2) HARDSHIP EXCEPTION.—The Secretary shall remove the conditional basis of an alien's permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(B) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and

(C) demonstrates that—

(i) the alien has a disability;

(ii) the alien is a full-time caregiver of a minor child; or

(iii) the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence.

(3) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status granted under this division may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable to meet the requirements under such section 312(a) due to disability.

(4) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require aliens applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the alien's permanent resident status.

(b) TREATMENT FOR PURPOSES OF NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and be present in the United States, as an alien lawfully admitted for permanent residence.

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis.

SEC. 4006. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under section 4003(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section 4005(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records that include the employer's name and contact information;

(2) records from any educational institution the alien has attended in the United States;

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien's participation in a religious ceremony;

(5) passport entries;

(6) a birth certificate for a child who was born in the United States;

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;

(10) insurance policies;

(11) remittance records;

(12) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(13) copies of money order receipts for money sent in or out of the United States;

(14) dated bank transactions; or

(15) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(c) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under section 4003(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

(1) an admission stamp on the alien's passport;

(2) records from any educational institution the alien has attended in the United States;

(3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

(5) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(6) employment records that include the employer's name and contact information;

(7) official records from a religious entity confirming the alien's participation in a religious ceremony;

(8) a birth certificate for a child who was born in the United States;

(9) automobile license receipts or registration;

(10) deeds, mortgages, or rental agreement contracts;

(11) tax receipts;

(12) travel records;

(13) copies of money order receipts sent in or out of the country;

(14) dated bank transactions;

(15) remittance records; or

(16) insurance policies.

(d) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

(1) has been admitted to the institution; or

(2) is currently enrolled in the institution as a student.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

(1) a high school diploma, certificate of completion, or other alternate award;

(2) a high school equivalency diploma or certificate recognized under State law; or

(3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 4003(b)(1)(D)(iii), 4003(d)(3)(A)(iii), or 4005(a)(1)(C), the alien shall submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

(2) the alien's name, periods of attendance, and current grade or educational level.

(h) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 4003(b)(5)(B) or 4005(a)(4)(B), the alien shall submit to the Secretary the following relevant documents:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—

(A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(4) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

(A) bear the provider's name and address;

(B) bear the name of the individual receiving treatment; and

(C) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies one of the criteria for the hardship exemption set forth in section 4005(a)(2)(C), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

(1) the name, address, and telephone number of the affiant; and

(2) the nature and duration of the relationship between the affiant and the alien.

(j) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

(1) a Department of Defense form DD–214;

(2) a National Guard Report of Separation and Record of Service form 22;

(3) personnel records for such service from the appropriate Uniformed Service; or

(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

(1) IN GENERAL.—An alien may satisfy the employment requirement under section 4005(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such employment requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

(A) bank records;

(B) business records;

(C) employer records;

(D) records of a labor union, day labor center, or organization that assists workers in employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(l) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 4007. RULEMAKING.

(a) INITIAL PUBLICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this division in the Federal Register. Such regulations shall allow eligible individuals to immediately apply affirmatively for the relief available under section 4003 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a) shall be effective, on an interim basis, immediately upon publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published under this section, the Secretary shall publish final regulations implementing this division.

(d) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act''), shall not apply to any action to implement this division.

SEC. 4008. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use information provided in applications filed under this division or in requests for DACA for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary may not refer any individual who has been granted permanent resident status on a conditional basis or who was granted DACA to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for DACA may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for permanent resident status on a conditional basis;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 4009. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SA 1544. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available for ''International Disaster Assistance,'' ''Migration and Refugee Assistance,'' ''International Narcotics Control and Law Enforcement,'' or ''International Development Association'' may be made available for assistance to Gaza.

SA 1545. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary of Homeland Security may not admit any alien into the United States at any point along the international border (including ports of entry) unless such alien is in possession of a valid visa authorizing such entry.

(b) The Secretary of Homeland Security may not waive the limitation described in subsection (a).

(c) If the Secretary of Homeland Security determines that U.S. Customs and Border Protection has full operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note)) of the northern and southern land borders of the United States, the Secretary shall submit a request to Congress. If such request is approved by an Act of Congress, the limitation described in subsection (a) shall no longer have any force or effect.

SA 1546. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CREDIBLE FEAR STANDARD AND ASYLUM BARS AT SCREENING INTERVIEW.

Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (v), by striking ''significant possibility'' and inserting ''reasonable possibility''; and

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

''(vi) ASYLUM EXCEPTIONS.—An asylum officer, during the credible fear screening of an alien—

''(I) shall determine whether any of the asylum exceptions under section 208(b)(2) disqualify the alien from receiving asylum; and

''(II) may determine that the alien does not meet the definition of credible fear of persecution under clause (v) if any such exceptions apply, including whether any such exemptions to such disqualifying exceptions may apply.''.

SEC. _____. INTERNAL RELOCATION.

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

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) there are reasonable grounds for concluding that the alien could avoid persecution by relocating to—

''(I) another location in the alien's country of nationality; or

''(II) in the case of an alien having no nationality, another location in the alien's country of last habitual residence.''.

(b) INAPPLICABILITY.—Section 244(c)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)(ii)) is amended by inserting ''clauses (i) through (vi) of'' after ''described in''.

SEC. _____. 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;

''(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. _____. TRAVEL THROUGH CONTIGUOUS COUNTRY.

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

(1) in clause (v), by striking ''; or'' and inserting a semicolon;

(2) in clause (vi), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(vii)(I) the alien has traveled through a country that is contiguous to the United States immediately before arriving at a port of entry of, or otherwise entering, the United States; and

''(II) did not apply for asylum in such country.''.

SA 1547. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of law, no portion of the physical barrier situated at or near the international land border between the United States and

Mexico that is owned by the Federal Government as of the date of the enactment of this Act may be sold or removed.

SA 1548. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MANDATORY IMPLEMENTATION OF THE MIGRANT PROTECTION PROTOCOLS.

Section 235(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(2)(C)) is amended by striking ''may'' and inserting ''shall''.

SA 1549. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRINTS ACT.

(a) SHORT TITLES.—This section may be cited as the ''Preventing the Recycling of Immigrants is Necessary for Trafficking Suspension Act'' or the ''PRINTS Act''.

(b) AUTHORIZATION OF FINGERPRINTING OF NONCITIZEN CHILDREN ENTERING THE UNITED STATES TO REDUCE CHILD TRAFFICKING.—Section 262(c) of the Immigration and Nationality Act (8 U.S.C. 1302(c)) is amended to read as follows:

''(c) The Secretary of Homeland Security, working through U.S. Customs and Border Protection, in order to reduce the number of children who are trafficked into the United States, shall obtain a set of fingerprints from any alien younger than 14 years of age who is entering the United States if a U.S. Customs and Border Protection officer suspects that such child is a victim of human trafficking, in accordance with the standards established pursuant to the Trafficking Victims Protection Act of 2000 (34 U.S.C. 7101 et seq.).''.

(c) CRIMINALIZING RECYCLING OF MINORS.—

(1) IN GENERAL.—Chapter 69 of title 18, United States Code, is amended by adding at the end the following:

''§ 1430. Recycling of minors

''(a) IN GENERAL.—Any person 18 years of age or older who knowingly uses, for the purpose of gaining entry into the United States, a minor to whom the individual is not a relative or guardian, shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) RELATIVE.—In this section, the term 'relative' means an individual related by consanguinity within the second degree, as determined by common law.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 69 of title 18, United States Code, is amended by adding at the end the following:

''1430. Recycling of minors.''.

(d) INFORMATION SHARING.—With respect to any unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) who is transferred from the custody of the Secretary of Homeland Security to the custody of the Secretary of Health and Human Services, the Secretary of Homeland Security shall, on request, share with the Secretary of Health and Human Services the fingerprints collected under section 262(c) of the Immigration and Nationality Act, as added by subsection (b).

(e) REPORTS.—

(1) ANNUAL REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress that identifies the number of minors who were fingerprinted during the most recently completed fiscal year pursuant to the authority granted under section 262(c) of the Immigration and Nationality Act, as added by subsection (b).

(2) ONLINE PUBLICATION.—The Secretary of Homeland Security shall post, on a monthly basis on a publicly accessible U.S. Customs and Border Protection website, the number of apprehensions during the previous month involving child traffickers who falsely claimed that a child accompanying them into the United States was a close relative.

SA 1550. Ms. KLOBUCHAR (for herself, Mr. MORAN, Mr. COONS, Mr. WICKER, Mr. BLUMENTHAL, Mr. CASSIDY, Mrs. SHAHEEN, Mr. TILLIS, Mr. KING, Mr. MULLIN, Ms. MURKOWSKI, Mr. CRAPO, Mr. GRAHAM, Mr. ROUNDS, Mrs. CAPITO, Mr. REED, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—FULFILLING PROMISES TO AFGHAN ALLIES

SEC. 4101. DEFINITIONS.

In this division:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Committee on Armed Services of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

(J) the Committee on Homeland Security of the House of Representatives.

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by section 4106(a).

(5) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) a pending, documentarily complete application for special immigrant status; and

(B) a case in processing in the United States Refugee Admissions Program for an individual who has received a Priority 1 or Priority 2 referral to such program.

(6) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 4102. SUPPORT FOR AFGHAN ALLIES OUTSIDE THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding the status of a specified application submitted by, or on behalf of, a national of Afghanistan, including any information that has been provided to the applicant, in accordance with section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)).

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall designate an appropriate office within the Department of State—

(1) to review specified applications submitted by nationals of Afghanistan residing in Afghanistan, including by conducting any required interviews;

(2) to issue visas or other travel documents to such nationals, in accordance with the immigration laws;

(3) to provide services to such nationals, to the greatest extent practicable, that would normally be provided by an embassy; and

(4) to carry out any other function the Secretary of State considers necessary.

SEC. 4103. CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) CONDITIONAL PERMANENT RESIDENT STATUS.—The term ''conditional permanent resident status'' means conditional permanent resident status under section 216 and 216A of the Immigration and Nationality Act (8 U.S.C. 1186a, 1186b), subject to the provisions of this section.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an alien who—

(A) is present in the United States;

(B) is a citizen or national of Afghanistan or, in the case of an alien having no nationality, is a person who last habitually resided in Afghanistan;

(C) has not been granted permanent resident status;

(D)(i) was inspected and admitted to the United States on or before the date of the enactment of this Act; or

(ii) was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that—

(I) such parole has not been terminated by the Secretary upon written notice; and

(II) the alien did not enter the United States at a location between ports of entry along the southwest land border; and

(E) is admissible to the United States as an immigrant under the applicable immigration laws, including eligibility for waivers of grounds of inadmissibility to the extent provided by the immigration laws and the terms of this section.

(b) CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.—

(1) ADJUSTMENT OF STATUS TO CONDITIONAL PERMANENT RESIDENT STATUS.—Beginning on the date of the enactment of this Act, the Secretary—

(A) may adjust the status of each eligible individual to that of an alien lawfully admitted for permanent residence status, subject to the procedures established by the Secretary to determine eligibility for conditional permanent resident status; and

(B) shall create for each eligible individual who is granted adjustment of status under this section a record of admission to such status as of the date on which the eligible individual was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later,

unless the Secretary determines, on a case-by-case basis, that such individual is inadmissible under any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility as provided by this division or by the immigration laws.

(2) CONDITIONAL BASIS.—An individual who obtains lawful permanent resident status under this section shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(c) CONDITIONAL PERMANENT RESIDENT STATUS DESCRIBED.—

(1) ASSESSMENT.—

(A) IN GENERAL.—Before granting conditional permanent resident status to an eligible individual under subsection (b)(1), the Secretary shall conduct an assessment with respect to the eligible individual, which shall be equivalent in rigor to the assessment conducted with respect to refugees admitted to the United States through the United States Refugee Admissions Program, for the purpose of determining whether the eligible individual is inadmissible under any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility under paragraph (2)(C) or the immigration laws.

(B) CONSULTATION.—In conducting an assessment under subparagraph (A), the Secretary may consult with the head of any other relevant agency and review the holdings of any such agency.

(2) REMOVAL OF CONDITIONS.—

(A) IN GENERAL.—Not earlier than the date described in subparagraph (B), the Secretary may remove the conditional basis of the status of an individual granted conditional permanent resident status under this section unless the Secretary determines, on a case-by-case basis, that such individual is inadmissible under any ground of inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and is not eligible for a waiver of such grounds of inadmissibility under subparagraph (C) or the immigration laws.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

(i) the date that is 4 years after the date on which the individual was admitted or paroled into the United States; or

(ii) July 1, 2027.

(C) WAIVER.—

(i) IN GENERAL.—Except as provided in clause (ii), to determine eligibility for conditional permanent resident status under subsection (b) or removal of conditions under this paragraph, the Secretary may waive the application of the grounds of inadmissibility under 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or to ensure family unity.

(ii) EXCEPTIONS.—The Secretary may not waive under clause (i) the application of subparagraphs (C) through (E) and (G) through (H) of paragraph (2), or paragraph (3), of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to expand or limit any other waiver authority applicable under the immigration laws to an individual who is otherwise eligible for adjustment of status.

(D) TIMELINE.—Not later than 180 days after the date described in subparagraph (B), the Secretary shall, to the greatest extent practicable, remove conditions as to all individuals granted conditional permanent resident status under this section who are eligible for removal of conditions.

(3) TREATMENT OF CONDITIONAL BASIS OF STATUS PERIOD FOR PURPOSES OF NATURALIZATION.—An individual in conditional permanent resident status under this section shall be considered—

(A) to have been admitted to the United States as an alien lawfully admitted for permanent residence; and

(B) to be present in the United States as an alien lawfully admitted to the United States for permanent residence, provided that, no alien granted conditional permanent resident status shall be naturalized unless the alien's conditions have been removed under this section.

(d) TERMINATION OF CONDITIONAL PERMANENT RESIDENT STATUS.—Conditional permanent resident status shall terminate on, as applicable—

(1) the date on which the Secretary removes the conditions pursuant to subsection (c)(2), on which date the alien shall be lawfully admitted for permanent residence without conditions;

(2) the date on which the Secretary determines that the alien was not an eligible individual under subsection (a)(2) as of the date that such conditional permanent resident status was granted, on which date of the Secretary's determination the alien shall no longer be an alien lawfully admitted for permanent residence; or

(3) the date on which the Secretary determines pursuant to subsection (c)(2) that the alien is not eligible for removal of conditions, on which date the alien shall no longer be an alien lawfully admitted for permanent residence.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary at any time to place in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) any alien who has conditional permanent resident status under this section, if the alien is deportable under section 237 of such Act (8 U.S.C. 1227) under a ground of deportability applicable to an alien who has been lawfully admitted for permanent residence.

(f) PAROLE EXPIRATION TOLLED.—The expiration date of a period of parole shall not apply to an individual under consideration for conditional permanent resident status under this section, until such time as the Secretary has determined whether to issue conditional permanent resident status.

(g) PERIODIC NONADVERSARIAL MEETINGS.—

(1) IN GENERAL.—Not later than 180 days after the date on which an individual is conferred conditional permanent resident status under this section, and periodically thereafter, the Office of Refugee Resettlement shall make available opportunities for the individual to participate in a nonadversarial meeting, during which an official of the Office of Refugee Resettlement (or an agency funded by the Office) shall—

(A) on request by the individual, assist the individual in a referral or application for applicable benefits administered by the Department of Health and Human Services and completing any applicable paperwork; and

(B) answer any questions regarding eligibility for other benefits administered by the United States Government.

(2) NOTIFICATION OF REQUIREMENTS.—Not later than 7 days before the date on which a meeting under paragraph (1) is scheduled to occur, the Secretary of Health and Human Services shall provide notice to the individual that includes the date of the scheduled meeting and a description of the process for rescheduling the meeting.

(3) CONDUCT OF MEETING.—The Secretary of Health and Human Services shall implement practices to ensure that—

(A) meetings under paragraph (1) are conducted in a nonadversarial manner; and

(B) interpretation and translation services are provided to individuals granted conditional permanent resident status under this section who have limited English proficiency.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to prevent an individual from electing to have counsel present during a meeting under paragraph (1); or

(B) in the event that an individual declines to participate in such a meeting, to affect the individual's conditional permanent resident status under this section or eligibility to have conditions removed in accordance with this section.

(h) CONSIDERATION.—Except with respect to an application for naturalization and the benefits described in subsection (p), an individual in conditional permanent resident status under this section shall be considered to be an alien lawfully admitted for permanent residence for purposes of the adjudication of an application or petition for a benefit or the receipt of a benefit.

(i) NOTIFICATION OF REQUIREMENTS.—Not later than 90 days after the date on which the status of an individual is adjusted to that of conditional permanent resident status under this section, the Secretary shall provide notice to such individual with respect to the provisions of this section, including subsection (c)(1) (relating to the conduct of assessments) and subsection (g) (relating to periodic nonadversarial meetings).

(j) APPLICATION FOR NATURALIZATION.—The Secretary shall establish procedures whereby an individual who would otherwise be eligible to apply for naturalization but for having conditional permanent resident status, may be considered for naturalization coincident with removal of conditions under subsection (c)(2).

(k) ADJUSTMENT OF STATUS DATE.—

(1) IN GENERAL.—An alien described in paragraph (2) shall be regarded as lawfully admitted for permanent residence as of the date the alien was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is described in subparagraph (A), (B), or (D) of subsection (a)(2), and whose status was

adjusted to that of an alien lawfully admitted for permanent residence on or after July 30, 2021, but on or before the date of the enactment of this Act; or

(B) is an eligible individual whose status is then adjusted to that of an alien lawfully admitted for permanent residence after the date of the enactment of this Act under any provision of the immigration laws other than this section.

(l) PARENTS AND LEGAL GUARDIANS OF UNACCOMPANIED CHILDREN.—A parent or legal guardian of an eligible individual shall be eligible to obtain status as an alien lawfully admitted for permanent residence on a conditional basis if—

(1) the eligible individual—

(A) was under 18 years of age on the date on which the eligible individual was granted conditional permanent resident status under this section; and

(B) was not accompanied by at least one parent or guardian on the date the eligible individual was admitted or paroled into the United States; and

(2) such parent or legal guardian was admitted or paroled into the United States after the date referred to in paragraph (1)(B).

(m) GUIDANCE.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, guidance issued pursuant to subparagraph (A)—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of issuance of guidance under paragraph (1), the Secretary shall finalize the guidance implementing this section.

(B) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.—Chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act''), or any other law relating to rulemaking or information collection, shall not apply to the guidance issued under this paragraph.

(n) ASYLUM CLAIMS.—

(1) IN GENERAL.—With respect to the adjudication of an application for asylum submitted by an eligible individual, section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act (8 U.S.C. 1101 note; Public Law 117–43) shall not apply.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit an eligible individual from seeking or receiving asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158).

(o) PROHIBITION ON FEES.—The Secretary may not charge a fee to any eligible individual in connection with the initial issuance under this section of—

(1) a document evidencing status as an alien lawfully admitted for permanent residence or conditional permanent resident status; or

(2) an employment authorization document.

(p) ELIGIBILITY FOR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) an individual described in subsection (a) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (8 U.S.C. 1101 note; Public Law 117–43) shall retain his or her eligibility for the benefits and services described in subsection (b) of such section if the individual is under consideration for, or is granted, adjustment of status under this section; and

(B) such benefits and services shall remain available to the individual to the same extent and for the same periods of time as such benefits and services are otherwise available to refugees who acquire such status.

(2) EXCEPTION FROM 5-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—Section 403(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)) is amended by adding at the end the following:

''(F) An alien whose status is adjusted under section 4103 of the National Security Act, 2024 to that of an alien lawfully admitted for permanent residence or to that of an alien lawfully admitted for permanent residence on a conditional basis.''.

(q) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible individual from applying for or receiving any immigration benefit to which the individual is otherwise entitled.

(r) EXEMPTION FROM NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Aliens granted conditional permanent resident status or lawful permanent resident status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(2) SPOUSE AND CHILDREN BENEFICIARIES.—A spouse or child who is the beneficiary of an immigrant petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed by an alien who has been granted conditional permanent resident status or lawful permanent resident status under this section, seeking classification of the spouse or child under section 203(a)(2)(A) of that Act (8 U.S.C. 1153(a)(2)(A)) shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(s) EFFECT ON OTHER APPLICATIONS.—Notwithstanding any other provision of law, in the interest of efficiency, the Secretary may pause consideration of any application or request for an immigration benefit pending adjudication so as to prioritize consideration of adjustment of status to an alien lawfully admitted for permanent residence on a conditional basis under this section.

(t) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General, the Secretary of Health and Human Services, the Secretary, and the Secretary of State such sums as are necessary to carry out this section.

SEC. 4104. REFUGEE PROCESSES FOR CERTAIN AT-RISK AFGHAN ALLIES.

(a) DEFINITION OF AFGHAN ALLY.—

(1) IN GENERAL.—In this section, the term ''Afghan ally'' means an alien who is a citizen or national of Afghanistan, or in the case of an alien having no nationality, an alien who last habitually resided in Afghanistan, who—

(A) was—

(i) a member of—

(I) the special operations forces of the Afghanistan National Defense and Security Forces;

(II) the Afghanistan National Army Special Operations Command;

(III) the Afghan Air Force; or

(IV) the Special Mission Wing of Afghanistan;

(ii) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(I) a cadet or instructor at the Afghanistan National Defense University; and

(II) a civilian employee of the Ministry of Defense or the Ministry of Interior Affairs;

(iii) an individual associated with former Afghan military and police human intelligence activities, including operators and Department of Defense sources;

(iv) an individual associated with former Afghan military counterintelligence, counterterrorism, or counternarcotics;

(v) an individual associated with the former Afghan Ministry of Defense, Ministry of Interior Affairs, or court system, and who was involved in the investigation, prosecution or detention of combatants or members of the Taliban or criminal networks affiliated with the Taliban;

(vi) an individual employed in the former justice sector in Afghanistan as a judge, prosecutor, or investigator who was engaged in rule of law activities for which the United States provided funding or training; or

(vii) a senior military officer, senior enlisted personnel, or civilian official who served on the staff of the former Ministry of Defense or the former Ministry of Interior Affairs of Afghanistan; or

(B) provided service to an entity or organization described in subparagraph (A) for not less than 1 year during the period beginning on December 22, 2001, and ending on September 1, 2021, and did so in support of the United States mission in Afghanistan.

(2) INCLUSIONS.—For purposes of this section, the Afghanistan National Defense and Security Forces includes members of the security forces under the Ministry of Defense and the Ministry of Interior Affairs of the Islamic Republic of Afghanistan, including the Afghanistan National Army, the Afghan Air Force, the Afghanistan National Police, and any other entity designated by the Secretary of Defense as part of the Afghanistan National Defense and Security Forces during the relevant period of service of the applicant concerned.

(b) REFUGEE STATUS FOR AFGHAN ALLIES.—

(1) DESIGNATION AS REFUGEES OF SPECIAL HUMANITARIAN CONCERN.—Afghan allies shall be considered refugees of special humanitarian concern under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), until the later of 10 years after the date of enactment of this Act or upon determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that such designation is no longer in the interest of the United States.

(2) THIRD COUNTRY PRESENCE NOT REQUIRED.—Notwithstanding section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), the Secretary of State and the Secretary shall, to the greatest extent possible, conduct remote refugee processing for an Afghan ally located in Afghanistan.

(c) AFGHAN ALLIES REFERRAL PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Secretary of Defense, in consultation with the Secretary of State, shall establish a process by which an individual may apply to the Secretary of Defense for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program; and

(B) the head of any appropriate department or agency that conducted operations in Afghanistan during the period beginning on December 22, 2001, and ending on September 1, 2021, in consultation with the Secretary of State, may establish a process by which an individual may apply to the head of the appropriate department or agency for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program.

(2) APPLICATION SYSTEM.—

(A) IN GENERAL.—The process established under paragraph (1) shall—

(i) include the development and maintenance of a secure online portal through

which applicants may provide information verifying their status as Afghan allies and upload supporting documentation; and

(ii) allow—

(I) an applicant to submit his or her own application;

(II) a designee of an applicant to submit an application on behalf of the applicant; and

(III) in the case of an applicant who is outside the United States, the submission of an application regardless of where the applicant is located.

(B) USE BY OTHER AGENCIES.—The Secretary of Defense—

(i) may enter into arrangements with the head of any other appropriate department or agency so as to allow the application system established under subparagraph (A) to be used by such department or agency; and

(ii) shall notify the Secretary of State of any such arrangement.

(3) REVIEW PROCESS.—As soon as practicable after receiving a request for classification and referral described in paragraph (1), the head of the appropriate department or agency shall—

(A) review—

(i) the service record of the applicant, if available;

(ii) if the applicant provides a service record or other supporting documentation, any information that helps verify the service record concerned, including information or an attestation provided by any current or former official of the department or agency who has personal knowledge of the eligibility of the applicant for such classification and referral; and

(iii) the data holdings of the department or agency and other cooperating interagency partners, including as applicable biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, other identifiable information, and any other information related to the applicant, including relevant derogatory information; and

(B)(i) in a case in which the head of the department or agency determines that the applicant is an Afghan ally without significant derogatory information, refer the Afghan ally to the United States Refugee Admissions Program as a refugee; and

(ii) include with such referral—

(I) any service record concerned, if available;

(II) if the applicant provides a service record, any information that helps verify the service record concerned; and

(III) any biometrics for the applicant.

(4) REVIEW PROCESS FOR DENIAL OF REQUEST FOR REFERRAL.—

(A) IN GENERAL.—In the case of an applicant with respect to whom the head of the appropriate department or agency denies a request for classification and referral based on a determination that the applicant is not an Afghan ally or based on derogatory information—

(i) the head of the department or agency shall provide the applicant with a written notice of the denial that provides, to the maximum extent practicable, a description of the basis for the denial, including the facts and inferences, or evidentiary gaps, underlying the individual determination; and

(ii) the applicant shall be provided an opportunity to submit not more than 1 written appeal to the head of the department or agency for each such denial.

(B) DEADLINE FOR APPEAL.—An appeal under clause (ii) of subparagraph (A) shall be submitted—

(i) not more than 120 days after the date on which the applicant concerned receives notice under clause (i) of that subparagraph; or

(ii) on any date thereafter, at the discretion of the head of the appropriate department or agency.

(C) REQUEST TO REOPEN.—

(i) IN GENERAL.—An applicant who receives a denial under subparagraph (A) may submit a request to reopen a request for classification and referral under the process established under paragraph (1) so that the applicant may provide additional information, clarify existing information, or explain any unfavorable information.

(ii) LIMITATION.—After considering 1 such request to reopen from an applicant, the head of the appropriate department or agency may deny subsequent requests to reopen submitted by the same applicant.

(5) FORM AND CONTENT OF REFERRAL.—To the extent practicable, the head of the appropriate department or agency shall ensure that referrals made under this subsection—

(A) conform to requirements established by the Secretary of State for form and content; and

(B) are complete and include sufficient contact information, supporting documentation, and any other material the Secretary of State or the Secretary consider necessary or helpful in determining whether an applicant is entitled to refugee status.

(6) TERMINATION.—The application process and referral system under this subsection shall terminate upon the later of 1 year before the termination of the designation under subsection (b)(1) or on the date of a joint determination by the Secretary of State and the Secretary of Defense, in consultation with the Secretary, that such termination is in the national interest of the United States.

(d) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, the Secretary of State, or the head of any appropriate department or agency referring Afghan allies under this section may not charge any fee in connection with a request for a classification and referral as a refugee under this section.

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) REPRESENTATION.—An alien applying for admission to the United States under this section may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(4) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who has been classified as an Afghan ally and has been referred as a refugee under this section protection or to immediately remove such alien from Afghanistan, if possible.

(5) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for each of fiscal years 2024 through 2034 to carry out this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to inhibit the Secretary of State from accepting refugee referrals from any entity.

SEC. 4105. IMPROVING EFFICIENCY AND OVERSIGHT OF REFUGEE AND SPECIAL IMMIGRANT PROCESSING.

(a) ACCEPTANCE OF FINGERPRINT CARDS AND SUBMISSIONS OF BIOMETRICS.—In addition to the methods authorized under the heading relating to the Immigration and Naturalization Service under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Public Law 105–119, 111 Stat. 2448; 8 U.S.C. 1103 note), and other applicable law, and subject to such safeguards as the Secretary, in consultation with the Secretary of State or the Secretary of Defense, as appropriate, shall prescribe to ensure the integrity of the biometric collection (which shall include verification of identity by comparison of such fingerprints with fingerprints taken by or under the direct supervision of the Secretary prior to or at the time of the individual's application for admission to the United States), the Secretary may, in the case of any application for any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), accept fingerprint cards or any other submission of biometrics—

(1) prepared by international or nongovernmental organizations under an appropriate agreement with the Secretary or the Secretary of State;

(2) prepared by employees or contractors of the Department of Homeland Security or the Department of State; or

(3) provided by an agency (as defined under section 3502 of title 44, United States Code).

(b) STAFFING.—

(1) VETTING.—The Secretary of State, the Secretary, the Secretary of Defense, and any other agency authorized to carry out the vetting process under this division, shall each ensure sufficient staffing, and request the resources necessary, to efficiently and adequately carry out the vetting of applicants for—

(A) referral to the United States Refugee Admissions Program, consistent with the determinations established under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) special immigrant status.

(2) REFUGEE RESETTLEMENT.—The Secretary of Health and Human Services shall ensure sufficient staffing to efficiently provide assistance under chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) to refugees resettled in the United States.

(c) REMOTE PROCESSING.—Notwithstanding any other provision of law, the Secretary of State and the Secretary shall employ remote processing capabilities for refugee processing under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), including secure digital file transfers, videoconferencing and teleconferencing capabilities, remote review of applications, remote interviews, remote collection of signatures, waiver of the applicant's appearance or signature (other than a final appearance and verification by the oath of the applicant prior to or at the time of the individual's application for admission to the United States), waiver of signature for individuals under 5 years old, and any other capability the Secretary of State and the Secretary consider appropriate, secure, and likely to reduce processing wait times at particular facilities.

(d) MONTHLY ARRIVAL REPORTS.—With respect to monthly reports issued by the Secretary of State relating to United States Refugee Admissions Program arrivals, the Secretary of State shall report—

(1) the number of monthly admissions of refugees, disaggregated by priorities; and

(2) the number of Afghan allies admitted as refugees.

(e) INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(A) to develop and oversee the implementation of the strategy and contingency plan described in subparagraph (A)(i) of paragraph (4); and

(B) to submit the report, and provide a briefing on the report, as described in subparagraphs (A) and (B) of paragraph (4).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall include—

(i) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(ii) any other Federal Government official designated by the President.

(B) RELEVANT FEDERAL AGENCY DEFINED.—In this paragraph, the term ''relevant Federal agency'' means—

(i) the Department of State;

(ii) the Department Homeland Security;

(iii) the Department of Defense;

(iv) the Department of Health and Human Services;

(v) the Department of Justice; and

(vi) the Office of the Director of National Intelligence.

(3) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(4) DUTIES.—

(A) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date on which the Task Force is established, the Task Force, acting through the chair of the Task Force, shall submit a report to the appropriate committees of Congress that includes—

(I) a strategy for facilitating the resettlement of nationals of Afghanistan outside the United States who, during the period beginning on October 1, 2001, and ending on September 1, 2021, directly and personally supported the United States mission in Afghanistan, as determined by the Secretary of State in consultation with the Secretary of Defense; and

(II) a contingency plan for future emergency operations in foreign countries involving foreign nationals who have worked directly with the United States Government, including the Armed Forces of the United States and United States intelligence agencies.

(ii) ELEMENTS.—The report required under clause (i) shall include—

(I) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(aa) such nationals in Afghanistan and such nationals in a third country;

(bb) type of specified application; and

(cc) applications that are documentarily complete and applications that are not documentarily complete;

(II) an estimate of the number of nationals of Afghanistan who may be eligible for special immigrant status or classification as an Afghan ally;

(III) with respect to the strategy required under subparagraph (A)(i)(I)—

(aa) the estimated number of nationals of Afghanistan described in such subparagraph;

(bb) a description of the process for safely resettling such nationals of Afghanistan;

(cc) a plan for processing such nationals of Afghanistan for admission to the United States that—

(AA) discusses the feasibility of remote processing for such nationals of Afghanistan residing in Afghanistan;

(BB) includes any strategy for facilitating refugee and consular processing for such nationals of Afghanistan in third countries, and the timelines for such processing;

(CC) includes a plan for conducting rigorous and efficient vetting of all such nationals of Afghanistan for processing;

(DD) discusses the availability and capacity of sites in third countries to process applications and conduct any required vetting for such nationals of Afghanistan, including the potential to establish additional sites; and

(EE) includes a plan for providing updates and necessary information to affected individuals and relevant nongovernmental organizations;

(dd) a description of considerations, including resource constraints, security concerns, missing or inaccurate information, and diplomatic considerations, that limit the ability of the Secretary of State or the Secretary to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(ee) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(ff) an estimate of the cost to fully implement the strategy; and

(gg) any other matter the Task Force considers relevant to the implementation of the strategy;

(IV) with respect to the contingency plan required by clause (i)(II)—

(aa) a description of the standard practices for screening and vetting foreign nationals considered to be eligible for resettlement in the United States, including a strategy for vetting, and maintaining the records of, such foreign nationals who are unable to provide identification documents or biographic details due to emergency circumstances;

(bb) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(cc) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(dd) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund;

(ee) any other matter the Task Force considers relevant to the implementation of the contingency plan; and

(V) a strategy for the efficient processing of all Afghan special immigrant visa applications and appeals, including—

(aa) a review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process;

(bb) an analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this division during the several years after the date of the enactment of this Act;

(cc) an assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas in appropriate circumstances and consistent with applicable laws; and

(dd) an assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

(iii) FORM.—The report required under clause (i) shall be submitted in unclassified form but may include a classified annex.

(B) BRIEFING.—Not later than 60 days after submitting the report required by clause (i), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(5) TERMINATION.—The Task Force shall remain in effect until the later of—

(A) the date on which the strategy required under paragraph (4)(A)(i)(I) has been fully implemented;

(B) the date of a determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that a task force is no longer necessary for the implementation of subparagraphs (A) and (B) of paragraph (1); or

(C) the date that is 10 years after the date of the enactment of this Act.

(f) IMPROVING CONSULTATION WITH CONGRESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a), by amending paragraph (4) to read as follows:

''(4)(A) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number of refugees so determined, the number of aliens who were granted asylum in the previous year.

''(B) In making a determination under paragraph (1), the President shall consider the information in the most recently published projected global resettlement needs report published by the United Nations High Commissioner for Refugees.'';

(2) in subsection (e), by amending paragraph (2) to read as follows:

''(2) A description of the number and allocation of the refugees to be admitted, including the expected allocation by region, and an analysis of the conditions within the countries from which they came.''; and

(3) by adding at the end the following—

''(g) QUARTERLY REPORTS ON ADMISSIONS.—Not later than 30 days after the last day of each quarter beginning the fourth quarter of fiscal year 2024, the President shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

''(1) REFUGEES ADMITTED.—

''(A) The number of refugees admitted to the United States during the preceding quarter.

''(B) The cumulative number of refugees admitted to the United States during the applicable fiscal year, as of the last day of the preceding quarter.

''(C) The number of refugees expected to be admitted to the United States during the remainder of the applicable fiscal year.

''(D) The number of refugees from each region admitted to the United States during the preceding quarter.

''(2) REFUGEE APPLICANTS WITH PENDING SECURITY CHECKS.—

''(A) The number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been requested during the preceding quarter, and the number of aliens, by nationality, for whom the check was pending beyond 30 days.

''(B) The number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been pending for more than 180 days.

''(3) CIRCUIT RIDES.—

''(A) For the preceding quarter—

''(i) the number of Refugee Corps officers deployed on circuit rides and the overall number of Refugee Corps officers;

''(ii) the number of individuals interviewed—

''(I) on each circuit ride; and

''(II) at each circuit ride location;

''(iii) the number of circuit rides; and

''(iv) for each circuit ride, the duration of the circuit ride.

''(B) For the subsequent 2 quarters—

''(i) the number of circuit rides planned; and

''(ii) the number of individuals planned to be interviewed.

''(4) PROCESSING.—

''(A) For refugees admitted to the United States during the preceding quarter, the average number of days between—

''(i) the date on which an individual referred to the United States Government as a refugee applicant is interviewed by the Secretary of Homeland Security; and

''(ii) the date on which such individual is admitted to the United States.

''(B) For refugee applicants interviewed by the Secretary of Homeland Security in the preceding quarter, the approval, denial, recommended approval, recommended denial, and hold rates for the applications for admission of such individuals, disaggregated by nationality.''.

SEC. 4106. SUPPORT FOR CERTAIN VULNERABLE AFGHANS RELATING TO EMPLOYMENT BY OR ON BEHALF OF THE UNITED STATES.

(a) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—

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

(A) in subparagraph (L)(iii), by adding a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the parent or brother or sister of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(2) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by paragraph (1), may not exceed 2,500 each fiscal year.

(B) CARRYOVER.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall not exceed 10,000.

(D) DURATION OF AUTHORITY.—The authority to issue visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall—

(i) commence on the date of the enactment of this Act; and

(ii) terminate on the date on which all such visas are exhausted.

(b) CERTAIN AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (2)(A)—

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

''(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

''(aa) by, or on behalf of, the United States Government; or

''(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

''(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

''(BB) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force); or

''(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;''; and

(B) in clause (iii), by striking ''clause (ii)'' and inserting ''clause (ii)(I)'';

(2) in paragraph (13)(A)(i), by striking ''subclause (I) or (II)(bb) of paragraph (2)(A)(ii)'' and inserting ''item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)'';

(3) in paragraph (14)(C), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''; and

(4) in paragraph (15), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''.

(c) EXTENSION OF SPECIAL IMMIGRANT VISA PROGRAM UNDER AFGHAN ALLIES PROTECTION ACT OF 2009.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking ''FISCAL YEARS 2015 THROUGH 2022'' and inserting ''FISCAL YEARS 2015 THROUGH 2029''; and

(B) in clause (i), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(C) in clause (ii), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(2) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2024'' and inserting ''January 31, 2030''.

(d) AUTHORIZATION OF VIRTUAL INTERVIEWS.—Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8;) is amended by adding at the end the following:

''(D) VIRTUAL INTERVIEWS.—Notwithstanding section 222(e) of the Immigration and Nationality Act (8 U.S.C. 1202(e)), an application for an immigrant visa under this section may be signed by the applicant through a virtual video meeting before a consular officer and verified by the oath of the applicant administered by the consular officer during a virtual video meeting.''.

(e) QUARTERLY REPORTS.—Paragraph (12) of section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended is amended to read as follows:

''(12) QUARTERLY REPORTS.—

''(A) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the National Security Act, 2024 and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes the following:

''(i) For the preceding quarter—

''(I) a description of improvements made to the processing of special immigrant visas and refugee processing for citizens and nationals of Afghanistan;

''(II) the number of new Afghan referrals to the United States Refugee Admissions Program, disaggregated by referring entity;

''(III) the number of interviews of Afghans conducted by U.S. Citizenship and Immigration Services, disaggregated by the country in which such interviews took place;

''(IV) the number of approvals and the number of denials of refugee status requests for Afghans;

''(V) the number of total admissions to the United States of Afghan refugees;

''(VI) number of such admissions, disaggregated by whether the refugees come from within, or outside of, Afghanistan;

''(VII) the average processing time for citizens and nationals of Afghanistan who are applicants;

''(VIII) the number of such cases processed within such average processing time; and

''(IX) the number of denials issued with respect to applications by citizens and nationals of Afghanistan.

''(ii) The number of applications by citizens and nationals of Afghanistan for refugee referrals pending as of the date of submission of the report.

''(iii) A description of the efficiency improvements made in the process by which applications for special immigrant visas under this subsection are processed, including information described in clauses (iii) through (viii) of paragraph (11)(B).

''(B) FORM OF REPORT.—Each report required by subparagraph (A) shall be submitted in unclassified form but may contain a classified annex.

''(C) PUBLIC POSTING.—The Secretary of State shall publish on the website of the Department of State the unclassified portion of each report submitted under subparagraph (A).''.

(f) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa or special immigrant status under—

(A) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1).

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who is seeking status as a special immigrant under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1), protection or to immediately remove such alien from Afghanistan, if possible.

(4) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States under this section or an

amendment made by this section shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

SEC. 4107. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date that is 10 years thereafter, the Secretary and the Secretary of State may waive any fee or surcharge or exempt individuals from the payment of any fee or surcharge collected by the Department of Homeland Security and the Department of State, respectively, in connection with a petition or application for, or issuance of, an immigrant visa to a national of Afghanistan under section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a)), respectively.

SEC. 4108. REPORTING.

(a) QUARTERLY REPORTS.—Beginning on January 1, 2028, not less frequently than quarterly, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for the preceding quarter—

(1) the number of individuals granted conditional permanent resident status under section 4103, disaggregated by the number of such individuals for whom conditions have been removed;

(2) the number of individuals granted conditional permanent resident status under section 4103 who have been determined to be ineligible for removal of conditions (and the reasons for such determination); and

(3) the number of individuals granted conditional permanent resident status under section 4103 for whom no such determination has been made (and the reasons for the lack of such determination).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Secretary, in consultation with the Attorney General, shall submit to the appropriate committees of Congress a report that includes for the preceding year, with respect to individuals granted conditional permanent resident status under section 4103—

(1) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(2) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(2) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(3) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(3) the number of final orders of removal issued pursuant to proceedings described in paragraphs (1) and (2), disaggregated by each applicable ground of deportability;

(4) the number of such individuals for whom such proceedings are pending, disaggregated by each applicable ground of deportability; and

(5) a review of the available options for removal from the United States, including any changes in the feasibility of such options during the preceding year.

SEC. 4109. RULE OF CONSTRUCTION.

Except as expressly described in this division or an amendment made by this division, nothing in this division or an amendment made by this division may be construed to modify, expand, or limit any law or authority to process or admit refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or applicants for an immigrant visa under the immigration laws.

SA 1551. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 1552. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 1553. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

SA 1554. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''3 days'' and insert ''4 days''.

SA 1555. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

SA 1556. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''5 days'' and insert ''6 days''.

SA 1557. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''6 days'' and insert ''7 days''.

SA 1558. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 10 days after the date of enactment of this Act.

SA 1559. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''10 days'' and insert ''11 days''.

SA 1560. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 12 days after the date of enactment of this Act.

SA 1561. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''12 days'' and insert ''13 days''.

SA 1562. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 14 days after the date of enactment of this Act.

SA 1563. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''14 days'' and insert ''15 days''.

SA 1564. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''15 days'' and insert ''16 days''.

SA 1565. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1388 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CODIFICATION OF SANCTIONS RELATING TO THE WESTERN BALKANS.

(a) IN GENERAL.—Each person designated, as of the date of the enactment of this Act, for the imposition of sanctions under an Executive order specified in subsection (c) shall remain so designated, except as provided in subsection (d).

(b) CONTINUATION OF SANCTIONS AUTHORITIES.—Each of the emergencies declared and authorities invoked to impose sanctions under an Executive order specified in subsection (c) shall remain in effect.

(c) EXECUTIVE ORDERS SPECIFIED.—The Executive orders specified in this subsection are—

(1) Executive Order 13219 (50 U.S.C. 1701 note; relating to blocking property of persons who threaten international stabilization efforts in the Western Balkans), as in effect on the date of the enactment of this Act; and

(2) Executive Order 14033 (50 U.S.C. 1701 note; relating to blocking property and suspending entry into the United States of certain persons contributing to the destabilizing situation in the Western Balkans), as in effect on such date of enactment.

(d) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions described in subsection (a) with respect to a person if the President certifies to Congress that such person no longer engages in the activity that was the basis for such sanctions and has not done so for the 2 years prior to the termination of such sanctions.

(e) WAIVERS.—

(1) NATIONAL SECURITY INTEREST WAIVER.—The President may, on a case-by-case basis, for renewable periods of up to 180 days, waive the application of any provision of this section if the President determines that the waiver is in the national security interest of the United States.

(2) HUMANITARIAN WAIVER.—The President may waive the application of any provision of this section if the President determines that the waiver is necessary for humanitarian assistance or to carry out the humanitarian purposes of the United States Government.

(f) RULEMAKING.—The President is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this section (which may include regulatory exceptions), including under section 205 of the International Emergency Economic Powers Act (50 U.S.C. 1704).

SA 1566. Ms. CORTEZ MASTO (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of State and the Secretary of the Treasury shall provide to the appropriate congressional committees a report on Russia's purported suspension of certain provisions of the Russia tax treaty. The report shall be submitted in unclassified form but may contain a classified annex as necessary.

(b) The report required under subsection (a) shall include an analysis of the effect of Russia's purported suspension of treaty provisions and an analysis of how the United States has responded, or could respond, to such suspensions.

(c) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Finance of the Senate.

(2) The term ''Russia tax treaty'' means the Convention Between the United States of America and the Russian Federation for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Washington August 25, 1992.

SA 1567. Mr. WARNER (for himself, Mr. ROUNDS, Mr. REED, and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___ TERRORIST FINANCING PREVENTION

TITLE I—PREVENTION OF ACCESS TO FINANCIAL AND OTHER INSTITUTIONS OF THE UNITED STATES BY FOREIGN TERRORIST ORGANIZATIONS AND THEIR ENABLERS

SEC. 101. DEFINITIONS.

In this title:

(1) DIGITAL ASSET.—The term ''digital asset'' means any digital representation of value that is recorded on a cryptographically secured distributed ledger or any similar technology, or another implementation which was designed and built as part of a system to leverage or replace blockchain or distributed ledger technology or their derivatives.

(2) DIGITAL ASSET PROTOCOL.—The term ''digital asset protocol'' means any communication protocol, smart contract, or other software—

(A) deployed through the use of distributed ledger or similar technology; and

(B) that provides a mechanism for users to interact and agree to the terms of a trade for digital assets.

(3) FOREIGN DIGITAL ASSET TRANSACTION FACILITATOR.—The term ''foreign digital asset transaction facilitator'' means any foreign person or group of foreign persons that, as determined by the Secretary, controls, operates, or makes available a digital asset protocol or similar facility, or otherwise materially assists in the purchase, sale, exchange, custody, or other transaction involving an exchange or transfer of value using digital assets.

(4) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term under section 561.308 of title 31, Code of Federal Regulations.

(5) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(6) FOREIGN TERRORIST ORGANIZATION.—The term ''Foreign Terrorist Organization'' means an organization that has been designated as a Foreign Terrorist Organization by the Secretary of State, pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(8) SPECIALLY DESIGNATED GLOBAL TERRORIST ORGANIZATION.—The term ''specially designated global terrorist organization'' means an organization that has been designated as a specially designated global terrorist by the Secretary of State or the Secretary, pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 102. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS AND FOREIGN DIGITAL ASSET TRANSACTION FACILITATORS THAT ENGAGE IN CERTAIN TRANSACTIONS.

(a) MANDATORY IDENTIFICATION.—Not later than 60 days after the date of enactment of this Act, and periodically thereafter, the Secretary shall identify and submit to the President a report identifying any foreign financial institution or foreign digital asset transaction facilitator that has knowingly—

(1) facilitated a significant financial transaction with—

(A) a Foreign Terrorist Organization;

(B) a specially designated global terrorist organization; or

(C) a person identified on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) for acting on behalf of or at the direction of, or being owned or controlled by, a Foreign Terrorist Organization or a specially designated global terrorist organization; or

(2) engaged in money laundering to carry out an activity described in paragraph (1).

(b) IMPOSITION OF SANCTIONS.—

(1) FOREIGN FINANCIAL INSTITUTIONS.—The President shall prohibit, or impose strict conditions on, the opening or maintaining of a correspondent account or a payable-through account in the United States by a foreign financial institution identified under subsection (a).

(2) FOREIGN DIGITAL ASSET TRANSACTION FACILITATORS.—The President, pursuant to such regulations as the President may prescribe, shall prohibit any transactions between any person subject to the jurisdiction of the United States with a foreign digital asset transaction facilitator identified under subsection (a).

(c) IMPLEMENTATION AND PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702, 1704) to the extent necessary to carry out this title.

(2) PENALTIES.—The penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under this section, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), the Secretary may submit to a court reviewing the finding or the imposition of the prohibition, condition, or penalty such classified information ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under this subsection or any prohibition, condition, or penalty imposed as a result of any such finding.

(e) WAIVER FOR NATIONAL SECURITY.—The Secretary may waive the imposition of sanctions under this section with respect to a person if the Secretary—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(f) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This section shall not apply with respect to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(g) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

TITLE II—SPECIAL MEASURES FOR MODERN THREATS

SEC. 201. PROHIBITIONS OR CONDITIONS ON CERTAIN TRANSMITTALS OF FUNDS.

Section 5318A of title 31, United States Code, is amended—

(1) in subsection (a)(2)(C), by striking ''subsection (b)(5)'' and inserting ''paragraphs (5) and (6) of subsection (b)''; and

(2) in subsection (b)—

(A) in paragraph (5), by striking ''for or on behalf of a foreign banking institution''; and

(B) by adding at the end the following:

''(6) PROHIBITIONS OR CONDITIONS ON CERTAIN TRANSMITTALS OF FUNDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more types of accounts within, or involving, a jurisdiction outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, certain transmittals of funds (as such term may be defined by the Secretary in a special measure issuance, by regulation, or as otherwise permitted by law), to or from any domestic financial institution or domestic financial agency if such transmittal of funds involves any such jurisdiction, institution, type of account, class of transaction, or type of account.''.

TITLE III—FUNDING

SEC. 301. ADEQUATE FUNDING TO PREVENT EVASION OF COUNTER-TERRORISM SANCTIONS AND FINANCIAL CRIME ENFORCEMENT.

There are authorized to be appropriated to the Secretary of the Treasury such funds as are necessary to carry out the purposes of this division.

SA 1568. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADDITIONAL AMOUNTS FOR THE AIR FORCE FOR VARIOUS RADAR AND WARNING SYSTEMS.

(a) OPERATIONS AND MAINTENANCE, AIR FORCE.—The amount appropriated by title I of division A under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'' is hereby increased by $52,500,000, with the amount of such increase to be available as follows:

(1) $45,000,000 shall available for long-range radar station infrastructure of North American Aerospace Defense Command (NORAD).

(2) $5,000,000 shall be available for long term repair and modernization of long-range radar stations of North American Aerospace Defense Command.

(3) $2,500,000 shall be available for long-range radar site backup generator.

(b) OTHER PROCUREMENT, AIR FORCE.—The amount appropriated by title I of division A under the heading ''OTHER PROCUREMENT, AIR FORCE'' is hereby increased by $22,000,000, with the amount of such increase to be available as follows:

(1) $5,000,000 shall be available for long-range radar site battery energy storage system.

(2) $17,000,000 shall be available for procurement of the Airborne Real-time Cueing Hyperspectral Enhanced Reconnaissance (ARCHER) system for the North Warning System.

(c) RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE.—The amount appropriated by title I of division A under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' is hereby increased by $65,000,000, with the amount of such increase to be available as follows:

(1) $55,000,000 shall be available for acceleration of the over the horizon backscatter radar capability.

(2) $10,000,000 shall be available for research, development, test, and evaluation of the Airborne Real-time Cueing Hyperspectral Enhanced Reconnaissance (ARCHER) system.

SA 1569. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION C—BORDER ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Border Act''.

SEC. 4002. DEFINITIONS.

In this division:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise explicitly provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Homeland Security of the House of Representatives.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

TITLE I—CAPACITY BUILDING

Subtitle A—Hiring, Training, and Systems Modernization

CHAPTER 1—HIRING AUTHORITIES

SEC. 4101. USCIS DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within the Refugee, Asylum and International Operations Directorate, the Field Operations Directorate, and the Service Center Operations Directorate of U.S. Citizenship and Immigration Services for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 4102. ICE DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within Enforcement and Removal Operations of U.S. Immigration and Customs Enforcement as a deportation officer or with duties exclusively relating to the Enforcement and Removal, Custody Operations, Alternatives to Detention, or Transportation and Removal program for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates the Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 4103. REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS.

(a) AUTHORITY.—The Secretary, after consultation with the Director of the Office of Personnel Management, may waive, with respect to any position in U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services, the application of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis, for employment of an annuitant in a position necessary to implement this Act and associated work, for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

(b) PROCEDURES.—The Secretary, after consultation with the Director of the Office of Personnel Management, shall prescribe procedures for the exercise of the authority under subsection (a), including procedures for a delegation of authority.

(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

SEC. 4104. ESTABLISHMENT OF SPECIAL PAY RATE FOR ASYLUM OFFICERS.

(a) IN GENERAL.—Subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after section 5332 the following:

''§ 5332a. Special base rates of pay for asylum officers

''(a) DEFINITIONS.—In this section—

''(1) the term 'asylum officer' has the meaning given such term in section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1));

''(2) the term 'General Schedule base rate' means an annual rate of basic pay established under section 5332 before any additions, such as a locality-based comparability payment under section 5304 or 5304a or a special rate supplement under section 5305; and

''(3) the term 'special base rate' means an annual rate of basic pay payable to an asylum officer, before any additions or reductions, that replaces the General Schedule base rate otherwise applicable to the asylum officer and that is administered in the same manner as a General Schedule base rate.

''(b) SPECIAL BASE RATES OF PAY.—

''(1) ENTITLEMENT TO SPECIAL RATE.—Notwithstanding section 5332, an asylum officer is entitled to a special base rate at grades 1 through 15, which shall—

''(A) replace the otherwise applicable General Schedule base rate for the asylum officer;

''(B) be basic pay for all purposes, including the purpose of computing a locality-based comparability payment under section 5304 or 5304a; and

''(C) be computed as described in paragraph (2) and adjusted at the time of adjustments in the General Schedule.

''(2) COMPUTATION.—The special base rate for an asylum officer shall be derived by increasing the otherwise applicable General Schedule base rate for the asylum officer by 15 percent for the grade of the asylum officer and rounding the result to the nearest whole dollar.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5332 the following:

''5332a. Special base rates of pay for asylum officers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning 30 days after the date of the enactment of this Act.

CHAPTER 2—HIRING WAIVERS

SEC. 4111. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

''(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(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;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or 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) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency.

''(2) In the case of a current, full-time Federal law enforcement officer, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) has authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or 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 background investigation, in accordance with current standards

required for access to Top Secret or Top Secret/Sensitive Compartmented Information.

''(3) In the case of an individual who is 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, Top Secret or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces, has not engaged in a criminal offense, has not committed a military offense under the Uniform Code of Military Justice, and does not have disciplinary, misconduct, or derogatory records; and

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

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of the Border Act.''.

SEC. 4112. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from 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.—Any individual who receives a waiver under subsection (b) of section 3 who holds a background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information shall be subject to an appropriate 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 subsection (b) of section 3 if information is discovered prior to 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.''.

(b) REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104) is amended by adding at the end the following new section:

''SEC. 5. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter for three years, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period—

''(1) the number of waivers granted and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection;

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals; and

''(7) any disciplinary actions taken against law enforcement officers hired under the waiver authority authorized under section 3(b).

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(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 employees for suitability; and

''(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).''.

(c) GAO REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

''SEC. 6. GAO REPORT.

''(a) IN GENERAL.—Not later than five years after the date of the enactment of this section, and every five years thereafter, the Comptroller General of the United States shall—

''(1) conduct a review of the disciplinary, misconduct, or derogatory records of all individuals hired using the waiver authority under subsection (b) of section 3—

''(A) to determine the rates of disciplinary actions taken against individuals hired using such waiver authority, as compared to individuals hired after passing the polygraph as required under subsection (a) of that section; and

''(B) to address any other issue relating to discipline by U.S. Customs and Border Protection; and

''(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that appropriately protects sensitive information and describes the results of the review conducted under paragraph (1).

''(b) SUNSET.—The requirement under this section shall terminate on the date on which the third report required by subsection (a) is submitted.''.

(d) DEFINITIONS.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (c) of this section, is further amended by adding at the end the following new section:

''SEC. 7. DEFINITIONS.

''In this Act:

''(1) CRIMINAL OFFENSE.—The term 'criminal offense' means—

''(A) any felony punishable by a term of imprisonment of more than one year; and

''(B) any other crime for which an essential element involves fraud, deceit, or misrepresentation to obtain an advantage or to disadvantage another.

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

''(3) MILITARY OFFENSE.—The term 'military offense' means—

''(A) an offense for which—

''(i) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; or

''(ii) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, as pursuant to Army Regulation 635–200 chapter 14–12; and

''(B) an action for which a member of the Armed Forces received a demotion in military rank as punishment for a crime or wrongdoing, imposed by a court martial or other authority.

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

CHAPTER 3—ALTERNATIVES TO DETENTION IMPROVEMENTS AND TRAINING FOR U.S. BORDER PATROL

SEC. 4121. ALTERNATIVES TO DETENTION IMPROVEMENTS.

(a) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall certify to the appropriate committees of Congress that—

(1) with respect to the alternatives to detention programs, U.S. Immigration and Customs Enforcement's processes that release aliens under any type of supervision, consistent and standard policies are in place across all U.S. Immigration and Customs Enforcement field offices;

(2) the U.S. Immigration and Customs Enforcement's alternatives to detention programs use escalation and de-escalation techniques; and

(3) reports on the use of, and policies with respect to, such escalation and de-escalation techniques are provided to the public appropriately protecting sensitive information.

(b) ANNUAL POLICY REVIEW.—

(1) IN GENERAL.—Not less frequently than annually, the Director shall conduct a review of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs so as to ensure standardization and evidence-based decision making.

(2) SUBMISSION OF POLICY REVIEWS.—Not later than 14 days after the completion of each review required by paragraph (1), the Director shall submit to the appropriate committees of Congress a report on the results of the review.

(c) INDEPENDENT VERIFICATION AND VALIDATION.—Not less frequently than every 5 years, the Director shall ensure that an independent verification and validation of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs is conducted.

SEC. 4122. TRAINING FOR U.S. BORDER PATROL.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall require all U.S. Border Patrol agents and other employees or contracted employees designated by the Commissioner to participate in annual continuing training to maintain and update their understanding of—

(1) Department of Homeland Security policies, procedures, and guidelines;

(2) the fundamentals of law (including the Fourth Amendment to the Constitution of the United States), ethics, and professional conduct;

(3) applicable Federal law and regulations;

(4) applicable migration trends that the Commissioner determines are relevant;

(5) best practices for coordinating with community stakeholders;

(6) de-escalation training; and

(7) any other information the Commissioner determines to be relevant to active duty agents.

(b) TRAINING SUBJECTS.—Continuing training under this section shall include training regarding—

(1) the non-lethal use of force policies available to U.S. Border Patrol agents and de-escalation strategies and methods;

(2) identifying, screening, and responding to vulnerable populations, such as children, persons with diminished mental capacity, victims of human trafficking, pregnant mothers, victims of gender-based violence, victims of torture or abuse, and the acutely ill;

(3) trends in transnational criminal organization activities that impact border security and migration;

(4) policies, strategies, and programs—

(A) to protect due process, the civil, human, and privacy rights of individuals, and the private property rights of land owners;

(B) to reduce the number of migrant and agent deaths; and

(C) to improve the safety of agents on patrol;

(5) personal resilience;

(6) anti-corruption and officer ethics training;

(7) current migration trends, including updated cultural and societal issues of countries that are a significant source of migrants who are—

(A) arriving to seek humanitarian protection; or

(B) encountered at a United States international boundary while attempting to enter without inspection;

(8) the impact of border security operations on natural resources and the environment, including strategies to limit the impact of border security operations on natural resources and the environment;

(9) relevant cultural, societal, racial, and religious training, including cross-cultural communication skills;

(10) training required under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.);

(11) risk management and safety training that includes agency protocols for ensuring public safety, personal safety, and the safety of persons in the custody of the Department of Homeland Security; and

(12) any other training that meets the requirements to maintain and update the subjects identified in subsection (a).

(c) COURSE REQUIREMENTS.—Courses offered under this section—

(1) shall be administered by U.S. Customs and Border Protection; and

(2) shall be approved in advance by the Commissioner of U.S. Customs and Border Protection to ensure that such courses satisfy the requirements for training under this section.

(d) ASSESSMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that assesses the training and education provided pursuant to this section, including continuing education.

CHAPTER 4—MODERNIZING NOTICES TO APPEAR

SEC. 4131. ELECTRONIC NOTICES TO APPEAR.

Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(B) in paragraph (2)(A), in the matter preceding clause (i), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(2) in subsection (c)—

(A) by inserting ''the alien, or to the alien's counsel of record, at'' after ''delivery to''; and

(B) by inserting '', or to the email address or other electronic address at which the alien elected to receive notice under paragraph (1) or (2) of subsection (a)'' before the period at the end.

SEC. 4132. AUTHORITY TO PREPARE AND ISSUE NOTICES TO APPEAR.

Section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)) is amended by adding at the end the following:

''(4) AUTHORITY FOR CERTAIN PERSONNEL TO SERVE NOTICES TO APPEAR.—Any mission support personnel within U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement who reports directly to an immigration officer with authority to issue a notice to appear, and who has received the necessary training to issue such a notice, shall be authorized to prepare a notice to appear under this section for review and issuance by the immigration officer.''.

Subtitle B—Asylum Processing at the Border

SEC. 4141. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

''SEC. 235B. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

''(a) GENERAL RULES.—

''(1) CIRCUMSTANCES WARRANTING NONCUSTODIAL PROCEEDINGS.—The Secretary, based upon operational circumstances, may refer an alien applicant for admission for proceedings described in this section if the alien—

''(A) indicates an intention to apply for a protection determination; or

''(B) expresses a credible fear of persecution (as defined in section 235(b)(1)(B)(v)) or torture.

''(2) RELEASE FROM CUSTODY.—Aliens referred for proceedings under this section shall be released from physical custody and processed in accordance with the procedures described in this section.

''(3) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for a proceeding under this section shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement immediately upon release from physical custody and continuing for the duration of such proceeding.

''(4) FAMILY UNITY.—The Secretary shall ensure, to the greatest extent practicable, that the referral of a family unit for proceedings under this section includes all members of such family unit who are traveling together.

''(5) EXCEPTIONS.—

''(A) UNACCOMPANIED ALIEN CHILDREN.—The provisions under this section may not be applied to unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

''(B) APPLICABILITY LIMITATION.—

''(i) IN GENERAL.—The Secretary shall only refer for proceedings under this section an alien described in clause (ii).

''(ii) ALIEN DESCRIBED.— An alien described in this clause is an alien who—

''(I) has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States for more than the 14-day period immediately prior to the date on which the alien was encountered by U.S. Customs and Border Protection; and

''(II) was encountered within 100 air miles of the international land borders of the United States.

''(6) TIMING.—The provisional noncustodial removal proceedings described in this section shall conclude, to the maximum extent practicable, not later than 90 days after the date the alien is inspected and determined inadmissible.

''(b) PROCEDURES FOR PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.—

''(1) COMMENCEMENT.—

''(A) IN GENERAL.—Provisional noncustodial removal proceedings shall commence under this section with respect to an alien immediately after the Secretary properly serves a notice of removal proceedings on the alien.

''(B) 90-DAY TIMEFRAME.—The 90-day period under subsection (a)(6) with respect to an alien shall commence upon an inspection and inadmissibility determination of the alien.

''(2) SERVICE AND NOTICE OF INTERVIEW REQUIREMENTS.—In provisional noncustodial removal proceedings conducted under this section, the Secretary shall—

''(A) serve notice to the alien or, if personal service is not practicable, to the alien's counsel of record;

''(B) ensure that such notice, to the maximum extent practicable, is in the alien's native language or in a language the alien understands; and

''(C) include in such notice—

''(i) the nature of the proceedings against the alien;

''(ii) the legal authority under which such proceedings will be conducted; and

''(iii) the charges against the alien and the statutory provisions the alien is alleged to have violated;

''(D) inform the alien of his or her obligation—

''(i) to immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any), at which the alien may be contacted respecting the proceeding under this section; and

''(ii) to provide to the Secretary, in writing, any change of the alien's mailing address or telephone number shortly after any such change;

''(E) include in such notice—

''(i) the time and place at which the proceeding under this section will be held, which shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding, which shall be provided not later than 10 days before the scheduled protection determination interview and shall be considered proper service of the commencement of proceedings; and

''(F) inform the alien of—

''(i) the consequences to which the alien would be subject pursuant to section 240(b)(5) if the alien fails to appear at such proceeding, absent exceptional circumstances;

''(ii) the alien's right to be represented, at no expense to the Federal Government, by any counsel or accredited representative selected by the alien who is authorized to represent an alien in such a proceeding; and

''(G) the information described in section 235(b)(1)(B)(iv)(II).

''(3) PROTECTION DETERMINATION.—

''(A) IN GENERAL.—To the maximum extent practicable, within 90 days after the date on which an alien is referred for proceedings under this section, an asylum officer shall conduct a protection determination of such

alien in person or through a technology appropriate for protection determinations.

''(B) ACCESS TO COUNSEL.—In any proceeding under this section or section 240D before U.S. Citizenship and Immigration Services and in any appeal of the result of such a proceeding, an alien shall have the privilege of being represented, at no expense to the Federal Government, by counsel authorized to represent an alien in such a proceeding.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection determination. The testimony of the alien shall be under oath or affirmation administered by the asylum officer.

''(D) INTERPRETERS.—Whenever necessary, the asylum officer shall procure the assistance of an interpreter, to the maximum extent practicable, in the alien's native language or in a language the alien understands, during any protection determination.

''(E) LOCATION.—

''(i) IN GENERAL.—Any protection determination authorized under this section shall occur in—

''(I) a U.S. Citizenship and Immigration Services office;

''(II) a facility managed, leased, or operated by U.S. Citizenship and Immigration Services;

''(III) any other location designated by the Director of U.S. Citizenship and Immigration Services; or

''(IV) any other federally owned or federally leased building that—

''(aa) the Director has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the special rules under clause (ii) and the minimum requirements under clause (iii).

''(ii) SPECIAL RULES.—

''(I) LOCATION.—A protection determination may not be conducted in a facility that is managed, leased, owned, or operated by U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

''(II) REASONABLE TIME.—The Secretary shall ensure that a protection determination is conducted during a reasonable time of the day.

''(III) GEOGRAPHICAL LIMITATION.—The Secretary shall ensure that each protection determination for an alien is scheduled at a facility that is a reasonable distance from the current residence of such alien.

''(IV) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(iii) MINIMUM LOCATION REQUIREMENT.—Each facility that the Director authorizes to be used to conduct protection determinations shall—

''(I) have adequate security measures to protect Federal employees, aliens, and beneficiaries for benefits; and

''(II) ensure the best interests of the child or children are prioritized pursuant to clause (ii)(IV) if such children are present at the protection determination.

''(F) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection determination, which—

''(i) shall be provided to the alien, or to the alien's counsel of record, upon a decision; and

''(ii) shall include—

''(I) a summary of the material facts stated by the alien;

''(II) any additional facts relied upon by the asylum officer;

''(III) the asylum officer's analysis of why, in the light of the facts referred to in subclauses (I) and (II), the alien has or has not established a positive or negative outcome from the protection determination; and

''(IV) a copy of the asylum officer's interview notes.

''(G) RESCHEDULING.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations that permit an alien to reschedule a protection determination in the event of exceptional circumstances.

''(ii) TOLLING OF TIME LIMITATION.—If an interview is rescheduled at the request of an alien, the period between the date on which the protection determination was originally scheduled and the date of the rescheduled interview shall not count toward the 90-day period referred to in subsection (a)(6).

''(H) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(I) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(i) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(ii) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(J) PROTECTION OF INFORMATION.—

''(i) SENSITIVE OR LAW ENFORCEMENT INFORMATION.—Nothing in this section may be construed to compel any employee of the Department of Homeland Security to disclose any information that is otherwise protected from disclosure by law.

''(ii) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (F) to the alien or to the alien's counsel of record, the Director shall protect any information that is prohibited by law from being disclosed.

''(c) PROTECTION DETERMINATION.—

''(1) IDENTITY VERIFICATION.—The Secretary may not conduct the protection determination with respect to an alien until the identity of the alien has been checked against all appropriate records and databases maintained by the Attorney General, the Secretary of State, or the Secretary.

''(2) IN GENERAL.—

''(A) ELIGIBILITY.—Upon the establishing the identity of an alien pursuant to paragraph (1), the asylum officer shall conduct a protection determination in a location selected in accordance with this section.

''(B) OUTCOME.—

''(i) POSITIVE PROTECTION DETERMINATION OUTCOME.—If the protection determination conducted pursuant to subparagraph (A) results in a positive protection determination outcome, the alien shall be referred to protection merits removal proceedings in accordance with the procedures described in paragraph (4).

''(ii) NEGATIVE PROTECTION DETERMINATION OUTCOME.—If such protection determination results in a negative protection determination outcome, the alien shall be subject to the process described in subsection (d).

''(3) RECORD.—

''(A) USE OF RECORD.—In each protection determination, or any review of such determination, the record of the alien's protection determination required under subsection (b)(3)(F) shall constitute the underlying application for the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture for purposes of the protection merits interview.

''(B) DATE OF FILING.—The date on which the Secretary issues a notification of a positive protection determination pursuant to paragraph (2)(B)(i) shall be considered, for all purposes, the date of filing and the date of receipt of the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture, as applicable.

''(4) REFERRAL FOR PROTECTION MERITS REMOVAL PROCEEDINGS.—

''(A) IN GENERAL.—If the alien receives a positive protection determination—

''(i) the alien shall be issued employment authorization pursuant to section 235C; and

''(ii) subject to paragraph (5), the asylum officer shall refer the alien for protection merits removal proceedings described in section 240D.

''(B) NOTIFICATIONS.—As soon as practicable after a positive protection determination, the Secretary shall—

''(i) issue a written notification to the alien of the outcome of such determination;

''(ii) include all of the information described in subsection (b)(2); and

''(iii) ensure that such notification and information concerning the procedures under section 240D, shall be made, at a minimum, not later than 30 days before the date on which the required protection merits interview under section 240D occurs.

''(5) AUTHORITY TO GRANT RELIEF OR PROTECTION.—

''(A) IN GENERAL.—If an alien demonstrates, by clear and convincing evidence, that the alien is eligible for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture during the protection determination, the asylum officer, subject to the procedures under subparagraph (B), may grant an application for such relief or protection submitted by such alien without referring the alien to protection merits removal proceedings under section 240D.

''(B) SUPERVISORY REVIEW.—

''(i) IN GENERAL.—An application granted by an asylum officer under subparagraph (A) shall be reviewed by a supervisory asylum officer to determine whether such grant is warranted.

''(ii) LIMITATION.—A decision by an asylum officer to grant an application under subparagraph (A) shall not be final, and the alien shall not be notified of such decision, unless a supervisory asylum officer first determines, based on the review conducted pursuant to clause (i), that such a grant is warranted.

''(iii) EFFECT OF APPROVAL.—If the supervisor determines that granting an alien's application for relief or protection is warranted—

''(I) such application shall be approved; and

''(II) the alien shall receive written notification of such decision as soon as practicable.

''(iv) EFFECT OF NON-APPROVAL.—If the supervisor determines that the grant is not warranted, the alien shall be referred for protection merits removal proceedings under section 240D.

''(C) SPECIAL RULES.—Notwithstanding any other provision of law—

''(i) if an alien's application for asylum is approved pursuant to subparagraph (B)(iii), the asylum officer may not issue an order of removal; and

''(ii) if an alien's application for withholding of removal under section 241(b)(3) or for withholding or deferral of removal under the Convention Against Torture is approved pursuant to subparagraph (B)(iii), the asylum officer shall issue a corresponding order of removal.

''(D) BIANNUAL REPORT.—The Director shall submit a biannual report to the relevant committees of Congress that includes, for the relevant period—

''(i) the number of cases described in subparagraph (A) that were referred to a supervisor pursuant to subparagraph (B), disaggregated by asylum office;

''(ii) the number of cases described in clause (i) that were approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iii) the number of cases described in clause (i) that were not approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iv) a summary of the benefits for which any aliens described in subparagraph (A) were considered amenable and whose cases were referred to a supervisor pursuant to subparagraph (B), disaggregated by case outcome referred to in clauses (ii) and (iii);

''(v) a description of any anomalous case outcomes for aliens described in subparagraph (A) whose cases were referred to a supervisor pursuant subparagraph (B); and

''(vi) a description of any actions taken to remedy the anomalous case outcomes referred to in clause (v).

''(E) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subparagraph (D), the Director shall—

''(i) protect any personally identifiable information associated with aliens described in subparagraph (A); and

''(ii) comply with all applicable privacy laws.

''(6) EMPLOYMENT AUTHORIZATION.—An alien whose application for relief or protection has been approved by a supervisor pursuant to paragraph (5)(B) shall be issued employment authorization under section 235C.

''(d) NEGATIVE PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If an alien receives a negative protection determination, the asylum officer shall—

''(A) provide such alien with written notification of such determination; and

''(B) subject to paragraph (2), order the alien removed from the United States without hearing or review.

''(2) OPPORTUNITY TO REQUEST RECONSIDERATION OR APPEAL.—The Secretary shall notify any alien described in paragraph (1) immediately after receiving notification of a negative protection determination under this subsection that he or she—

''(A) may request reconsideration of such determination in accordance with paragraph (3); and

''(B) may request administrative review of such protection determination decision in accordance with paragraph (4).

''(3) REQUEST FOR RECONSIDERATION.—

''(A) IN GENERAL.—Any alien with respect to whom a negative protection determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination.

''(B) DECISION.—The Director, or designee, in the Director's unreviewable discretion, may grant or deny a request for reconsideration made pursuant to subparagraph (A), which decision shall not be subject to review.

''(4) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the administrative review of a protection determination with respect to an alien under this subsection shall be based on the record before the asylum officer at the time at which such protection determination was made.

''(B) EXCEPTION.—An alien referred to in subparagraph (A), or the alien's counsel of record, may submit such additional evidence or testimony in accordance with such policies and procedures as the Secretary may prescribe.

''(C) REVIEW.—Each review described in subparagraph (A) shall be conducted by the Protection Appellate Board.

''(D) STANDARD OF REVIEW.—In accordance with the procedures prescribed by the Secretary, the Protection Appellate Board, upon the request of an alien, or the alien's counsel of record, shall conduct a de novo review of the record of the protection determination carried out pursuant to this section with respect to the alien.

''(E) DETERMINATION.—

''(i) TIMING.—The Protection Appellate Board shall complete a review under this paragraph, to the maximum extent practicable, not later than 72 hours after receiving a request from an alien pursuant to subparagraph (D).

''(ii) EFFECT OF POSITIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a positive protection determination, the alien shall be referred for protection merits removal proceedings under section 240D.

''(iii) EFFECT OF NEGATIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a negative protection determination, the alien shall be ordered removed from the United States without additional review.

''(5) JURISDICTIONAL MATTERS.—In any action brought against an alien under section 275(a) or 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of removal entered pursuant to subsection (c)(5)(C)(ii).

''(e) SERVICE OF PROTECTION DETERMINATION DECISION.—

''(1) PROTECTION DETERMINATION DECISION.—

''(A) IN GENERAL.—Upon reaching a decision regarding a protection determination, the Secretary shall—

''(i) immediately notify the alien, and the alien's counsel of record, if applicable, that a determination decision has been made; and

''(ii) schedule the service of the protection determination decision, which shall take place, to the maximum extent practicable, not later than 5 days after such notification.

''(B) SPECIAL RULES.—

''(i) LOCATION.—Each service of a protection determination decision scheduled pursuant to subparagraph (A)(ii) may occur at—

''(I) a U.S. Immigration and Customs Enforcement facility;

''(II) an Immigration Court; or

''(III) any other federally owned or federally leased building that—

''(aa) the Secretary has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the minimum requirements under this subparagraph.

''(ii) MINIMUM REQUIREMENTS.—In conducting each service of a protection determination decision, the Director shall ensure compliance with the requirements set forth in clauses (ii)(II), (ii)(III), (ii)(IV), and (iii) of subsection (b)(3)(E).

''(2) PROCEDURES FOR SERVICE OF PROTECTION DETERMINATION DECISIONS.—

''(A) WRITTEN DECISION.—The Secretary shall ensure that each alien and the alien's counsel of record, if applicable, attending a determination decision receives a written decision that includes, at a minimum, the articulated basis for the denial of the protection benefit sought by the alien.

''(B) LANGUAGE ACCESS.—The Secretary shall ensure that each written decision required under subparagraph (A) is delivered to the alien in—

''(i) the alien's native language, to the maximum extent practicable; or

''(ii) another language the alien understands.

''(C) ACCESS TO COUNSEL.—An alien who has obtained the services of counsel shall be represented by such counsel, at no expense to the Federal Government, at the service of the protection determination. Nothing in this subparagraph may be construed to create a substantive due process right or to unreasonably delay the scheduling of the service of the protection determination.

''(D) ASYLUM OFFICER.—A protection determination decision may only be served by an asylum officer.

''(E) PROTECTIONS FOR ASYLUM OFFICER DECISIONS BASED ON THE MERITS OF THE CASE.—The Secretary may not impose restrictions on an asylum officer's ability to grant or deny relief sought by an alien in a protection determination or protection merits interview based on a numerical limitation.

''(3) NEGATIVE PROTECTION DETERMINATION.—

''(A) ADVISEMENT OF RIGHTS AND OPPORTUNITIES.—If an alien receives a negative protection determination decision, the asylum officer shall—

''(i) advise the alien if an alternative option of return is available to the alien, including—

''(I) voluntary departure;

''(II) withdrawal of the alien's application for admission; or

''(III) voluntary repatriation; and

''(ii) provide written or verbal information to the alien regarding the process, procedures, and timelines for appealing such denial, to the maximum extent practicable, in the alien's native language, or in a language the alien understands.

''(4) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(5) FINAL ORDER OF REMOVAL.—If an alien receives a negative protection determination decision, an alien shall be removed in accordance with section 241 upon a final order of removal.

''(f) FAILURE TO CONDUCT PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If the Secretary fails to conduct a protection determination for an alien during the 90-day period set forth in subsection (b)(3)(A), such alien shall be referred for protection merits removal proceedings in accordance with 240D.

''(2) NOTICE OF PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—If an alien is referred for protection merits removal proceedings pursuant to paragraph (1), the Secretary shall properly file with U.S. Citizenship and Immigration Services and serve upon the alien, or the alien's counsel of record, a notice of a protection merits interview, in accordance with subsection (b)(2).

''(B) CONTENTS.—Each notice of protection merits interview served pursuant to subparagraph (A)—

''(i) shall include each element described in subsection (b)(2); and

''(ii) shall—

''(I) inform the alien that an application for protection relief shall be submitted to the Secretary not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(II) inform the alien that he or she shall receive employment authorization, pursuant to section 235C, not later than 30 days after filing the application required under subclause (I);

''(III) inform the alien that he or she may submit evidence into the record not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(IV) describe—

''(aa) the penalties resulting from the alien's failure to file the application required under subclause (I); and

''(bb) the terms and conditions for redressing such failure to file; and

''(V) describe the penalties resulting from the alien's failure to appear for a scheduled protection merits interview.

''(3) DATE OF FILING.—The date on which an application for protection relief is received by the Secretary shall be considered the date of filing and receipt for all purposes.

''(4) EFFECT OF FAILURE TO FILE.—

''(A) IN GENERAL.—Failure to timely file an application for protection relief under this subsection will result in an order of removal, absent exceptional circumstances.

''(B) OPPORTUNITY FOR REDRESS.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations authorizing a 15-day opportunity for redress to file an application for protection relief if there are exceptional circumstances regarding the alien's failure to timely file an application for protection relief.

''(ii) CONTENTS.—Each application submitted pursuant to clause (i) shall—

''(I) describe the basis for such request;

''(II) include supporting evidence; and

''(III) identify the exceptional circumstances that led to the alien's failure to file the application for protection relief in a timely manner.

''(C) DECISION .—In evaluating a request for redress submitted pursuant to subparagraph (B)(i), the Director, or designee—

''(i) shall determine whether such request rises to the level of exceptional circumstances; and

''(ii) may schedule a protection determination interview.

''(5) EMPLOYMENT AUTHORIZATION.—

''(A) IN GENERAL.—Employment authorization shall be provided to aliens described in this subsection in accordance with section 235C.

''(B) REVOCATION.—The Secretary may revoke the employment authorization provided to any alien processed under this section or section 240D if such alien—

''(i) has obtained authorization for employment pursuant to the procedures described in section 235C; and

''(ii) absent exceptional circumstances, subsequently fails to appear for a protection determination under subsection (b)(3) or a protection merits interview under 240D(c)(3).

''(g) FAILURE TO APPEAR.—

''(1) PROTECTION MERITS INTERVIEW.—The provisions of section 240(b)(5) shall apply to proceedings under this section.

''(2) OPPORTUNITY TO REDRESS.—

''(A) IN GENERAL.—Not later than 15 days after the date on which an alien fails to appear for a scheduled protection determination or protection merits interview, the alien may submit a written request for a rescheduled protection determination or protection merits interview.

''(B) CONTENTS.—Each request submitted pursuant to subparagraph (A) shall—

''(i) describe the basis for such request;

''(ii) include supporting evidence; and

''(iii) identify the exceptional circumstances that led to the alien's failure to appear.

''(C) DECISION.—In evaluating a request submitted pursuant to subparagraph (A), the Director, or designee shall determine whether the evidence included in such request rises to the level of exceptional circumstances. Such decision shall not be reviewable.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section, shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) SAVINGS PROVISIONS.—

''(1) EXPEDITED REMOVAL.—Nothing in this section may be construed to expand or restrict the Secretary's discretion to carry out expedited removals pursuant to section 235 to the extent authorized by law. The Secretary shall not refer or place an alien in proceedings under section 235 if the alien has already been placed in or referred to proceedings under this section or section 240D.

''(2) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien released pursuant to this section if otherwise authorized by law.

''(3) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect as of the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(4) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(5) SPECIAL RULE.—For aliens who are natives or citizens of Cuba released pursuant to this section and who are otherwise eligible for adjustment of status under the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the 'Cuban Adjustment Act'), the requirement that an alien has been inspected and admitted or paroled into the United States shall not apply. Aliens who are natives or citizens of Cuba or Haiti and have been released pursuant to section 240 (8 U.S.C. 1229) shall be considered to be individuals described in section 501(e)(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note).

''(6) REVIEW OF PROTECTION DETERMINATIONS.—Except for reviews of constitutional claims, no court shall have jurisdiction to review a protection determination issued by U.S. Citizenship and Immigration Services under this section.

''(7) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(j) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(k) REPORTS ON ASYLUM OFFICER GRANT RATES.—

''(1) PUBLICATION OF ANNUAL REPORT.—Not later than 1 year after the date of the enactment of the Border Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall publish a report, on a publicly accessible website of U.S. Citizenship and Immigration Services, which includes, for the reporting period—

''(A) the number of protection determinations that were approved or denied; and

''(B) a description of any anomalous incidents identified by the Director, including any action taken by the Director to address such an incident.

''(2) SEMIANNUAL REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not less frequently than twice each year, the Director of U.S. Citizenship and Immigration Services shall submit a report to the relevant committees of Congress that includes, for the preceding reporting period, and aggregated for the applicable calendar year—

''(i) the number of cases in which a protection determination or protection merits interview has been completed; and

''(ii) for each asylum office or duty station to which more than 20 asylum officers are assigned—

''(I) the median percentage of positive determinations and protection merits interviews in the cases described in clause (i);

''(II) the mean percentage of negative determinations and protection merits interviews in such cases; and

''(III) the number of cases described in subsection (c)(5) in which an alien was referred to a supervisor after demonstrating, by clear and convincing evidence, eligibility for asylum, withholding of removal, or protection under the Convention Against Torture, disaggregated by benefit type;

''(IV) the number of cases described in clause (i) that were approved by a supervisor; and

''(V) the number of cases described in clause (i) that were not approved by a supervisor.

''(B) PRESENTATION OF DATA.—The information described in subparagraph (A) shall be provided in the format of aggregate totals by office or duty station.

''(l) DEFINITIONS.—In this section:

''(1) APPLICATION FOR PROTECTION RELIEF.—The term 'application for protection relief' means any request, application or petition authorized by the Secretary for asylum, withholding of removal, or protection under the Convention Against Torture.

''(2) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(3) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(4) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(5) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(6) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(7) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(8) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(9) RELEVANT COMMITTEES OF CONGRESS.—The term 'relevant committees of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on the Judiciary of the Senate;

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Homeland Security of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives;

''(F) the Committee on Appropriations of the House of Representatives; and

''(G) the Committee on Oversight and Accountability of the House of Representatives.

''(10) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Provisional noncustodial removal proceedings.''.

SEC. 4142. PROTECTION MERITS REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 240C the following:

''SEC. 240D. PROTECTION MERITS REMOVAL PROCEEDINGS.

''(a) COMMENCEMENT OF PROCEEDINGS.—Removal proceedings under this section shall commence immediately after the Secretary properly serves notice on an alien who was—

''(1) processed under section 235B and referred under subsection (c)(4) of that section after having been issued a notice of a positive protection determination under such subsection; or

''(2) referred under section 235B(f).

''(b) DURATION OF PROCEEDINGS.—To the maximum extent practicable, proceedings under this section shall conclude not later than 90 days after the date on which such proceedings commence.

''(c) PROCEDURES.—

''(1) SERVICE AND NOTICE REQUIREMENTS.—Upon the commencement of proceedings under this section, the Secretary shall provide notice of removal proceedings to the alien, or if personal service is not practicable, to the alien's counsel of record. Such notice shall be provided, to the maximum extent practicable, in the alien's native language, or in a language the alien understands, and shall specify or provide—

''(A) the nature of the proceedings against the alien;

''(B) the legal authority under which such proceedings will be conducted;

''(C) the charges against the alien and the statutory provisions alleged to have been violated by the alien;

''(D) that the alien shall—

''(i) immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any) at which the alien may be contacted respecting the proceeding under this section; and

''(ii) provide to the Secretary, in writing, any change of the alien's mailing address or telephone number after any such change;

''(E)(i) the time and place at which the proceeding under this section will be held, which information shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding shall be provided to the alien, or to the alien's counsel of record, not later than 10 days before the scheduled protection determination interview, which shall be considered proper service of the commencement of proceedings;

''(F) the consequences for the alien's failure to appear at such proceeding pursuant to section 240(b)(5)(A), absent exceptional circumstances;

''(G) the alien's right to be represented, at no expense to the Federal Government, by any counsel, or an accredited representative, selected by the alien who is authorized to practice in such a proceeding; and

''(H) information described in section 235(b)(1)(B)(iv)(II).

''(2) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for proceedings under this section, shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement for the duration of such proceedings.

''(3) PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—An asylum officer shall conduct a protection merits interview of each alien processed under this section.

''(B) ACCESS TO COUNSEL.—Section 235B(b)(3)(B) shall apply to proceedings under this section.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection merits interview. The testimony of the alien shall be under oath or affirmation, which shall be administered by the asylum officer.

''(D) TRANSLATION OF DOCUMENTS.—Any foreign language document offered by a party in proceedings under this section shall be accompanied by an English language translation and a certification signed by the translator, which shall be printed legibly or typed. Such certification shall include a statement that the translator is competent to translate the document, and that the translation is true and accurate to the best of the translator's abilities.

''(E) INTERPRETERS.—An interpreter may be provided to the alien for the proceedings under this section, in accordance with section 235B(b)(3)(D).

''(F) LOCATION.—The location for the protection merits interview described in this section shall be determined in accordance with the terms and conditions described in section 235B(b)(3)(E).

''(G) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection merits interview, which shall be provided to the alien or the alien's counsel, that includes—

''(i) a summary of the material facts stated by the alien;

''(ii) any additional facts relied upon by the asylum officer;

''(iii) the asylum officer's analysis of why, in light of the facts referred to in clauses (i) and (ii), the alien has or has not established eligibility for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(iv) a copy of the asylum officer's interview notes.

''(H) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (G) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(I) RULEMAKING.—The Secretary shall promulgate regulations that permit an alien to request a rescheduled interview due to exceptional circumstances.

''(J) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(4) SPECIAL RULE RELATING TO ONE-YEAR BAR.—An alien subject to proceedings under this section shall not be subject to the one-year bar under section 208(a)(2)(B).

''(5) TIMING OF PROTECTION MERITS INTERVIEW.—A protection merits interview may not be conducted on a date that is earlier than 30 days after the date on which notice is served under paragraph (1).

''(d) PROTECTION MERITS DETERMINATION.—

''(1) IN GENERAL.—After conducting an alien's protection merits interview, the asylum officer shall make a determination on the merits of the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) POSITIVE PROTECTION MERITS DETERMINATION.—In the case of an alien who the asylum officer determines meets the criteria for a positive protection merits determination, the asylum officer shall approve the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(3) NEGATIVE PROTECTION MERITS DETERMINATION.—

''(A) IN GENERAL.—In the case of an alien who the asylum officer determines does not meet the criteria for a positive protection merits determination—

''(i) the asylum officer shall deny the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(ii) the Secretary shall—

''(I) provide the alien with written notice of the decision; and

''(II) subject to subparagraph (B) and subsection (e), order the removal of the alien from the United States.

''(B) REQUEST FOR RECONSIDERATION.—Any alien with respect to whom a negative protection merits determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination, in accordance with the procedures set forth in section 235B(d)(3).

''(e) APPEALS.—

''(1) IN GENERAL.—An alien with respect to whom a negative protection merits determination has been made may submit to the Protection Appellate Board a written petition for review of such determination, together with additional evidence supporting

the alien's claim, as applicable, not later than 7 days after the date on which a request for reconsideration under subsection (d)(3)(B) has been denied.

''(2) SWORN STATEMENT.—A petition for review submitted under this subsection shall include a sworn statement by the alien.

''(3) RESPONSIBILITIES OF THE DIRECTOR.—

''(A) IN GENERAL.—After the filing of a petition for review by an alien, the Director shall—

''(i) refer the alien's petition for review to the Protection Appellate Board; and

''(ii) before the date on which the Protection Appellate Board commences review, subject to subparagraph (B), provide a full record of the alien's protection merits interview, including a transcript of such interview—

''(I) to the Protection Appellate Board; and

''(II) to the alien, or the alien's counsel of record.

''(B) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (A)(ii)(II) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(4) STANDARD OF REVIEW.—

''(A) IN GENERAL.—In reviewing a protection merits determination under this subsection, the Protection Appellate Board shall—

''(i) with respect to questions of fact, determine whether the decision reached by the asylum officer with initial jurisdiction regarding the alien's eligibility for relief or protection was clear error; and

''(ii) with respect to questions of law, discretion, and judgement, make a de novo determination with respect to the alien's eligibility for relief or protection.

''(B) in making a determination under clause (i) or (ii) of subparagraph (A), take into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the Protection Appellate Board.

''(5) COMPLETION.—To the maximum extent practicable, not later than 7 days after the date on which an alien files a petition for review with the Protection Appellate Board, the Protection Appellate Board shall conclude the review.

''(6) OPPORTUNITY TO SUPPLEMENT.—The Protection Appellate Board shall establish a process by which an alien, or the alien's counsel of record, may supplement the record for purposes of a review under this subsection not less than 30 days before the Protection Appellate Board commences the review.

''(7) RESULT OF REVIEW.—

''(A) VACATUR OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for asylum warrants approval, the Protection Appellate Board shall vacate the order of removal issued by the asylum officer and grant such application.

''(B) WITHHOLDING OF REMOVAL AND CONVENTION AGAINST TORTURE ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture warrants approval, the Protection Appellate Board—

''(i) shall not vacate the order of removal issued by the asylum officer; and

''(ii) shall grant the application for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture, as applicable.

''(C) AFFIRMATION OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the petition for review of a protection merits interview does not warrant approval, the Protection Appellate Board shall affirm the denial of such application and the order of removal shall become final.

''(D) NOTIFICATION.—Upon making a determination with respect to a review under this subsection, the Protection Appellate Board shall expeditiously provide notice of the determination to the alien and, as applicable, to the alien's counsel of record.

''(8) MOTION TO REOPEN OR MOTION TO RECONSIDER.—

''(A) MOTION TO REOPEN.—A motion to reopen a review conducted by the Protection Appellate Board shall state new facts and shall be supported by documentary evidence. The resubmission of previously provided evidence or reassertion of previously stated facts shall not be sufficient to meet the requirements of a motion to reopen under this subparagraph. An alien with a pending motion to reopen may be removed if the alien's order of removal is final, pending a decision on a motion to reopen.

''(B) MOTION TO RECONSIDER.—

''(i) IN GENERAL.—A motion to reconsider a decision of the Protection Appellate Board—

''(I) shall establish that—

''(aa) the Protection Appellate Board based its decision on an incorrect application of law or policy; and

''(bb) the decision was incorrect based on the evidence in the record of proceedings at the time of the decision; and

''(II) shall be filed not later than 30 days after the date on which the decision was issued.

''(ii) LIMITATION.—The Protection Appellate Board shall not consider new facts or evidence submitted in support of a motion to reconsider.

''(f) ORDER OF REMOVAL.—

''(1) IN GENERAL.—The Secretary—

''(A) shall have exclusive and final jurisdiction over the denial of an application for relief or protection under this section; and

''(B) may remove an alien to a country where the alien is a subject, national, or citizen, or in the case of an alien having no nationality, the country of the alien's last habitual residence, or in accordance with the processes established under section 241, unless removing the alien to such country would be prejudicial to the interests of the United States.

''(2) DETENTION; REMOVAL.—The terms and conditions under section 241 shall apply to the detention and removal of aliens ordered removed from the United States under this section.

''(g) LIMITATION ON JUDICIAL REVIEW.—

''(1) DENIALS OF PROTECTION.—Except for review of constitutional claims, no court shall have jurisdiction to review a decision issued by U.S. Citizenship and Immigration Services under this section denying an alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section, shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) SAVINGS PROVISIONS.—

''(1) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien who is processed, including for release, under this section if otherwise authorized by law.

''(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect on the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(3) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(4) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(A) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(B) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(j) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed pursuant to this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(k) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(l) DEFINITIONS.—In this section:

''(1) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture'—means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(3) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(4) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(5) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(6) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(7) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 240C the following:

''Sec. 240D. Protection merits removal proceedings.''.

SEC. 4143. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING; WITHDRAWAL OF APPLICATION FOR ADMISSION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4142(a), is further amended by inserting after section 240D the following:

''SEC. 240E. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING.

''(a) CONDITIONS.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, instead of being subject to proceedings under section 235B or 240D or before the completion of such proceedings, if such alien is not deportable under paragraph (2)(A)(iii) or (4)(B) of section 237(a).

''(2) PERIOD OF VALIDITY.—Permission to depart voluntarily under this subsection shall be valid for a period not to exceed 120 days.

''(3) DEPARTURE BOND.—The Secretary may require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(b) AT CONCLUSION OF PROCEEDINGS.—

''(1) IN GENERAL.—The Secretary may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, if, at the conclusion of a proceeding under section 240D, the asylum officer—

''(A) enters an order granting voluntary departure instead of removal; and

''(B) determines that the alien—

''(i) has been physically present in the United States for not less than 60 days immediately preceding the date on which proper notice was served in accordance with section 235B(e)(2);

''(ii) is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure;

''(iii) is not deportable under paragraph (2)(A)(iii) or (4) of section 237(a); and

''(iv) has established, by clear and convincing evidence, that he or she has the means to depart the United States and intends to do so.

''(2) DEPARTURE BOND.—The Secretary shall require any alien permitted to voluntarily depart under this subsection to post a voluntary departure bond, in an amount necessary to ensure that such alien will depart, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(c) INELIGIBLE ALIENS.—The Secretary shall not permit an alien to voluntarily depart under this section if such alien was previously permitted to voluntarily depart after having been found inadmissible under section 212(a)(6)(A).

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Subject to paragraph (2), an alien who was permitted to voluntarily depart the United States under this section and fails to voluntarily depart within the period specified by the Secretary—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, during the 10-year period beginning on the last day such alien was permitted to voluntarily depart, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) SPECIAL RULE.—The restrictions on relief under paragraph (1) shall not apply to individuals identified in section 240B(d)(2).

''(3) NOTICE.—The order permitting an alien to voluntarily depart shall describe the penalties under this subsection.

''(e) ADDITIONAL CONDITIONS.—The Secretary may prescribe regulations that limit eligibility for voluntary departure under this section for any class of aliens. No court may review any regulation issued under this subsection.

''(f) JUDICIAL REVIEW.—No court has jurisdiction over an appeal from the denial of a request for an order of voluntary departure under subsection (b). No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure relief in any other section of this Act.

''SEC. 240F. WITHDRAWAL OF APPLICATION FOR ADMISSION.

''(a) WITHDRAWAL AUTHORIZED.—The Secretary of Homeland Security (referred to in this section as the 'Secretary'), in the discretion of the Secretary, may permit any alien for admission to withdraw his or her application—

''(1) instead of being placed into removal proceedings under section 235B or 240D; or

''(2) at any time before the alien's protection merits interview occurs under section 240D.

''(b) CONDITIONS.—An alien's decision to withdraw his or her application for admission under subsection (a) shall be made voluntarily. Permission to withdraw an application for admission may not be granted unless the alien intends and is able to depart the United States within a period determined by the Secretary.

''(c) CONSEQUENCE FOR FAILURE TO DEPART.—An alien who is permitted to withdraw his or her application for admission under this section and fails to voluntarily depart the United States within the period specified by the Secretary pursuant to subsection (b) shall be ineligible, during the 5-year period beginning on the last day of such period, to receive any further relief under this section and section 240A.

''(d) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed after withdrawing an application under this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any withdrawal requirements in any other section of this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4142(b), is further amended by inserting after the item relating to section 240D the following:

''Sec. 240E. Voluntary departure after noncustodial processing.

''Sec. 240F. Withdrawal of application for admission.''.

SEC. 4144. VOLUNTARY REPATRIATION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4143(a), is further amended by inserting after section 240F, the following:

''SEC. 240G. VOLUNTARY REPATRIATION.

''(a) ESTABLISHMENT.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish a voluntary repatriation program in accordance with the terms and conditions of this section.

''(b) VOLUNTARY REPATRIATION IN LIEU OF PROCEEDINGS.—Under the voluntary repatriation program established under subsection (a), the Secretary may permit an alien to elect, at any time during proceedings under section 235B or before the alien's protection merits determination under section 240D(d), voluntary repatriation in lieu of continued proceedings under section 235B or 240D.

''(c) PERIOD OF VALIDITY.—An alien who elects voluntary repatriation shall depart the United States within a period determined by the Secretary, which may not exceed 120 days.

''(d) PROCEDURES.—Consistent with subsection (b), the Secretary may permit an alien to elect voluntary repatriation if the asylum officer—

''(1) enters an order granting voluntary repatriation instead of an order of removal; and

''(2) determines that the alien—

''(A) has been physically present in the United States immediately preceding the date on which the alien elects voluntary repatriation;

''(B) is, and has been, a person of good moral character for the entire period the alien is physically present in the United States;

''(C) is not described in paragraph (2)(A)(iii) or (4) of section 237(a);

''(D) meets the applicable income requirements, as determined by the Secretary; and

''(E) has not previously elected voluntary repatriation.

''(e) MINIMUM REQUIREMENTS.—

''(1) NOTICE.—The notices required to be provided to an alien under sections 235B(b)(2) and 240D(c)(1) shall include information on the voluntary repatriation program.

''(2) VERBAL REQUIREMENTS.—The asylum officer shall verbally provide the alien with information about the opportunity to elect voluntary repatriation—

''(A) at the beginning of a protection determination under section 235B(c)(2); and

''(B) at the beginning of the protection merits interview under section 240D(b)(3).

''(3) WRITTEN REQUEST.—An alien subject to section 235B or 240D—

''(A) may elect voluntary repatriation at any time during proceedings under 235B or before the protection merits determination under section 240D(d); and

''(B) may only elect voluntary repatriation—

''(i) knowingly and voluntarily; and

''(ii) in a written format, to the maximum extent practicable, in the alien's native language or in a language the alien understands, or in an alternative record if the alien is unable to write.

''(f) REPATRIATION.—The Secretary is authorized to provide transportation to aliens, including on commercial flights, if such aliens elect voluntary repatriation.

''(g) REINTEGRATION.—Upon election of voluntary repatriation, the Secretary shall advise the alien of any applicable reintegration

or reception program available in the alien's country of nationality.

''(h) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been permitted to voluntarily repatriate pursuant to this section, the Secretary shall ensure that such alien is repatriated with the minor child, if the alien elects.

''(i) IMMIGRATION CONSEQUENCES.—

''(1) ELECTION TIMING.—In the case of an alien who elects voluntary repatriation at any time during proceeding under section 235B or before the protection merits interview, a final order of removal shall not be entered against the alien.

''(2) FAILURE TO TIMELY DEPART.—In the case of an alien who elects voluntary repatriation and fails to depart the United States before the end of the period of validity under subsection (c)—

''(A) the alien shall be subject to a civil penalty in an amount equal to the cost of the commercial flight or the ticket, or tickets, to the country of nationality;

''(B) during the 10-year period beginning on the date on which the period of validity under subsection (c) ends, the alien shall be ineligible for relief under—

''(i) this section;

''(ii) section 240A; and

''(iii) section 240E; and

''(C) a final order of removal shall be entered against the alien.

''(3) EXCEPTIONS.—Paragraph (2) shall not apply to a child of an adult alien who elected voluntary repatriation.

''(j) CLERICAL MATTERS.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure under any other section of this Act.

''(2) SAVINGS CLAUSE.—Nothing in this section may be construed to supersede the requirements of section 241(b)(3).

''(3) JUDICIAL REVIEW.—No court shall have jurisdiction of the Secretary's decision, in the Secretary's sole discretion, to permit an alien to elect voluntary repatriation. No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary repatriation.

''(4) APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section.

''(k) VOLUNTARY REPATRIATION DEFINED.—The term 'voluntary repatriation' means the free and voluntary return of an alien to the alien's country of nationality (or in the case of an alien having no nationality, the country of the alien's last habitual residence) in a safe and dignified manner, consistent with the obligations of the United States under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4143(b), is further amended by inserting after the item relating to section 240F the following:

''Sec. 240G. Voluntary repatriation.''.

SEC. 4145. IMMIGRATION EXAMINATIONS FEE ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in subsection (m), by striking ''collected.'' and inserting ''collected: *Provided further*, That such fees may not be set to recover any costs associated with the implementation of sections 235B and 240D, are appropriated by Congress, and are not subject to the fees collected.''; and

(2) in subsection (n), by adding at the end the following: ''Funds deposited in the 'Immigration Examinations Fee Account' shall not be used to reimburse any appropriation for expenses associated with the implementation of sections 235B and 240D.''.

SEC. 4146. BORDER REFORMS.

(a) SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.—

(1) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 244A. SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.

''(a) IN GENERAL.—An alien described in section 235 or 235B who arrives by land from a contiguous continental land border (whether or not at a designated port of arrival), absent unusual circumstances, shall be promptly subjected to the mandatory provisions of such sections unless the Secretary of Homeland Security (referred to in this section as the 'Secretary')determines, on a case-by-case basis, that there is—

''(1) an exigent medical circumstance involving the alien that requires the alien's physical presence in the United States;

''(2) a significant law enforcement or intelligence purpose warranting the alien's presence in the United States;

''(3) an urgent humanitarian reason directly pertaining to the individual alien, according to specific criteria determined by the Secretary;

''(4) a Tribal religious ceremony, cultural exchange, celebration, subsistence use, or other culturally important purpose warranting the alien's presence in the United States on Tribal land located at or near an international land border;

''(5) an accompanying alien whose presence in the United States is necessary for the alien who meets the criteria described in any of the paragraphs (1) through (4) to further the purposes of such provisions; or

''(6) an alien who, while in the United States, had an emergent personal or bona fide reason to travel temporarily abroad and received approval for Advance Parole from the Secretary.

''(b) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to preclude the execution of section 235(a)(4) or 241(a)(5);

''(2) to expand or restrict the authority to grant parole under section 212(d)(5), including for aliens arriving at a port of entry by air or sea, other than an alien arriving by land at a contiguous continental land border for whom a special rule described in subsection (a) applies; or

''(3) to refer to or place an alien in removal proceedings pursuant to section 240, or in any other proceedings, if such referral is not otherwise authorized under this Act.

''(c) TRANSITION RULES.—

''(1) MANDATORY PROCESSING.—Beginning on the date that is 90 days after the date of the enactment of this section, the Secretary shall require any alien described in subsection (a) who does not meet any of the criteria described in paragraphs (1) through (6) of that subsection to be processed in accordance with section 235 or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).

''(2) PRE-CERTIFICATION REFERRALS AND PLACEMENTS.—Before the Comptroller General of the United States has certified that sections 235B and 240D are fully operational pursuant to section 4146(d) of the Border Act, the Secretary shall refer or place aliens described in subsection (a) in proceedings under section 240 based upon operational considerations regarding the capacity of the Secretary to process aliens under section 235 or section 235B, as applicable.

''(3) POST-CERTIFICATION REFERRALS AND PLACEMENTS.—After the Comptroller General makes the certification referred to in paragraph (2), the Secretary may only refer aliens described in subsection (a) to, or place such aliens in, proceedings under section 235(b) or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Special rules for contiguous continental land borders.''.

(b) MODIFICATION OF AUTHORITY TO ARREST, DETAIN, AND RELEASE ALIENS.—

(1) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''on'';

(B) in subparagraph (A), by inserting ''on'' before ''bond''; and

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

''(B)(i) in the case of an alien encountered in the interior, on conditional parole; or

''(ii) in the case of an alien encountered at the border—

''(I) pursuant to the procedures under 235B; or

''(II) on the alien's own recognizance with placement into removal proceedings under 240; and''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) SEMIANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the Comptroller General makes the certification described in section 4146(d) of the Border Act, and every 180 days thereafter, the Secretary of Homeland Security shall publish, on a publicly accessible internet website in a downloadable and searchable format, a report that describes each use of the authority of the Secretary under subsection (a)(2)(B)(ii)(II).

''(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the applicable 180-day reporting period—

''(A) the number of aliens released pursuant to the authority of the Secretary of Homeland Security under subsection (a)(2)(B)(ii)(II);

''(B) with respect to each such release—

''(i) the rationale;

''(ii) the Border Patrol sector in which the release occurred; and

''(iii) the number of days between the scheduled date of the protection determination and the date of release from physical custody.

''(3) PRIVACY PROTECTION.—Each report published under paragraph (1)—

''(A) shall comply with all applicable Federal privacy laws; and

''(B) shall not disclose any information contained in, or pertaining to, a protection determination.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(d) CERTIFICATION PROCESS.—

(1) DEFINITIONS.—In this subsection:

(A) FULLY OPERATIONAL.—The term ''fully operational'' means the Secretary has the necessary resources, capabilities, and personnel to process all arriving aliens referred to in sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, within the timeframes required by such sections.

(B) REQUIRED PARTIES.—The term ''required parties'' means—

(i) the President;

(ii) the Secretary;

(iii) the Attorney General;

(iv) the Director of the Office of Management and Budget;

(v) the Committee on Homeland Security and Governmental Affairs of the Senate;

(vi) the Committee on the Judiciary of the Senate;

(vii) the Committee on Appropriations of the Senate;

(viii) the Committee on Homeland Security of the House of Representatives;

(ix) the Committee on the Judiciary of the House of Representatives; and

(x) the Committee on Appropriations of the House of Representatives.

(2) REVIEW.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, to determine whether such sections are fully operational.

(B) REVIEW ELEMENTS.—In completing the review required under subparagraph (A), the Comptroller General shall assess, in comparison to the available resources, capabilities, and personnel on the date of the enactment of this Act, whether there are sufficient—

(i) properly trained personnel, including support personnel;

(ii) real property assets and other required capabilities;

(iii) information technology infrastructure;

(iv) field manuals and guidance, regulations, and policies;

(v) other investments that the Comptroller General considers necessary; and

(vi) asylum officers to effectively process all aliens who are considered amenable for processing under section 235(b), section 235B, section 240, and section 240D of the Immigration and Nationality Act.

(3) CERTIFICATION OF FULL IMPLEMENTATION.—If the Comptroller General determines, after completing the review required under paragraph (2), that sections 235B and 240D of the Immigration and Nationality Act are fully operational, the Comptroller General shall immediately submit to the required parties a certification of such determination.

(4) NONCERTIFICATION AND SUBSEQUENT REVIEWS.—If the Comptroller General determines, after completing the review required under paragraph (2), that such sections 235B and 240D are not fully operational, the Comptroller General shall—

(A) notify the required parties of such determination, including the reasons for such determination;

(B) conduct a subsequent review in accordance with paragraph (2)(A) not later than 180 days after each previous review that concluded that such sections 235B and 240D were not fully operational; and

(C) conduct a subsequent review not later than 90 days after each time Congress appropriates additional funding to fully implement such sections 235B and 240D.

(5) DETERMINATION OF THE SECRETARY.—Not later than 7 days after receiving a certification described in paragraph (3), the Secretary shall confirm or reject the certification of the Comptroller General.

(6) EFFECT OF REJECTION.—

(A) NOTIFICATION.—If the Secretary rejects a certification of the of the Comptroller General pursuant to paragraph (A), the Secretary shall immediately—

(i) notify the President, the Comptroller General, and the congressional committees listed in paragraph (1) of such rejection; and

(ii) provide such entities with a rationale for such rejection.

(B) SUBSEQUENT REVIEWS.—If the Comptroller General receives a notification of rejection from the Secretary pursuant to subparagraph (A), the Comptroller General shall conduct a subsequent review in accordance with paragraph (4)(B).

SEC. 4147. PROTECTION APPELLATE BOARD.

(a) IN GENERAL.—Subtitle E of title IV of the Homeland Security Act of 2002 (6 U.S.C. 271 et seq.) is amended by adding at the end the following:

''SEC. 463. PROTECTION APPELLATE BOARD.

''(a) ESTABLISHMENT.—The Secretary shall establish within the U.S. Citizenship and Immigration Services an appellate authority to conduct administrative appellate reviews of protection merits determinations made under section 240D of the Immigration and Nationality Act in which the alien is denied relief or protection, to be known as the 'Protection Appellate Board'.

''(b) COMPOSITION.—Each panel of the Protection Appellate Board shall be composed of 3 U.S. Citizenship and Immigration Services asylum officers (as defined in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E))), assigned to the panel at random, who—

''(1) possess the necessary experience adjudicating asylum claims; and

''(2) are from diverse geographic regions.

''(c) DUTIES OF ASYLUM OFFICERS.—In conducting a review under section 240D(e) of the Immigration and Nationality Act, each asylum officer assigned to a panel of the Protection Appellate Board shall independently review the file of the alien concerned, including—

''(1) the record of the alien's protection determination (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), as applicable;

''(2) the alien's application for a protection merits interview (as defined in section 240D(1) of that Act);

''(3) a transcript of the alien's protection merits interview;

''(4) the final record of the alien's protection merits interview;

''(5) a sworn statement from the alien identifying new evidence or alleged error and any accompanying information the alien or the alien's legal representative considers important; and

''(6) any additional materials, information, or facts inserted into the record.

''(d) DECISIONS.—Any final determination made by a panel of the Protection Appellate Board shall be by majority decision, independently submitted by each member of the panel.

''(e) EXCLUSIVE JURISDICTION.—The Protection Appellate Board shall have exclusive jurisdiction to review appeals of negative protections merits determinations.

''(f) PROTECTIONS FOR DECISIONS BASED ON MERITS OF CASE.—The Director of U.S. Citizenship and Immigration Services may not impose restrictions on an asylum officer's ability to grant or deny relief or protection based on a numerical limitation.

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary—

''(A) shall submit a report to the appropriate committees of the Congress that includes, for the preceding year—

''(i) the number of petitions for review submitted by aliens under section 240D(e) of the Immigration and Nationality Act;

''(ii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a grant of relief or protection;

''(iii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a denial of relief or protection;

''(iv) the geographic regions in which the members of the Protection Appellate Board held their primary duty station;

''(v) the tenure of service of the members of the Protection Appellate Board;

''(vi) a description of any anomalous case outcome identified by the Secretary and the resolution of any such case outcome;

''(vii) the number of unanimous decisions by the Protection Appellate Board;

''(viii) an identification of the number of cases the Protection Appellate Board was unable to complete in the timelines specified under section 240D(e) of the Immigration and Nationality Act; and

''(ix) a description of any steps taken to remediate any backlog identified under clause (viii), as applicable; and

''(B) in submitting each such report, shall protect all personally identifiable information of Federal employees and aliens who are subject to the reporting under this subsection.

''(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Appropriations of the Senate;

''(B) the Committee on the Judiciary of the Senate;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Appropriations of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives; and

''(F) the Committee on Homeland Security of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 462 the following:

''Sec. 463. Protection Appellate Board.''.

TITLE II—ASYLUM PROCESSING ENHANCEMENTS

SEC. 4201. COMBINED SCREENINGS.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53) The term 'protection determination' means—

''(A) a screening conducted pursuant to section 235(b)(1)(B)(v); or

''(B) a screening to determine whether an alien is eligible for—

''(i) withholding of removal under section 241(b)(3); or

''(ii) protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.

''(54) The term 'protection merits interview' means an interview to determine whether an alien—

''(A) meets the definition of refugee under paragraph (42), in accordance with the terms and conditions under section 208;

''(B) is eligible for withholding of removal under section 241(b)(3); or

''(C) is eligible for protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.''.

SEC. 4202. CREDIBLE FEAR STANDARD AND ASYLUM BARS AT SCREENING INTERVIEW.

Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (v), by striking ''significant possibility'' and inserting ''reasonable possibility''; and

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

''(vi) ASYLUM EXCEPTIONS.—An asylum officer, during the credible fear screening of an alien—

''(I) shall determine whether any of the asylum exceptions under section 208(b)(2) disqualify the alien from receiving asylum; and

''(II) may determine that the alien does not meet the definition of credible fear of persecution under clause (v) if any such exceptions apply, including whether any such exemptions to such disqualifying exceptions may apply.''.

SEC. 4203. INTERNAL RELOCATION.

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

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) there are reasonable grounds for concluding that the alien could avoid persecution by relocating to—

''(I) another location in the alien's country of nationality; or

''(II) in the case of an alien having no nationality, another location in the alien's country of last habitual residence.''.

(b) INAPPLICABILITY.—Section 244(c)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)(ii)) is amended by inserting ''clauses (i) through (vi) of'' after ''described in''.

SEC. 4204. ASYLUM OFFICER CLARIFICATION.

Section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)) is amended—

(1) in clause (i), by striking ''comparable to'' and all that follows and inserting '', including nonadversarial techniques;'';

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii)(I) is an employee of U.S. Citizenship and Immigration Services; and

''(II) is not a law enforcement officer.''.

TITLE III—SECURING AMERICA

Subtitle A—Border Emergency Authority

SEC. 4301. BORDER EMERGENCY AUTHORITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4146(a), is further amended by adding at the end the following:

''SEC. 244B. BORDER EMERGENCY AUTHORITY.

''(a) USE OF AUTHORITY.—

''(1) IN GENERAL.—In order to respond to extraordinary migration circumstances, there shall be available to the Secretary, notwithstanding any other provision of law, a border emergency authority.

''(2) EXCEPTIONS.—The border emergency authority shall not be activated with respect to any of the following:

''(A) A citizen or national of the United States.

''(B) An alien who is lawfully admitted for permanent residence.

''(C) An unaccompanied alien child.

''(D) An alien who an immigration officer determines, with the approval of a supervisory immigration officer, should be excepted from the border emergency authority based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests, or an alien who an immigration officer determines, in consultation with U.S. Immigration and Customs Enforcement, should be excepted from the border emergency authority due to operational considerations.

''(E) An alien who is determined to be a victim of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

''(F) An alien who has a valid visa or other lawful permission to enter the United States, including—

''(i) a member of the Armed Forces of the United States and associated personnel, United States Government employees or contractors on orders abroad, or United States Government employees or contractors, and an accompanying family member who is on orders or is a member of the alien's household, subject to required assurances;

''(ii) an alien who holds a valid travel document upon arrival at a port of entry;

''(iii) an alien from a visa waiver program country under section 217 who is not otherwise subject to travel restrictions and who arrives at a port of entry; or

''(iv) an alien who presents at a port of entry pursuant to a process approved by the Secretary to allow for safe and orderly entry into the United States.

''(3) APPLICABILITY.—The border emergency authority shall only be activated as to aliens who are not subject to an exception under paragraph (2), and who are, after the authority is activated, within 100 miles of the United States southwest land border and within the 14-day period after entry.

''(b) BORDER EMERGENCY AUTHORITY DESCRIBED.—

''(1) IN GENERAL.—Whenever the border emergency authority is activated, the Secretary shall have the authority, in the Secretary's sole and unreviewable discretion, to summarily remove from and prohibit, in whole or in part, entry into the United States of any alien identified in subsection (a)(3) who is subject to such authority in accordance with this subsection.

''(2) TERMS AND CONDITIONS.—

''(A) SUMMARY REMOVAL.—Notwithstanding any other provision of this Act, subject to subparagraph (B), the Secretary shall issue a summary removal order and summarily remove an alien to the country of which the alien is a subject, national, or citizen (or, in the case of an alien having no nationality, the country of the alien's last habitual residence), or in accordance with the processes established under section 241, unless the summary removal of the alien to such country would be prejudicial to the interests of the United States.

''(B) WITHHOLDING AND CONVENTION AGAINST TORTURE INTERVIEWS.—

''(i) IN GENERAL.—In the case of an alien subject to the border emergency authority who manifests a fear of persecution or torture with respect to a proposed country of summary removal, an asylum officer (as defined in section 235(b)(1)(E)) shall conduct an interview, during which the asylum officer shall determine that, if such alien demonstrates during the interview that the alien has a reasonable possibility of persecution or torture, such alien shall be referred to or placed in proceedings under section 240 or 240D, as appropriate.

''(ii) SOLE MECHANISM TO REQUEST PROTECTION.—An interview under this subparagraph conducted by an asylum officer shall be the sole mechanism by which an alien described in clause (i) may make a claim for protection under—

''(I) section 241(b)(3); and

''(II) the Convention Against Torture.

''(iii) ALIEN REFERRED FOR ADDITIONAL PROCEEDINGS.—In the case of an alien interviewed under clause (i) who demonstrates that the alien is eligible to apply for protection under section 241(b)(3) or the Convention Against Torture, the alien—

''(I) shall not be summarily removed; and

''(II) shall instead be processed under section 240 or 240D, as appropriate.

''(iv) ADDITIONAL REVIEW.—

''(I) OPPORTUNITY FOR SECONDARY REVIEW.—A supervisory asylum officer shall review any case in which the asylum officer who interviewed the alien under the procedures in clause (iii) finds that the alien is not eligible for protection under section 241(b)(3) or the Convention Against Torture.

''(II) VACATUR.—If, in conducting such a secondary review, the supervisory asylum officer determines that the alien demonstrates eligibility for such protection—

''(aa) the supervisory asylum officer shall vacate the previous negative determination; and

''(bb) the alien shall instead be processed under section 240 or 240D.

''(III) SUMMARY REMOVAL.—If an alien does not seek such a secondary review, or if the supervisory asylum officer finds that such alien is not eligible for such protection, the supervisory asylum officer shall order the alien summarily removed without further review.

''(3) ACTIVATIONS OF AUTHORITY.—

''(A) MANDATORY ACTIVATION.—The Secretary shall activate the border emergency authority if there is an average of 1,000 or more aliens encountered per day during a period of 7 consecutive days.

''(B) CALCULATION OF ACTIVATION.—For purposes of subparagraph (A), the average for the applicable 7-day period shall be calculated using—

''(i) the sum of—

''(I) the number of encounters that occur between the southwest land border ports of entry of the United States;

''(II) the number of encounters that occur between the ports of entry along the southern coastal borders; and

''(III) the number of inadmissible aliens encountered at a southwest land border port of entry as described in subsection (a)(2)(F)(iv); divided by

''(ii) 7.

''(4) IMPLEMENTATION.—The Secretary shall implement the border emergency authority not later than 24 hours after it is activated.

''(c) CONTINUED ACCESS TO SOUTHWEST LAND BORDER PORTS OF ENTRY.—

''(1) IN GENERAL.—During any activation of the border emergency authority under subsection (b), the Secretary shall maintain the capacity to process, and continue processing, under section 235 or 235B a minimum of 1,400 inadmissible aliens each calendar day cumulatively across all southwest land border ports of entry in a safe and orderly process developed by the Secretary.

''(2) SPECIAL RULES.—

''(A) UNACCOMPANIED ALIEN CHILDREN EXCEPTION.—For the purpose of calculating the number under paragraph (1), the Secretary shall count all unaccompanied alien children.

''(B) TRANSITION RULES.—The provisions of section 244A(c) shall apply to this section.

''(d) BAR TO ADMISSION.—Any alien who, during a period of 365 days, has 2 or more summary removals pursuant to the border emergency authority, shall be inadmissible for a period of 1 year beginning on the date of the alien's most recent summary removal.

''(e) SAVINGS PROVISIONS.—

''(1) UNACCOMPANIED ALIEN CHILDREN.—Nothing in this section may be construed to interfere with the processing of unaccompanied alien children and such children are not subject to this section.

''(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed to interfere with any rights or responsibilities established through a settlement agreement in effect before the date of the enactment of this section.

''(3) RULE OF CONSTRUCTION.—For purposes of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the 1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)), the Convention Against Torture, and any other applicable treaty, as applied to this section, the interview under this section shall occur only in the context of the border emergency authority.

''(f) JUDICIAL REVIEW.—Judicial review of any decision or action applying the border emergency authority shall be governed only by this subsection as follows:

''(1) Notwithstanding any other provision of law, except as provided in paragraph (2), no court or judge shall have jurisdiction to review any cause or claim by an individual alien arising from the decision to enter a summary removal order against such alien under this section, or removing such alien pursuant to such summary removal order.

''(2) The United States District Court for the District of Columbia shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(g) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section shall take effect on the day after the date of the enactment of this section.

''(2) 7-DAY PERIOD.—The initial activation of the authority under subparagraph (A) or (B)(i) of subsection (b)(3) shall take into account the average number of encounters during the preceding 7 consecutive calendar days, as described in such subparagraphs, which may include the 6 consecutive calendar days immediately preceding the date of the enactment of this section.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) DEFINITIONS.—In this section:

''(1) BORDER EMERGENCY AUTHORITY.—The term 'border emergency authority' means all authorities and procedures under this section.

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and includes the regulations implementing any law enacted pursuant to Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(3) ENCOUNTER.—With respect to an alien, the term 'encounter' means an alien who—

''(A) is physically apprehended by U.S. Customs and Border Protection personnel—

''(i) within 100 miles of the southwest land border of the United States during the 14-day period immediately after entry between ports of entry; or

''(ii) at the southern coastal borders during the 14-day period immediately after entry between ports of entry; or

''(B) is seeking admission at a southwest land border port of entry and is determined to be inadmissible, including an alien who utilizes a process approved by the Secretary to allow for safe and orderly entry into the United States.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) SOUTHERN COASTAL BORDERS.—The term 'southern coastal borders' means all maritime borders in California, Texas, Louisiana, Mississippi, Alabama, and Florida.

''(6) UNACCOMPANIED ALIEN CHILD.—The term 'unaccompanied alien child' has the meaning given such term in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)).

''(j) SUNSET.—This section—

''(1) shall take effect on the date of the enactment of this section; and

''(2) shall cease to be effective on the day after the first date on which the average daily southwest border encounters has been fewer than 1,000 for 7 consecutive days.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4146(b), is further amended by inserting after the item relating to section 244A the following:

''Sec. 244B Border emergency authority.''.

Subtitle B—Fulfilling Promises to Afghan Allies

SEC. 4321. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Committee on Armed Services of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

(J) the Committee on Homeland Security of the House of Representatives.

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by section 4326(a).

(5) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) a pending, documentarily complete application for special immigrant status; and

(B) a case in processing in the United States Refugee Admissions Program for an individual who has received a Priority 1 or Priority 2 referral to such program.

(6) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 4322. SUPPORT FOR AFGHAN ALLIES OUTSIDE THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding the status of a specified application submitted by, or on behalf of, a national of Afghanistan, including any information that has been provided to the applicant, in accordance with section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)).

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall designate an appropriate office within the Department of State—

(1) to review specified applications submitted by nationals of Afghanistan residing in Afghanistan, including by conducting any required interviews;

(2) to issue visas or other travel documents to such nationals, in accordance with the immigration laws;

(3) to provide services to such nationals, to the greatest extent practicable, that would normally be provided by an embassy; and

(4) to carry out any other function the Secretary of State considers necessary.

SEC. 4323. CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) CONDITIONAL PERMANENT RESIDENT STATUS.—The term ''conditional permanent resident status'' means conditional permanent resident status under section 216 and 216A of the Immigration and Nationality Act (8 U.S.C. 1186a, 1186b), subject to the provisions of this section.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an alien who—

(A) is present in the United States;

(B) is a citizen or national of Afghanistan or, in the case of an alien having no nationality, is a person who last habitually resided in Afghanistan;

(C) has not been granted permanent resident status;

(D)(i) was inspected and admitted to the United States on or before the date of the enactment of this Act; or

(ii) was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary upon written notice; and

(E) is admissible to the United States as an immigrant under the immigration laws, including eligibility for waivers of grounds of inadmissibility to the extent provided by the immigration laws and subject to the terms of subsection (c) of this section.

(b) CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.—

(1) ADJUSTMENT OF STATUS TO CONDITIONAL PERMANENT RESIDENT STATUS.—Beginning on the date of the enactment of this Act, the Secretary may—

(A) adjust the status of each eligible individual to that of an alien lawfully admitted for permanent residence status, subject to the procedures established by the Secretary to determine eligibility for conditional permanent resident status; and

(B) create for each eligible individual a record of admission to such status as of the date on which the eligible individual was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later,

unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(2) CONDITIONAL BASIS.—An individual who obtains lawful permanent resident status under this section shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(c) CONDITIONAL PERMANENT RESIDENT STATUS DESCRIBED.—

(1) ASSESSMENT.—

(A) IN GENERAL.—Before granting conditional permanent resident status to an eligible individual under subsection (b)(1), the Secretary shall conduct an assessment with respect to the eligible individual, which shall be equivalent in rigor to the assessment conducted with respect to refugees admitted to the United States through the United States Refugee Admissions Program, for the purpose of determining whether the eligible individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182).

(B) CONSULTATION.—In conducting an assessment under subparagraph (A), the Secretary may consult with the head of any other relevant agency and review the holdings of any such agency.

(2) REMOVAL OF CONDITIONS.—

(A) IN GENERAL.—Not earlier than the date described in subparagraph (B), the Secretary may remove the conditional basis of the status of an individual granted conditional permanent resident status under this section unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

(i) the date that is 4 years after the date on which the individual was admitted or paroled into the United States; or

(ii) July 1, 2027.

(C) WAIVER.—

(i) IN GENERAL.—Except as provided in clause (ii), with respect to an eligible individual, the Secretary may waive the application of the grounds of inadmissibility under 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or to ensure family unity.

(ii) EXCEPTIONS.—The Secretary may not waive under clause (i) the application of subparagraphs (C) through (E) and (G) through (H) of paragraph (2), or paragraph (3), of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to expand or limit any other waiver authority applicable under the immigration laws to an applicant for adjustment of status.

(D) TIMELINE.—Not later than 180 days after the date described in subparagraph (B), the Secretary shall endeavor to remove conditions as to all individuals granted conditional permanent resident status under this section who are eligible for removal of conditions.

(3) TREATMENT OF CONDITIONAL BASIS OF STATUS PERIOD FOR PURPOSES OF NATURALIZATION.—An individual in conditional permanent resident status under this section, or who otherwise meets the requirements under (a)(1) of this section, shall be considered—

(A) to have been admitted to the United States as an alien lawfully admitted for permanent residence; and

(B) to be present in the United States as an alien lawfully admitted to the United States for permanent residence, provided that, no alien shall be naturalized unless the alien's conditions have been removed under this section.

(d) TERMINATION OF CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Conditional permanent resident status shall terminate on, as applicable—

(A) the date on which the Secretary removes the conditions pursuant to subsection (c)(2), on which date the alien shall be lawfully admitted for permanent residence without conditions;

(B) the date on which the Secretary determines that the alien was not an eligible individual under subsection (a)(2) as of the date that such conditional permanent resident status was granted, on which date of the Secretary's determination the alien shall no longer be an alien lawfully admitted for permanent residence; or

(C) the date on which the Secretary determines pursuant to subsection (c)(2) that the alien is not eligible for removal of conditions, on which date the alien shall no longer be an alien lawfully admitted for permanent residence.

(2) NOTIFICATION.—If the Secretary terminates status under this subsection, the Secretary shall so notify the individual in writing and state the reasons for the termination.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary at any time to place in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) any alien who has conditional permanent resident status under this section, if the alien is deportable under section 237 of such Act (8 U.S.C. 1227) under a ground of deportability applicable to an alien who has been lawfully admitted for permanent residence.

(f) PAROLE EXPIRATION TOLLED.—The expiration date of a period of parole shall not apply to an individual under consideration for conditional permanent resident status under this section, until such time as the Secretary has determined whether to issue conditional permanent resident status.

(g) PERIODIC NONADVERSARIAL MEETINGS.—

(1) IN GENERAL.—Not later than 180 days after the date on which an individual is conferred conditional permanent resident status under this section, and periodically thereafter, the Office of Refugee Resettlement shall make available opportunities for the individual to participate in a nonadversarial meeting, during which an official of the Office of Refugee Resettlement (or an agency funded by the Office) shall—

(A) on request by the individual, assist the individual in a referral or application for applicable benefits administered by the Department of Health and Human Services and completing any applicable paperwork; and

(B) answer any questions regarding eligibility for other benefits administered by the United States Government.

(2) NOTIFICATION OF REQUIREMENTS.—Not later than 7 days before the date on which a meeting under paragraph (1) is scheduled to occur, the Secretary of Health and Human Services shall provide notice to the individual that includes the date of the scheduled meeting and a description of the process for rescheduling the meeting.

(3) CONDUCT OF MEETING.—The Secretary of Health and Human Services shall implement practices to ensure that—

(A) meetings under paragraph (1) are conducted in a nonadversarial manner; and

(B) interpretation and translation services are provided to individuals granted conditional permanent resident status under this section who have limited English proficiency.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to prevent an individual from electing to have counsel present during a meeting under paragraph (1); or

(B) in the event that an individual declines to participate in such a meeting, to affect the individual's conditional permanent resident status under this section or eligibility to have conditions removed in accordance with this section.

(h) CONSIDERATION.—Except with respect to an application for naturalization and the benefits described in subsection (p), an individual in conditional permanent resident status under this section shall be considered to be an alien lawfully admitted for permanent residence for purposes of the adjudication of an application or petition for a benefit or the receipt of a benefit.

(i) NOTIFICATION OF REQUIREMENTS.—Not later than 90 days after the date on which the status of an individual is adjusted to that of conditional permanent resident status under this section, the Secretary shall provide notice to such individual with respect to the provisions of this section, including subsection (c)(1) (relating to the conduct of assessments) and subsection (g) (relating to periodic nonadversarial meetings).

(j) APPLICATION FOR NATURALIZATION.—The Secretary shall establish procedures whereby an individual who would otherwise be eligible to apply for naturalization but for having conditional permanent resident status, may be considered for naturalization coincident with removal of conditions under subsection (c)(2).

(k) ADJUSTMENT OF STATUS DATE.—

(1) IN GENERAL.—An alien described in paragraph (2) shall be regarded as lawfully admitted for permanent residence as of the date the alien was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is described in subparagraph (A), (B), or (D) of subsection (a)(2), and whose status was adjusted to that of an alien lawfully admitted for permanent residence on or after July 30, 2021, but on or before the date of the enactment of this Act; or

(B) is an eligible individual whose status is then adjusted to that of an alien lawfully admitted for permanent residence after the

date of the enactment of this Act under any provision of the immigration laws other than this section.

(l) PARENTS AND LEGAL GUARDIANS OF UNACCOMPANIED CHILDREN.—A parent or legal guardian of an eligible individual shall be eligible to obtain status as an alien lawfully admitted for permanent residence on a conditional basis if—

(1) the eligible individual—

(A) was under 18 years of age on the date on which the eligible individual was granted conditional permanent resident status under this section; and

(B) was not accompanied by at least one parent or guardian on the date the eligible individual was admitted or paroled into the United States; and

(2) such parent or legal guardian was admitted or paroled into the United States after the date referred to in paragraph (1)(B).

(m) GUIDANCE.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, guidance issued pursuant to subparagraph (A)—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of issuance of guidance under paragraph (1), the Secretary shall finalize the guidance implementing this section.

(B) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.—Chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act''), or any other law relating to rulemaking or information collection, shall not apply to the guidance issued under this paragraph.

(n) ASYLUM CLAIMS.—

(1) IN GENERAL.—With respect to the adjudication of an application for asylum submitted by an eligible individual, section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act (8 U.S.C. 1101 note; Public Law 117–43) shall not apply.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit an eligible individual from seeking or receiving asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158).

(o) PROHIBITION ON FEES.—The Secretary may not charge a fee to any eligible individual in connection with the initial issuance under this section of—

(1) a document evidencing status as an alien lawfully admitted for permanent residence or conditional permanent resident status; or

(2) an employment authorization document.

(p) ELIGIBILITY FOR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) an individual described in subsection (a) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (8 U.S.C. 1101 note; Public Law 117–43) shall retain his or her eligibility for the benefits and services described in subsection (b) of such section if the individual has a pending application, or is granted adjustment of status, under this section; and

(B) such benefits and services shall remain available to the individual to the same extent and for the same periods of time as such benefits and services are otherwise available to refugees who acquire such status.

(2) EXCEPTION FROM 5-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—Section 403(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)) is amended by adding at the end the following:

''(F) An alien whose status is adjusted under section 4333 of the Border Act to that of an alien lawfully admitted for permanent residence or to that of an alien lawfully admitted for permanent residence on a conditional basis.''.

(q) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible individual from applying for or receiving any immigration benefit to which the individual is otherwise entitled.

(r) EXEMPTION FROM NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Aliens granted conditional permanent resident status or lawful permanent resident status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(2) SPOUSE AND CHILDREN BENEFICIARIES.—A spouse or child who is the beneficiary of an immigrant petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed by an alien who has been granted conditional permanent resident status or lawful permanent resident status under this section, seeking classification of the spouse or child under section 203(a)(2)(A) of that Act (8 U.S.C. 1153(a)(2)(A)) shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(s) EFFECT ON OTHER APPLICATIONS.—Notwithstanding any other provision of law, in the interest of efficiency, the Secretary may pause consideration of any application or request for an immigration benefit pending adjudication so as to prioritize an application for adjustment of status to an alien lawfully admitted for permanent residence under this section.

(t) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General, the Secretary of Health and Human Services, the Secretary, and the Secretary of State such sums as are necessary to carry out this section.

SEC. 4324. REFUGEE PROCESSES FOR CERTAIN AT-RISK AFGHAN ALLIES.

(a) DEFINITION OF AFGHAN ALLY.—

(1) IN GENERAL.—In this section, the term ''Afghan ally'' means an alien who is a citizen or national of Afghanistan, or in the case of an alien having no nationality, an alien who last habitually resided in Afghanistan, who—

(A) was—

(i) a member of—

(I) the special operations forces of the Afghanistan National Defense and Security Forces;

(II) the Afghanistan National Army Special Operations Command;

(III) the Afghan Air Force; or

(IV) the Special Mission Wing of Afghanistan;

(ii) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(I) a cadet or instructor at the Afghanistan National Defense University; and

(II) a civilian employee of the Ministry of Defense or the Ministry of Interior Affairs;

(iii) an individual associated with former Afghan military and police human intelligence activities, including operators and Department of Defense sources;

(iv) an individual associated with former Afghan military counterintelligence, counterterrorism, or counternarcotics;

(v) an individual associated with the former Afghan Ministry of Defense, Ministry of Interior Affairs, or court system, and who was involved in the investigation, prosecution or detention of combatants or members of the Taliban or criminal networks affiliated with the Taliban; or

(vi) a senior military officer, senior enlisted personnel, or civilian official who served on the staff of the former Ministry of Defense or the former Ministry of Interior Affairs of Afghanistan; or

(B) provided service to an entity or organization described in subparagraph (A) for not less than 1 year during the period beginning on December 22, 2001, and ending on September 1, 2021, and did so in support of the United States mission in Afghanistan.

(2) INCLUSIONS.—For purposes of this section, the Afghanistan National Defense and Security Forces includes members of the security forces under the Ministry of Defense and the Ministry of Interior Affairs of the Islamic Republic of Afghanistan, including the Afghanistan National Army, the Afghan Air Force, the Afghanistan National Police, and any other entity designated by the Secretary of Defense as part of the Afghanistan National Defense and Security Forces during the relevant period of service of the applicant concerned.

(b) REFUGEE STATUS FOR AFGHAN ALLIES.—

(1) DESIGNATION AS REFUGEES OF SPECIAL HUMANITARIAN CONCERN.—Afghan allies shall be considered refugees of special humanitarian concern under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), until the later of 10 years after the date of enactment of this Act or upon determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that such designation is no longer in the interest of the United States.

(2) THIRD COUNTRY PRESENCE NOT REQUIRED.—Notwithstanding section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), the Secretary of State and the Secretary shall, to the greatest extent possible, conduct remote refugee processing for an Afghan ally located in Afghanistan.

(c) AFGHAN ALLIES REFERRAL PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Secretary of Defense, in consultation with the Secretary of State, shall establish a process by which an individual may apply to the Secretary of Defense for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program; and

(B) the head of any appropriate department or agency that conducted operations in Afghanistan during the period beginning on December 22, 2001, and ending on September 1, 2021, in consultation with the Secretary of State, may establish a process by which an individual may apply to the head of the appropriate department or agency for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program.

(2) APPLICATION SYSTEM.—

(A) IN GENERAL.—The process established under paragraph (1) shall—

(i) include the development and maintenance of a secure online portal through which applicants may provide information verifying their status as Afghan allies and upload supporting documentation; and

(ii) allow—

(I) an applicant to submit his or her own application;

(II) a designee of an applicant to submit an application on behalf of the applicant; and

(III) in the case of an applicant who is outside the United States, the submission of an application regardless of where the applicant is located.

(B) USE BY OTHER AGENCIES.—The Secretary of Defense may enter into arrangements with the head of any other appropriate department or agency so as to allow the application system established under subparagraph (A) to be used by such department or agency.

(3) REVIEW PROCESS.—As soon as practicable after receiving a request for classification and referral described in paragraph (1), the head of the appropriate department or agency shall—

(A) review—

(i) the service record of the applicant, if available;

(ii) if the applicant provides a service record or other supporting documentation, any information that helps verify the service record concerned, including information or an attestation provided by any current or former official of the department or agency who has personal knowledge of the eligibility of the applicant for such classification and referral; and

(iii) the data holdings of the department or agency and other cooperating interagency partners, including biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, other identifiable information, and any other information related to the applicant, including relevant derogatory information; and

(B)(i) in a case in which the head of the department or agency determines that the applicant is an Afghan ally without significant derogatory information, refer the Afghan ally to the United States Refugee Admissions Program as a refugee; and

(ii) include with such referral—

(I) any service record concerned, if available;

(II) if the applicant provides a service record, any information that helps verify the service record concerned; and

(III) any biometrics for the applicant.

(4) REVIEW PROCESS FOR DENIAL OF REQUEST FOR REFERRAL.—

(A) IN GENERAL.—In the case of an applicant with respect to whom the head of the appropriate department or agency denies a request for classification and referral based on a determination that the applicant is not an Afghan ally or based on derogatory information—

(i) the head of the department or agency shall provide the applicant with a written notice of the denial that provides, to the maximum extent practicable, a description of the basis for the denial, including the facts and inferences, or evidentiary gaps, underlying the individual determination; and

(ii) the applicant shall be provided an opportunity to submit not more than 1 written appeal to the head of the department or agency for each such denial.

(B) DEADLINE FOR APPEAL.—An appeal under clause (ii) of subparagraph (A) shall be submitted—

(i) not more than 120 days after the date on which the applicant concerned receives notice under clause (i) of that subparagraph; or

(ii) on any date thereafter, at the discretion of the head of the appropriate department or agency.

(C) REQUEST TO REOPEN.—

(i) IN GENERAL.—An applicant who receives a denial under subparagraph (A) may submit a request to reopen a request for classification and referral under the process established under paragraph (1) so that the applicant may provide additional information, clarify existing information, or explain any unfavorable information.

(ii) LIMITATION.—After considering 1 such request to reopen from an applicant, the head of the appropriate department or agency may deny subsequent requests to reopen submitted by the same applicant.

(5) FORM AND CONTENT OF REFERRAL.—To the extent practicable, the head of the appropriate department or agency shall ensure that referrals made under this subsection—

(A) conform to requirements established by the Secretary of State for form and content; and

(B) are complete and include sufficient contact information, supporting documentation, and any other material the Secretary of State or the Secretary consider necessary or helpful in determining whether an applicant is entitled to refugee status.

(6) TERMINATION.—The application process and referral system under this subsection shall terminate upon the later of 1 year before the termination of the designation under subsection (b)(1) or on the date of a joint determination by the Secretary of State and the Secretary of Defense, in consultation with the Secretary, that such termination is in the national interest of the United States.

(d) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with a request for a classification and referral as a refugee under this section.

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) REPRESENTATION.—An alien applying for admission to the United States under this section may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(4) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who has been classified as an Afghan ally and has been referred as a refugee under this section protection or to immediately remove such alien from Afghanistan, if possible.

(5) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for each of fiscal years 2024 through 2034 to carry out this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to inhibit the Secretary of State from accepting refugee referrals from any entity.

SEC. 4325. IMPROVING EFFICIENCY AND OVERSIGHT OF REFUGEE AND SPECIAL IMMIGRANT PROCESSING.

(a) ACCEPTANCE OF FINGERPRINT CARDS AND SUBMISSIONS OF BIOMETRICS.—In addition to the methods authorized under the heading relating to the Immigration and Naturalization Service under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Public Law 105–119, 111 Stat. 2448; 8 U.S.C. 1103 note), and other applicable law, and subject to such safeguards as the Secretary, in consultation with the Secretary of State or the Secretary of Defense, as appropriate, shall prescribe to ensure the integrity of the biometric collection (which shall include verification of identity by comparison of such fingerprints with fingerprints taken by or under the direct supervision of the Secretary prior to or at the time of the individual's application for admission to the United States), the Secretary may, in the case of any application for any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), accept fingerprint cards or any other submission of biometrics—

(1) prepared by international or nongovernmental organizations under an appropriate agreement with the Secretary or the Secretary of State;

(2) prepared by employees or contractors of the Department of Homeland Security or the Department of State; or

(3) provided by an agency (as defined under section 3502 of title 44, United States Code).

(b) STAFFING.—

(1) VETTING.—The Secretary of State, the Secretary, the Secretary of Defense, and any other agency authorized to carry out the vetting process under this subtitle, shall each ensure sufficient staffing, and request the resources necessary, to efficiently and adequately carry out the vetting of applicants for—

(A) referral to the United States Refugee Admissions Program, consistent with the determinations established under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) special immigrant status.

(2) REFUGEE RESETTLEMENT.—The Secretary of Health and Human Services shall ensure sufficient staffing to efficiently provide assistance under chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) to refugees resettled in the United States.

(c) REMOTE PROCESSING.—Notwithstanding any other provision of law, the Secretary of State and the Secretary shall employ remote processing capabilities for refugee processing under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), including secure digital file transfers, videoconferencing and teleconferencing capabilities, remote review of applications, remote interviews, remote collection of signatures, waiver of the applicant's appearance or signature (other than a final appearance and verification by the oath of the applicant prior to or at the time of the individual's application for admission to the United States), waiver of signature for individuals under 5 years old, and any other capability the Secretary of State and the Secretary consider appropriate, secure, and likely to reduce processing wait times at particular facilities.

(d) MONTHLY ARRIVAL REPORTS.—With respect to monthly reports issued by the Secretary of State relating to United States Refugee Admissions Program arrivals, the Secretary of State shall report—

(1) the number of monthly admissions of refugees, disaggregated by priorities; and

(2) the number of Afghan allies admitted as refugees.

(e) INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(A) to develop and oversee the implementation of the strategy and contingency plan described in subparagraph (A)(i) of paragraph (4); and

(B) to submit the report, and provide a briefing on the report, as described in subparagraphs (A) and (B) of paragraph (4).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall include—

(i) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(ii) any other Federal Government official designated by the President.

(B) RELEVANT FEDERAL AGENCY DEFINED.—In this paragraph, the term ''relevant Federal agency'' means—

(i) the Department of State;

(ii) the Department Homeland Security;

(iii) the Department of Defense;

(iv) the Department of Health and Human Services;

(v) the Federal Bureau of Investigation; and

(vi) the Office of the Director of National Intelligence.

(3) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(4) DUTIES.—

(A) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date on which the Task Force is established, the Task Force, acting through the chair of the Task Force, shall submit a report to the appropriate committees of Congress that includes—

(I) a strategy for facilitating the resettlement of nationals of Afghanistan outside the United States who, during the period beginning on October 1, 2001, and ending on September 1, 2021, directly and personally supported the United States mission in Afghanistan, as determined by the Secretary of State in consultation with the Secretary of Defense; and

(II) a contingency plan for future emergency operations in foreign countries involving foreign nationals who have worked directly with the United States Government, including the Armed Forces of the United States and United States intelligence agencies.

(ii) ELEMENTS.—The report required under clause (i) shall include—

(I) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(aa) such nationals in Afghanistan and such nationals in a third country;

(bb) type of specified application; and

(cc) applications that are documentarily complete and applications that are not documentarily complete;

(II) an estimate of the number of nationals of Afghanistan who may be eligible for special immigrant status;

(III) with respect to the strategy required under subparagraph (A)(i)(I)—

(aa) the estimated number of nationals of Afghanistan described in such subparagraph;

(bb) a description of the process for safely resettling such nationals of Afghanistan;

(cc) a plan for processing such nationals of Afghanistan for admission to the United States that—

(AA) discusses the feasibility of remote processing for such nationals of Afghanistan residing in Afghanistan;

(BB) includes any strategy for facilitating refugee and consular processing for such nationals of Afghanistan in third countries, and the timelines for such processing;

(CC) includes a plan for conducting rigorous and efficient vetting of all such nationals of Afghanistan for processing;

(DD) discusses the availability and capacity of sites in third countries to process applications and conduct any required vetting for such nationals of Afghanistan, including the potential to establish additional sites; and

(EE) includes a plan for providing updates and necessary information to affected individuals and relevant nongovernmental organizations;

(dd) a description of considerations, including resource constraints, security concerns, missing or inaccurate information, and diplomatic considerations, that limit the ability of the Secretary of State or the Secretary to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(ee) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(ff) an estimate of the cost to fully implement the strategy; and

(gg) any other matter the Task Force considers relevant to the implementation of the strategy;

(IV) with respect to the contingency plan required by clause (i)(II)—

(aa) a description of the standard practices for screening and vetting foreign nationals considered to be eligible for resettlement in the United States, including a strategy for vetting, and maintaining the records of, such foreign nationals who are unable to provide identification documents or biographic details due to emergency circumstances;

(bb) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(cc) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(dd) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund;

(ee) any other matter the Task Force considers relevant to the implementation of the contingency plan; and

(V) a strategy for the efficient processing of all Afghan special immigrant visa applications and appeals, including—

(aa) a review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process;

(bb) an analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this subtitle during the several years after the date of the enactment of this Act;

(cc) an assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas in appropriate circumstances and consistent with applicable laws; and

(dd) an assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

(iii) FORM.—The report required under clause (i) shall be submitted in unclassified form but may include a classified annex.

(B) BRIEFING.—Not later than 60 days after submitting the report required by clause (i), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(5) TERMINATION.—The Task Force shall remain in effect until the later of—

(A) the date on which the strategy required under paragraph (4)(A)(i)(I) has been fully implemented;

(B) the date of a determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that a task force is no longer necessary for the implementation of subparagraphs (A) and (B) of paragraph (1); or

(C) the date that is 10 years after the date of the enactment of this Act.

(f) IMPROVING CONSULTATION WITH CONGRESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a), by amending paragraph (4) to read as follows:

''(4)(A) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number of refugees so determined, the number of aliens who were granted asylum in the previous year.

''(B) In making a determination under paragraph (1), the President shall consider the information in the most recently published projected global resettlement needs report published by the United Nations High Commissioner for Refugees.'';

(2) in subsection (e), by amending paragraph (2) to read as follows:

''(2) A description of the number and allocation of the refugees to be admitted, including the expected allocation by region, and an analysis of the conditions within the countries from which they came.''; and

(3) by adding at the end the following—

''(g) QUARTERLY REPORTS ON ADMISSIONS.—Not later than 30 days after the last day of each quarter beginning the fourth quarter of fiscal year 2024, the President shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

''(1) REFUGEES ADMITTED.—

''(A) The number of refugees admitted to the United States during the preceding quarter.

''(B) The cumulative number of refugees admitted to the United States during the applicable fiscal year, as of the last day of the preceding quarter.

''(C) The number of refugees expected to be admitted to the United States during the remainder of the applicable fiscal year.

''(D) The number of refugees from each region admitted to the United States during the preceding quarter.

''(2) ALIENS WITH PENDING SECURITY CHECKS.—With respect only to aliens processed under section 101(a)(27)(N), subtitle C of title III of the Border Act, or section 602(b)(2)(A)(ii)(II) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8)—

''(A) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been requested during the preceding quarter, and the number of aliens, by nationality, for whom the check was pending beyond 30 days; and

''(B) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been pending for more than 180 days.

''(3) CIRCUIT RIDES.—

''(A) For the preceding quarter—

''(i) the number of Refugee Corps officers deployed on circuit rides and the overall number of Refugee Corps officers;

''(ii) the number of individuals interviewed—

''(I) on each circuit ride; and

''(II) at each circuit ride location;

''(iii) the number of circuit rides; and

''(iv) for each circuit ride, the duration of the circuit ride.

''(B) For the subsequent 2 quarters, the number of circuit rides planned.

''(4) PROCESSING.—

''(A) For refugees admitted to the United States during the preceding quarter, the average number of days between—

''(i) the date on which an individual referred to the United States Government as a refugee applicant is interviewed by the Secretary of Homeland Security; and

''(ii) the date on which such individual is admitted to the United States.

''(B) For refugee applicants interviewed by the Secretary of Homeland Security in the preceding quarter, the approval, denial, recommended approval, recommended denial, and hold rates for the applications for admission of such individuals, disaggregated by nationality.''.

SEC. 4326. SUPPORT FOR CERTAIN VULNERABLE AFGHANS RELATING TO EMPLOYMENT BY OR ON BEHALF OF THE UNITED STATES.

(a) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—

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

(A) in subparagraph (L)(iii), by adding a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the parent or brother or sister of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(2) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by paragraph (1), may not exceed 2,500 each fiscal year.

(B) CARRYOVER.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall not exceed 10,000.

(D) DURATION OF AUTHORITY.—The authority to issue visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall—

(i) commence on the date of the enactment of this Act; and

(ii) terminate on the date on which all such visas are exhausted.

(b) CERTAIN AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (2)(A)—

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

''(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

''(aa) by, or on behalf of, the United States Government; or

''(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

''(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

''(BB) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force); or

''(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;''; and

(B) in clause (iii), by striking ''clause (ii)'' and inserting ''clause (ii)(I)'';

(2) in paragraph (13)(A)(i), by striking ''subclause (I) or (II)(bb) of paragraph (2)(A)(ii)'' and inserting ''item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)'';

(3) in paragraph (14)(C), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''; and

(4) in paragraph (15), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''.

(c) EXTENSION OF SPECIAL IMMIGRANT VISA PROGRAM UNDER AFGHAN ALLIES PROTECTION ACT OF 2009.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking ''FISCAL YEARS 2015 THROUGH 2022'' and inserting ''FISCAL YEARS 2015 THROUGH 2029''; and

(B) in clause (i), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(C) in clause (ii), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(2) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2024'' and inserting ''January 31, 2030''.

(d) AUTHORIZATION OF VIRTUAL INTERVIEWS.—Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8;) is amended by adding at the end the following:

''(D) VIRTUAL INTERVIEWS.—Notwithstanding section 222(e) of the Immigration and Nationality Act (8 U.S.C. 1202(e)), an application for an immigrant visa under this section may be signed by the applicant through a virtual video meeting before a consular officer and verified by the oath of the applicant administered by the consular officer during a virtual video meeting.''.

(e) QUARTERLY REPORTS.—Paragraph (12) of section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended is amended to read as follows:

''(12) QUARTERLY REPORTS.—

''(A) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Border Act and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes the following:

''(i) For the preceding quarter—

''(I) a description of improvements made to the processing of special immigrant visas and refugee processing for citizens and nationals of Afghanistan;

''(II) the number of new Afghan referrals to the United States Refugee Admissions Program, disaggregated by referring entity;

''(III) the number of interviews of Afghans conducted by U.S. Citizenship and Immigration Services, disaggregated by the country in which such interviews took place;

''(IV) the number of approvals and the number of denials of refugee status requests for Afghans;

''(V) the number of total admissions to the United States of Afghan refugees;

''(VI) number of such admissions, disaggregated by whether the refugees come from within, or outside of, Afghanistan;

''(VII) the average processing time for citizens and nationals of Afghanistan who are applicants for referral under section 4324 of the Border Act;

''(VIII) the number of such cases processed within such average processing time; and

''(IX) the number of denials issued with respect to applications by citizens and nationals of Afghanistan for referrals under section 4324 of the Border Act.

''(ii) The number of applications by citizens and nationals of Afghanistan for refugee referrals pending as of the date of submission of the report.

''(iii) A description of the efficiency improvements made in the process by which applications for special immigrant visas under this subsection are processed, including information described in clauses (iii) through (viii) of paragraph (11)(B).

''(B) FORM OF REPORT.—Each report required by subparagraph (A) shall be submitted in unclassified form but may contain a classified annex.

''(C) PUBLIC POSTING.—The Secretary of State shall publish on the website of the Department of State the unclassified portion of each report submitted under subparagraph (A).''.

(f) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa or special immigrant status under—

(A) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1).

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who is seeking status as a special immigrant under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1), protection or to immediately remove such alien from Afghanistan, if possible.

(4) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States under this section or an amendment made by this section shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

SEC. 4327. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date that is 10 years thereafter, the Secretary and the Secretary of State may waive any fee or surcharge or exempt individuals from the payment of any fee or surcharge collected by the Department of Homeland Security and the Department of State, respectively, in connection with a petition or application for, or issuance of, an immigrant visa to a national of Afghanistan under section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a)), respectively.

SEC. 4328. REPORTING.

(a) QUARTERLY REPORTS.—Beginning on January 1, 2028, not less frequently than quarterly, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for the preceding quarter—

(1) the number of individuals granted conditional permanent resident status under section 4323, disaggregated by the number of such individuals for whom conditions have been removed;

(2) the number of individuals granted conditional permanent resident status under section 4323 who have been determined to be ineligible for removal of conditions (and the reasons for such determination); and

(3) the number of individuals granted conditional permanent resident status under section 4323 for whom no such determination has been made (and the reasons for the lack of such determination).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Secretary, in consultation with the Attorney General, shall submit to the appropriate committees of Congress a report that includes for the preceding year, with respect to individuals granted conditional permanent resident status under section 4323—

(1) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(2) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(2) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(3) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(3) the number of final orders of removal issued pursuant to proceedings described in paragraphs (1) and (2), disaggregated by each applicable ground of deportability;

(4) the number of such individuals for whom such proceedings are pending, disaggregated by each applicable ground of deportability; and

(5) a review of the available options for removal from the United States, including any changes in the feasibility of such options during the preceding year.

TITLE IV—PROMOTING LEGAL IMMIGRATION

SEC. 4401. EMPLOYMENT AUTHORIZATION FOR FIANCÉS, FIANCÉES, SPOUSES, AND CHILDREN OF UNITED STATES CITIZENS AND SPECIALTY WORKERS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) The Secretary of Homeland Security shall authorize an alien fiancé, fiancée, or spouse admitted pursuant to clause (i) or (ii) of section 101(a)(15)(K), or any child admitted pursuant to section 101(a)(15)(K)(iii) to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.

''(16) Upon the receipt of a completed petition described in subparagraph (E) or (F) of section 204(a)(1) for a principal alien who has been admitted pursuant to section 101(a)(15)(H)(i)(b), the Secretary of Homeland Security shall authorize the alien spouse or child of such principal alien who has been admitted under section 101(a)(15)(H) to accompany or follow to join a principal alien admitted under such section, to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.''.

SEC. 4402. ADDITIONAL VISAS.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (c)—

(A) by adding at the end the following:

''(6)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029—

''(i) 512,000 shall be substituted for 480,000 in paragraph (1)(A)(i); and

''(ii) 258,000 shall be substituted for 226,000 in paragraph (1)(B)(i)(i).

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with this section and sections 202 and 203.''; and

(2) in subsection (d), by adding at the end the following:

''(3)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029, 158,000 shall be substituted for 140,000 in paragraph (1)(A).

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with this section and section 202 and 203.''.

SEC. 4403. CHILDREN OF LONG-TERM VISA HOLDERS.

(a) MAINTAINING FAMILY UNITY FOR CHILDREN OF LONG-TERM H–1B NONIMMIGRANTS AFFECTED BY DELAYS IN VISA AVAILABILITY.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(6) CHILD STATUS DETERMINATION FOR CERTAIN DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—

''(A) DETERMINATIVE FACTORS.—For purposes of subsection (d), the determination of whether an alien described in subparagraph (B) satisfies the age and marital status requirements set forth in section 101(b)(1) shall be made using the alien's age and marital status on the date on which an initial petition as a nonimmigrant described in section 101(a)(15)(H)(i)(b) was filed on behalf of the alien's parent, if such petition was approved.

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if such alien—

''(i) maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission; and

''(ii)(I) sought to acquire the status of an alien lawfully admitted for permanent residence during the 2-year period beginning on the date on which an immigrant visa became available to such alien; or

''(II) demonstrates, by clear and convincing evidence, that the alien's failure to seek such status during such 2-year period was due to extraordinary circumstances.''.

(b) NONIMMIGRANT DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) CHILD DERIVATIVE BENEFICIARIES OF H-1B NONIMMIGRANTS.—

''(1) AGE DETERMINATION.—In the case of an alien who maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission, such alien's age shall be determined based on the date on which an initial petition for classification under such section was filed on behalf of the alien's parent, if such petition is approved.

''(2) LONG-TERM DEPENDENTS.—Notwithstanding the alien's actual age or marital status, an alien who is determined to be a child under paragraph (1) and is otherwise eligible may change status to, or extend status as, a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) if the alien's parent—

''(A) maintains lawful status under such section;

''(B) has an employment-based immigrant visa petition that has been approved pursuant to section 203(b); and

''(C) has not yet had an opportunity to seek an immigrant visa or adjust status under section 245.

''(3) EMPLOYMENT AUTHORIZATION.—An alien who is determined to be a child under paragraph (1) is authorized to engage in employment in the United States incident to the status of his or her nonimmigrant parent.

''(4) SURVIVING RELATIVE CONSIDERATION.—Notwithstanding the death of the qualifying relative, an alien who is determined to be a child under paragraph (1) is authorized to extend status as a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b).''.

(c) MOTION TO REOPEN OR RECONSIDER.—

(1) IN GENERAL.—A motion to reopen or reconsider the denial of a petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) and a subsequent application for an immigrant visa or adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), may be granted if—

(A) such petition or application would have been approved if—

(i) section 203(h)(6) of the Immigration and Nationality Act, as added by subsection (a), had been in effect when the petition or application was adjudicated; and

(ii) the person concerned remains eligible for the requested benefit;

(B) the individual seeking relief pursuant to such motion was in the United States at the time the underlying petition or application was filed; and

(C) such motion is filed with the Secretary or the Attorney General not later than the date that is 2 years after the date of the enactment of this Act.

(2) PROTECTION FROM REMOVAL.—Notwithstanding any other provision of the law, the Attorney General and the Secretary—

(A) may not initiate removal proceedings against or remove any alien who has a pending nonfrivolous motion under paragraph (1) or is seeking to file such a motion unless—

(i) the alien is a danger to the community or a national security risk; or

(ii) initiating a removal proceeding with respect to such alien is in the public interest; and

(B) shall provide aliens with a reasonable opportunity to file such a motion.

(3) EMPLOYMENT AUTHORIZATION.—An alien with a pending, nonfrivolous motion under this subsection shall be authorized to engage in employment through the date on which a final administrative decision regarding such motion has been made.

SEC. 4404. MILITARY NATURALIZATION MODERNIZATION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended—

(1) by striking section 328 (8 U.S.C. 1439); and

(2) in section 329 (8 U.S.C. 1440)—

(A) by amending the section heading to read as follows: ''**NATURALIZATION THROUGH SERVICE IN THE SELECTED RESERVE OR IN ACTIVE-DUTY STATUS.**—'';

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''during either'' and all that follows through ''foreign force'';

(ii) in paragraph (1)—

(I) by striking ''America Samoa, or Swains Island'' and inserting ''American Samoa, Swains Island, or any of the freely associated States (as defined in section 611(b)(1)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(b)(1)(C)),''; and

(II) by striking ''he'' and inserting ''such person''; and

(iii) in paragraph (2), by striking ''in an active-duty status, and whether separation from such service was under honorable conditions'' and inserting ''in accordance with subsection (b)(3)''; and

(C) in subsection (b)—

(i) in paragraph (1), by striking ''he'' and inserting ''such person''; and

(ii) in paragraph (3), by striking ''an active-duty status'' and all that follows through ''foreign force, and'' and inserting ''in an active status (as defined in section 101(d) of title 10, United States Code), in the Selected Reserve of the Ready Reserve, or on active duty (as defined in such section) and, if separated''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the items relating to sections 328 and 329 and inserting the following:

''Sec. 329. Naturalization through service in the Selected Reserve or in active-duty status.''.

SEC. 4405. TEMPORARY FAMILY VISITS.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT VISA SUBCATEGORY.—Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by striking ''temporarily for business or temporarily for pleasure;'' and inserting ''temporarily for—

''(i) business;

''(ii) pleasure; or

''(iii) family purposes;''.

(b) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by section 4403(b), is further amended by adding at the end the following:

''(t) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—

''(1) DEFINED TERM.—In this subsection and in section 101(a)(15)(B)(iii), the term 'family purposes' means any visit by a relative for a social, occasional, major life, or religious event, or for any other purpose.

''(2) FAMILY PURPOSES VISA.—Except as provided in paragraph (3), family travel for pleasure is authorized pursuant to the policies, terms, and conditions in effect on the day before the date of the enactment of the Border Act.

''(3) SPECIAL RULES FOR FAMILY PURPOSES VISAS FOR ALIENS AWAITING IMMIGRANT VISAS.—

''(A) NOTIFICATION OF APPROVED PETITION.—A visa may not be issued to a relative under section 101(a)(15)(B)(iii) until after the consular officer is notified that the Secretary of Homeland Security has approved a petition filed in the United States by a family member of the relative who is a United States citizen or lawful permanent resident.

''(B) PETITION.—A petition referred to in subparagraph (A) shall—

''(i) be in such form and contain such information as the Secretary may prescribe by regulation; and

''(ii) shall include—

''(I) a declaration of financial support, affirming that the petitioner will provide financial support to the relative for the duration of his or her temporary stay in the United States;

''(II) evidence that the relative has—

''(aa) obtained, for the duration of his or her stay in the United States, a short-term travel medical insurance policy; or

''(bb) an existing health insurance policy that provides coverage for international medical expenses; and

''(III) a declaration from the relative, under penalty of perjury, affirming the relative's—

''(aa) intent to depart the United States at the conclusion of the relative's period of authorized admission; and

''(bb) awareness of the penalties for overstaying such period of authorized admission.

''(4) PETITIONER ELIGIBILITY.—

''(A) IN GENERAL.—Absent extraordinary circumstances, an individual may not petition for the admission of a relative as a nonimmigrant described in section 101(a)(15)(B)(iii) if such individual previously petitioned for the admission of such a relative who—

''(i) was admitted to the United States pursuant to a visa issued under such section as a result of such petition; and

''(ii) overstayed his or her period of authorized admission.

''(B) PREVIOUS PETITIONERS.—

''(i) IN GENERAL.—An individual filing a declaration of financial support on behalf of a relative seeking admission as a nonimmigrant described in section 101(a)(15)(B)(iii) who has previously provided a declaration of financial support for such a relative shall—

''(I) certify to the Secretary of Homeland Security that the relative whose admission the individual previously supported did not overstay his or her period of authorized admission; or

''(II) explain why the relative's overstay was due to extraordinary circumstances beyond the control of the relative.

''(ii) CRIMINAL PENALTY FOR FALSE STATEMENT.—A certification under clause (i)(I) shall be subject to the requirements under section 1001 of title 18, United States Code.

''(C) WAIVER.—The Secretary of Homeland Security may waive the application of section 212(a)(9)(B) in the case of a nonimmigrant described in section 101(a)(15)(B)(iii) who overstayed his or her period of authorized admission due to extraordinary circumstances beyond the control of the nonimmigrant.''.

(c) RESTRICTION ON CHANGE OF STATUS.—Section 248(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1258(a)(1)) is amended by inserting ''(B)(iii),'' after ''subparagraph''.

(d) FAMILY PURPOSE VISA ELIGIBILITY WHILE AWAITING IMMIGRANT VISA.—

(1) IN GENERAL.—Notwithstanding section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)), a nonimmigrant described in section 101(a)(15)(B)(iii) of such Act, as added by subsection (a), who has been classified as an immigrant under section 201 of such Act (8 U.S.C. 1151) and is awaiting the availability of an immigrant visa subject to the numerical limitations under section 203 of such Act (8 U.S.C. 1153) may be admitted pursuant to a family purposes visa, in accordance with section 214(t) of such Act, as added by subsection (b), if the individual is otherwise eligible for admission.

(2) LIMITATION.—An alien admitted under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, pursuant to section 214(t)(3) of such Act, as added by subsection (b), may not be considered to have been admitted to the United States for purposes of section 245(a) of such Act (8 U.S.C. 1255(a)).

(e) RULE OF CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, may be construed as—

(1) limiting the authority of immigration officers to refuse to admit to the United States an applicant under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, as added by subsection (a), who fails to meet 1 or more of the criteria under section 214(t) of such Act, as added by subsection (b), or who is inadmissible under section 212(a) of such Act (8 U.S.C. 1182(a)); or

(2) precluding the use of section 101(a)(15)(B)(ii) of the Immigration and Nationality Act, as added by subsection (a), for family travel for pleasure in accordance with the policies and procedures in effect on the day before the date of the enactment of this Act.

TITLE V—SELF-SUFFICIENCY AND DUE PROCESS

Subtitle A—Work Authorizations

SEC. 4501. WORK AUTHORIZATION.

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

''(2) EMPLOYMENT ELIGIBILITY.—Except as provided in section 235C—

''(A) an applicant for asylum is not entitled to employment authorization, but such authorization may be provided by the Secretary of Homeland Security by regulation; and

''(B) an applicant who is not otherwise eligible for employment authorization may not be granted employment authorization under this section before the date that is 180 days after the date on which the applicant files an application for asylum.''.

SEC. 4502. EMPLOYMENT ELIGIBILITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4141(a), is further amended by adding at the end the following:

''SEC. 235C. EMPLOYMENT ELIGIBILITY.

''(a) EXPEDITED EMPLOYMENT ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall authorize employment for any alien who—

''(A)(i) is processed under the procedures described in section 235(b)(1) and receives a positive protection determination pursuant to such procedures; or

''(ii)(I) is processed under the procedures described in section 235B; and

''(II)(aa) receives a positive protection determination and is subsequently referred under section 235B(c)(2)(B)(i) for a protection merits interview; or

''(bb) is referred under section 235B(f)(1) for a protection merits interview; and

''(B) is released from the physical custody of the Secretary of Homeland Security.

''(2) APPLICATION.—The Secretary of Homeland Security shall grant employment authorization to—

''(A) an alien described in paragraph (1)(A)(i) immediately upon such alien's release from physical custody;

''(B) an alien described in paragraph (1)(A)(ii)(II)(aa) at the time such alien receives a positive protection determination or

is referred for a protection merits interview; and

''(C) an alien described in paragraph (1)(A)(ii)(II)(bb) on the date that is 30 days after the date on which such alien files an application pursuant to section 235B(f).

''(b) TERM.—Employment authorization under this section—

''(1) shall be for an initial period of 2 years; and

''(2) shall be renewable, as applicable—

''(A) for additional 2-year periods while the alien is in protection merits removal proceedings, including while the outcome of the protection merits interview is under administrative or judicial review; or

''(B) until the date on which—

''(i) the alien receives a negative protection merits determination; or

''(ii) the alien otherwise receives employment authorization under any other provision of this Act.

''(c) RULES OF CONSTRUCTION.—

''(1) DETENTION.—Nothing in this section may be construed to expand or restrict the authority of the Secretary of Homeland Security to detain or release from detention an alien, if such detention or release from detention is authorized by law.

''(2) LIMITATION ON AUTHORITY.—The Secretary of Homeland Security may not authorize for employment in the United States an alien being processed under section 235(b)(1) or 235B in any circumstance not explicitly described in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 235B, as added by section 4141(b), the following:

''Sec. 235C. Employment eligibility.''.

Subtitle B—Protecting Due Process

SEC. 4511. ACCESS TO COUNSEL.

(a) IN GENERAL.—Section 235(b)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(iv)) is amended to read as follows:

''(iv) INFORMATION ABOUT PROTECTION DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary of Homeland Security shall provide an alien with information in plain language regarding protection determinations conducted under this section, including the information described in subclause (II)—

''(aa) at the time of the initial processing of the alien; and

''(bb) to the maximum extent practicable, in the alien's native language or in a language the alien understands.

''(II) INFORMATION DESCRIBED.—The information described in this subclause is information relating to—

''(aa) the rights and obligations of the alien during a protection determination;

''(bb) the process by which a protection determination is conducted;

''(cc) the procedures to be followed by the alien in a protection determination; and

''(dd) the possible consequences of—

''(AA) not complying with the obligations referred to in item (aa); and

''(BB) not cooperating with Federal authorities.

''(III) ACCESSIBILITY.—An alien who has a limitation that renders the alien unable to read written materials provided under subclause (I) shall receive an interpretation of such materials in the alien's native language, to the maximum extent practicable, or in a language and format the alien understands.

''(IV) TIMING OF PROTECTION DETERMINATION.—

''(aa) IN GENERAL.—The protection determination of an alien shall not occur earlier than 72 hours after the provision of the information described in subclauses (I) and (II).

''(bb) WAIVER.—An alien may—

''(AA) waive the 72-hour requirement under item (aa) only if the alien knowingly and voluntarily does so, only in a written format or in an alternative record if the alien is unable to write, and only after the alien receives the information required to be provided under subclause (I); and

''(BB) consult with an individual of the alien's choosing in accordance with subclause (V) before waiving such requirement.

''(V) CONSULTATION.—

''(aa) IN GENERAL.—An alien who is eligible for a protection determination may consult with one or more individuals of the alien's choosing before the screening or interview, or any review of such a screening or interview, in accordance with regulations prescribed by the Secretary of Homeland Security.

''(bb) LIMITATION.—Consultation described in item (aa) shall be at no expense to the Federal Government.

''(cc) PARTICIPATION IN INTERVIEW.—An individual chosen by the alien may participate in the protection determination of the alien conducted under this subparagraph.

''(dd) ACCESS.—The Secretary of Homeland Security shall ensure that a detained alien has effective access to the individuals chosen by the alien, which may include physical access, telephonic access, and access by electronic communication.

''(ee) INCLUSIONS.—Consultations under this subclause may include—

''(AA) consultation with an individual authorized by the Department of Justice through the Recognition and Accreditation Program; and

''(BB) consultation with an attorney licensed under applicable law.

''(ff) RULES OF CONSTRUCTION.—Nothing in this subclause may be construed—

''(AA) to require the Federal Government to pay for any consultation authorized under item (aa);

''(BB) to invalidate or limit the remedies, rights, and procedures of any Federal law that provides protection for the rights of individuals with disabilities; or

''(CC) to contravene or limit the obligations under the Vienna Convention on Consular Relations done at Vienna April 24, 1963.''.

(b) CONFORMING AMENDMENT.—Section 238(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(2)) is amended by striking ''make reasonable efforts to ensure that the alien's access to counsel'' and inserting ''ensure that the alien's access to counsel, pursuant to section 235(b)(1)(B)(iv),''.

SEC. 4512. COUNSEL FOR CERTAIN UNACCOMPANIED ALIEN CHILDREN.

Section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)) is amended to read as follows:

''(5) ACCESS TO COUNSEL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary of Health and Human Services or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

''(B) EXCEPTION FOR CERTAIN CHILDREN.—

''(i) IN GENERAL.—An unaccompanied alien child who is 13 years of age or younger, and who is placed in or referred to removal proceedings pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a), shall be represented by counsel subject to clause (v).

''(ii) AGE DETERMINATIONS.—The Secretary of Health and Human Services shall ensure that age determinations of unaccompanied alien children are conducted in accordance with the procedures developed pursuant to subsection (b)(4).

''(iii) APPEALS.—The rights and privileges under this subparagraph—

''(I) shall not attach to—

''(aa) an unaccompanied alien child after the date on which—

''(AA) the removal proceedings of the child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) terminate;

''(BB) an order of removal with respect to the child becomes final; or

''(CC) an immigration benefit is granted to the child; or

''(bb) an appeal to a district court or court of appeals of the United States, unless certified by the Secretary as a case of extraordinary importance; and

''(II) shall attach to administrative reviews and appeals.

''(iv) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of the Border Act, the Secretary of Health and Human Services shall implement this subparagraph

''(v) REMEDIES.—

''(I) IN GENERAL.—For the population described in clause (i) of this subparagraph and subsection (b)(1) of section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), declaratory judgment that the unaccompanied alien child has a right to be referred to counsel, including pro-bono counsel, or a continuance of immigration proceedings, shall be the exclusive remedies available, other than for those funds subject to appropriations.

''(II) SETTLEMENTS.—Any settlement under this subparagraph shall be subject to appropriations.''.

SEC. 4513. COUNSEL FOR CERTAIN INCOMPETENT INDIVIDUALS.

Section 240 of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) REPRESENTATION FOR CERTAIN INCOMPETENT ALIENS.—

''(1) IN GENERAL.—The immigration judge is authorized to appoint legal counsel or a certified representative accredited through the Department of Justice to represent an alien in removal proceedings if—

''(A) pro bono counsel is not available; and

''(B) the alien—

''(i) is unrepresented;

''(ii) was found by an immigration judge to be incompetent to represent themselves; and

''(iii) has been placed in or referred to removal proceedings pursuant to this section.

''(2) DETERMINATION ON COMPETENCE.—

''(A) PRESUMPTION OF COMPETENCE.—An alien is presumed to be competent to participate in removal proceedings and has the duty to raise the issue of competency. If there are no indicia of incompetency in an alien's case, no further inquiry regarding competency is required.

''(B) DECISION OF THE IMMIGRATION JUDGE.—

''(i) IN GENERAL.—If there are indicia of incompetency, the immigration judge shall

consider whether there is good cause to believe that the alien lacks sufficient competency to proceed without additional safeguards.

''(ii) INCOMPETENCY TEST.—The test for determining whether an alien is incompetent to participate in immigration proceedings, is not malingering, and consequently lacks sufficient capacity to proceed, is whether the alien, not solely on account of illiteracy or language barriers—

''(I) lacks a rational and factual understanding of the nature and object of the proceedings;

''(II) cannot consult with an available attorney or representative; and

''(III) does not have a reasonable opportunity to examine and present evidence and cross-examine witnesses.

''(iii) NO APPEAL.—A decision of an immigration judge under this subparagraph may not be appealed administratively and is not subject to judicial review.

''(C) EFFECT OF FINDING OF INCOMPETENCE.—A finding by an immigration judge that an alien is incompetent to represent himself or herself in removal proceedings shall not prejudice the outcome of any proceeding under this section or any finding by the immigration judge with respect to whether the alien is inadmissible under section 212 or removable under section 237.

''(3) QUARTERLY REPORT.—Not later than 90 days after the effective date of a final rule implementing this subsection, and quarterly thereafter, the Director of the Executive Office for Immigration Review shall submit to the appropriate committees of Congress a report that includes—

''(A)(i) the number of aliens in proceedings under this section who claimed during the reporting period to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason given for such claims, such as mental disease or mental defect; and

''(B)(i) the number of aliens in proceedings under this section found during the reporting period by an immigration judge to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason upon which such findings were based, such as mental disease or mental defect.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to require the Secretary of Homeland Security or the Attorney General to analyze whether an alien is incompetent to represent themselves, absent an indicia of incompetency;

''(B) to establish a substantive due process right;

''(C) to automatically equate a diagnosis of a mental illness to a lack of competency;

''(D) to limit the ability of the Attorney General or the immigration judge to prescribe safeguards to protect the rights and privileges of the alien;

''(E) to limit any authorized representation program by a State, local, or Tribal government;

''(F) to provide any statutory right to representation in any proceeding authorized under this Act, unless such right is already authorized by law; or

''(G) to interfere with, create, or expand any right or responsibility established through a court order or settlement agreement in effect before the date of the enactment of the Border Act.

''(5) RULEMAKING.—The Attorney General is authorized to prescribe regulations to carry out this subsection.''.

SEC. 4514. CONFORMING AMENDMENT.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

''SEC. 292. RIGHT TO COUNSEL.

''(a) IN GENERAL.—In any removal proceeding before an immigration judge and in any appeal proceeding before the Attorney General from an order issued through such removal proceeding, the person concerned shall have the privilege of being represented (at no expense to the Federal Government) by any counsel who is authorized to practice in such proceedings.

''(b) EXCEPTIONS FOR CERTAIN POPULATIONS.—The Federal Government is authorized to provide counsel, at its own expense, in proceedings described in subsection (a) for—

''(1) unaccompanied alien children described in paragraph (5)(B) of section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)); and

''(2) subject to appropriations, certain incompetent aliens described in section 240(e).''.

TITLE VI—ACCOUNTABILITY AND METRICS

SEC. 4601. EMPLOYMENT AUTHORIZATION COMPLIANCE.

Not later than 1 year and 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public that describes the actions taken by Secretary pursuant to section 235C of the Immigration and Nationality Act, as added by section 4502, including—

(1) the number of employment authorization applications granted or denied pursuant to subsection (a)(1) of such section 235C, disaggregated by whether the alien concerned was processed under the procedures described in section 235(b)(1) or 235B of such Act;

(2) the ability of the Secretary to comply with the timelines for provision of work authorization prescribed in subparagraphs (A) through (C) of section 235C(a)(2) of such Act, including whether complying with subparagraphs (A) and (B) of such section 235C(a)(2) has caused delays in the processing of such aliens;

(3) the number of employment authorizations revoked due to an alien's failure to comply with the requirements under section 235B(f)(5)(B) of the Immigration and Nationality Act, as added by section 4141, or for any other reason, along with the articulated basis; and

(4) the average time for the revocation of an employment authorization if an alien is authorized to work under section 235C of the Immigration and Nationality Act and is subsequently ordered removed.

SEC. 4602. LEGAL ACCESS IN CUSTODIAL SETTINGS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public regarding alien access to legal representation and consultation in custodial settings, including—

(1) the total number of aliens who secured or failed to secure legal representation pursuant to section 235(b)(1)(B)(iv)(V) of the Immigration and Nationality Act, as added by section 4511, before the protection determination under section 235(b)(1)(B)(i) of such Act, including the disposition of such alien's interview;

(2) the total number of aliens who waived the 72-hour period pursuant to section 235(b)(1)(B)(iv)(IV)(bb) of such Act, including the disposition of the alien's protection determination pursuant to section 235(b)(1)(B)(i) of such Act;

(3) the total number of aliens who required a verbal interpretation of the information about screenings and interviews pursuant to section 235(b)(1)(B)(iv) of such Act, disaggregated by the number of aliens who received or did not receive such an interpretation, respectively, pursuant to section 235(b)(1)(B)(iv)(III) of such Act, including the disposition of their respective protection determinations pursuant to section 235(b)(1)(B)(i) of such Act;

(4) the total number of aliens who received information, either verbally or in writing, in their native language; and

(5) whether such policies and procedures with respect to access provided in section 235(b)(1)(B)(iv) have been made available publicly.

SEC. 4603. CREDIBLE FEAR AND PROTECTION DETERMINATIONS.

Not later than 1 year and 60 days after the date of the enactment of this Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall submit a report to the appropriate committees of Congress and to the public that sets forth—

(1) the number of aliens who requested or received a protection determination pursuant to section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B));

(2) the number of aliens who requested or received a protection determination pursuant to section 235B(b) of such Act, as added by section 4141;

(3) the number of aliens described in paragraphs (1) and (2) who are subject to an asylum exception under section 235(b)(1)(B)(vi) of such Act, disaggregated by specific asylum exception;

(4) the number of aliens for whom an asylum officer determined that an alien may be eligible for a waiver under section 235(b)(1)(B)(vi) of such Act and did not apply such asylum exception to such alien;

(5) the number of aliens described in paragraph (1) or (2) who—

(A) received a positive screening or determination; or

(B) received a negative screening or determination;

(6) the number of aliens described in paragraph (5)(B) who requested reconsideration or appeal of a negative screening and the disposition of such requests;

(7) the number of aliens described in paragraph (6) who, upon reconsideration—

(A) received a positive screening or determination, as applicable; or

(B) received a negative screening or determination, as applicable;

(8) the number of aliens described in paragraph (5)(B) who appealed a decision subsequent to a request for reconsideration;

(9) the number of aliens described in paragraph (5)(B) who, upon appeal of a decision, disaggregated by whether or not such alien requested reconsideration of a negative screening—

(A) received a positive screening or determination, as applicable; or

(B) received negative screening or determination, as applicable; and

(10) the number of aliens who withdraw their application for admission, including—

(A) whether such alien could read or write;

(B) whether the withdrawal occurred in the alien's native language;

(C) the age of such alien; and

(D) the Federal agency or component that processed such withdrawal.

SEC. 4604. PUBLICATION OF OPERATIONAL STATISTICS BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Beginning in the second calendar month beginning after the date of the enactment of this Act, the Commissioner

for U.S. Customs and Border Protection shall publish, not later than the seventh day of each month, on a publicly available website of the Department, information from the previous month relating to—

(1) the number of alien encounters, disaggregated by—

(A) whether such aliens are admissible or inadmissible, including the basis for such determinations;

(B) the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter;

(C) any outcomes recorded 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)), including—

(i) whether the alien is found to be inadmissible or removable due to a specific ground relating to terrorism;

(ii) the alien's country of nationality, race or ethnic identification, and age; and

(iii) whether the alien's alleged terrorism is related to domestic or international actors, if available;

(D) aliens with active Federal or State warrants for arrest in the United States and the nature of the crimes justifying such warrants;

(E) the nationality of the alien;

(F) whether the alien encountered is a single adult, an individual in a family unit, an unaccompanied child, or an accompanied child;

(G) the average time the alien remained in custody, disaggregated by demographic information;

(H) the processing disposition of each alien described in this paragraph upon such alien's release from the custody of U.S. Customs and Border Protection, disaggregated by nationality;

(I) the number of aliens who are paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), disaggregated by geographic region or sector;

(J) the recidivism rate of aliens described in this paragraph, including the definition of ''recidivism'' and notice of any changes to such definition; and

(K) aliens who have a confirmed gang affiliation, including—

(i) whether such alien was determined to be inadmissible or removable due to such affiliation;

(ii) the specific gang affiliation alleged;

(iii) the basis of such allegation; and

(iv) the Federal agency or component that made such allegation or determination;

(2) seizures, disaggregated by the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter, of—

(A) narcotics;

(B) firearms, whether inbound or outbound, including whether such firearms were manufactured in the United States, if known;

(C) monetary instruments, whether inbound and outbound; and

(D) other specifically identified contraband;

(3) with respect to border emergency authority described in section 244A of the Immigration and Nationality Act, as added by section 4301—

(A) the number of days such authority was in effect;

(B) the number of encounters (as defined in section 244A(i)(3)) of such Act, disaggregated by U.S. Border Patrol sector and U.S. Customs and Border Patrol field office;

(C) the number of summary removals made under such authority;

(D) the number of aliens who manifested a fear of persecution or torture and were screened for withholding of removal or for protection under the Convention Against Torture, and the disposition of each such screening, including the processing disposition or outcome;

(E) the number of aliens who were screened at a port of entry in a safe and orderly manner each day such authority was in effect, including the processing disposition or outcome;

(F) whether such authority was exercised under subparagraph (A), (B)(i), or (B)(ii) of section 244A(b)(3) of such Act;

(G) a public description of all the methods by which the Secretary determines if an alien may be screened in a safe and orderly manner;

(H) the total number of languages that are available for such safe and orderly process;

(I) the number of aliens who were returned to a country that is not their country of nationality;

(J) the number of aliens who were returned to any country without a humanitarian or protection determination during the use of such authority;

(K) the number of United States citizens who were inadvertently detained, removed, or affected by such border emergency authority;

(L) the number of individuals who have lawful permission to enter the United States and were inadvertently detained, removed, or affected by such border emergency authority;

(M) a summary of the impact to lawful trade and travel during the use of such border emergency authority, disaggregated by port of entry;

(N) the disaggregation of the information described in subparagraphs (C), (D), (E), (I), (J), (K), and (L) by the time the alien remained in custody and by citizenship and family status, including—

(i) single adults;

(ii) aliens traveling in a family unit;

(iii) unaccompanied children;

(iv) accompanied children;

(4) information pertaining to agricultural inspections;

(5) border rescues and mortality data;

(6) information regarding trade and travel; and

(7) with respect to aliens who were transferred from the physical custody of a State or Federal law enforcement agency or other State agency to the physical custody of a Federal agency or component—

(A) the specific States concerned;

(B) whether such alien had initially been charged with a State crime before the State transferred such alien to such Federal agency or component; and

(C) the underlying State crime with which the alien was charged.

(b) TOTALS.—The information described in subsection (a) shall include the total amount of each element described in each such paragraph in the relevant unit of measurement for reporting month.

(c) DEFINITIONS.—The monthly publication required under subsection (a) shall—

(1) include the definition of all terms used by the Commissioner; and

(2) specifically note whether the definition of any term has been changed.

(d) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each publication pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4605. UTILIZATION OF PAROLE AUTHORITIES.

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1182 note) is amended to read as follows:

''(b) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the public that identifies the number of aliens paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)).

''(2) CONTENTS.—Each report required under paragraph (1) shall include—

''(A) the total number of aliens—

''(i) who submitted applications for parole;

''(ii) whose parole applications were approved; or

''(iii) who were granted parole into the United States during the fiscal year immediately preceding the fiscal year during which such report is submitted;

''(B) the elements described in subparagraph (A), disaggregated by—

''(i) citizenship or nationality;

''(ii) demographic categories;

''(iii) the component or subcomponent of the Department of Homeland Security that granted such parole;

''(iv) the parole rationale or class of admission, if applicable; and

''(v) the sector, field office, area of responsibility, or port of entry where such parole was requested, approved, or granted;

''(C) the number of aliens who requested re-parole, disaggregated by the elements described in subparagraph (B), and the number of denials of re-parole requests;

''(D) the number of aliens whose parole was terminated for failing to abide by the terms of parole, disaggregated by the elements described in subparagraph (B);

''(E) for any parole rationale or class of admission which requires sponsorship, the number of sponsor petitions which were—

''(i) confirmed;

''(ii) confirmed subsequent to a nonconfirmation; or

''(iii) denied;

''(F) for any parole rationale or class of admission in which a foreign government has agreed to accept returns of third country nationals, the number of returns of such third country nationals such foreign government has accepted;

''(G) the number of aliens who filed for asylum after being paroled into the United States; and

''(H) the number of aliens described in subparagraph (G) who were granted employment authorization based solely on a grant of parole.

''(3) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to paragraph (1), the Secretary shall—

''(A) protect any personally identifiable information associated with aliens described in paragraph (1); and

''(B) comply with all applicable privacy laws.''.

SEC. 4606. ACCOUNTABILITY IN PROVISIONAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress and the public regarding the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142 during the previous 12-month period.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) the number of aliens processed pursuant to section 235B(b) of the Immigration and Nationality Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who—

(i) were provided proper service and notice upon release from custody pursuant to section 235B(b)(2) of such Act; or

(ii) were not given such proper service and notice;

(C) the number of aliens who received a protection determination interview pursuant to section 235B(c) of such Act within the 90-day period required under section 235B(b)(3)(A) of such Act;

(D) the number of aliens described in subparagraph (C)—

(i) who retained legal counsel;

(ii) who received a positive protection determination;

(iii) who received a negative protection determination;

(iv) for those aliens described in clause (iii), the number who—

(I) requested reconsideration;

(II) whether such reconsideration resulted in approval or denial;

(III) whether an alien upon receiving a negative motion for reconsideration filed an appeal;

(IV) who appealed a negative decision without filing for reconsideration;

(V) whether the appeal resulted in approval or denial, disaggregated by the elements in subclauses (III) and (IV); and

(VI) whether the alien, upon receiving a negative decision as described in subclauses (III) and (V), was removed from the United States upon receiving such negative decision;

(v) who absconded during such proceedings; and

(vi) who failed to receive proper service;

(E) the number of aliens who were processed pursuant to section 235B(f) of such Act; and

(F) the number of aliens described in subparagraph (E) who submitted their application pursuant to section 235B(f)(2)(B)(i) of such Act;

(2) the average time taken by the Department of Homeland Security—

(A) to perform a protection determination interview pursuant to section 235B(b) of such Act;

(B) to serve notice of a protection determination pursuant to section 235B(e) of such Act after a determination has been made pursuant to section 235B(b) of such Act;

(C) to provide an alien with a work authorization pursuant to section 235C of such Act, as added by section 4501, disaggregated by the requirements under subparagraphs (A), (B), and (C) of section 235C(a)(2) of such Act; and

(D) the utilization of the Alternatives to Detention program authorized under section 235B(a)(3) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody;

(ii) the level of compliance by the alien with the rules of the Alternatives to Detention program; and

(iii) the total cost of each Alternatives to Detention type;

(3) the number of aliens processed pursuant to section 240D(d) of such Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who were provided proper service and notice of a protection determination pursuant to section 235B(e) of such Act;

(C) the number of aliens who received a protection merits interview pursuant to section 240D(c)(3) of such Act within the 90-day period required under section 240D(b) of such Act;

(D) the number of aliens who received a positive protection merits determination pursuant to section 240D(d)(2) of such Act;

(E) the number of aliens who received a negative protection merits determination pursuant to section 240D(d)(3) of such Act, disaggregated by the number of aliens who appealed the determination pursuant to section 240D(e) of such Act and who received a result pursuant to section 240D(e)(7) of such Act;

(F) the number of aliens who were processed pursuant to section 240D of such Act who retained legal counsel;

(G) the number of aliens who appeared at such proceedings; and

(H) the number of aliens who absconded during such proceedings; and

(4) the average time taken by the Department of Homeland Security—

(A) to perform a protection merits interview pursuant to section 240D(d) of such Act;

(B) to serve notice of a protection merits determination pursuant to section 240D(d) of such Act; and

(C) the utilization of Alternatives to Detention program authorized under section 240D(c)(2) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody; and

(ii) the level of compliance by the aliens with rules of the Alternatives to Detention program.

(c) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4607. ACCOUNTABILITY IN VOLUNTARY REPATRIATION, WITHDRAWAL, AND DEPARTURE.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress regarding the implementation of section 240G of the Immigration and Nationality Act, as added by section 4144.

(b) CONTENTS.—The report required under subsection (a) shall include the number of aliens who utilized the provisions of such section 240G, disaggregated by—

(1) demographic information;

(2) the period in which the election took place;

(3) the total costs of repatriation flight when compared to the cost to charter a private, commercial flight for such return;

(4) alien use of reintegration or reception programs in the alien's country of nationality after removal from the United States;

(5) the number of aliens who failed to depart in compliance with section 240G(i)(2) of such Act;

(6) the number of aliens to which a civil penalty and a period of ineligibility was applied; and

(7) the number of aliens who did depart.

SEC. 4608. GAO ANALYSIS OF IMMIGRATION JUDGE AND ASYLUM OFFICER DECISION-MAKING REGARDING ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE.

(a) IN GENERAL.—Not later than 2 years after the Comptroller General of the United States submits the certification described in section 4146(d)(3), the Comptroller General shall analyze the decision rates of immigration judges and asylum officers regarding aliens who have received a positive protection determination and have been referred to proceedings under section 240 or 240D of the Immigration and Nationality Act, as applicable, to determine—

(1) whether the Executive Office for Immigration Review and U.S. Citizenship and Immigration Services have any differential in rate of decisions for cases involving asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984; and

(2) the causes for any such differential, including any policies, procedures, or other administrative measures.

(b) RECOMMENDATIONS.—Upon completing the analysis required under subsection (a), the Comptroller General shall submit recommendations to the Director of the Executive Office for Immigration Review and the Director of U.S. Citizenship and Immigration Services regarding any administrative or procedural changes necessary to ensure uniformity in decision-making between those agencies, which may not include quotas.

SEC. 4609. REPORT ON COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress with respect to unaccompanied alien children who received appointed counsel pursuant to section 235(c)(5)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, as added by section 4512, including—

(1) the number of unaccompanied alien children who obtained such counsel compared to the number of such children who did not obtain such counsel;

(2) the sponsorship category of unaccompanied alien children who obtained counsel;

(3) the age ranges of unaccompanied alien children who obtained counsel;

(4) the administrative appeals, if any, of unaccompanied alien children who obtained counsel; and

(5) the case outcomes of unaccompanied alien children who obtained counsel.

(b) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary of Health and Human Services shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4610. RECALCITRANT COUNTRIES.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended—

(1) by striking ''On being notified'' and inserting the following:

''(1) IN GENERAL.—On being notified''; and

(2) by adding at the end the following:

''(2) REPORT ON RECALCITRANT COUNTRIES.—

''(A) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security and the Secretary of State shall jointly—

''(i) prepare an unclassified annual report, which may include a classified annex, that includes the information described in subparagraph (C); and

''(ii) submit such report to Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

''(B) BRIEFING.—Not later than 30 days after the date on which a report is submitted

pursuant to subparagraph (A), designees of the Secretary of Homeland Security and of the Secretary of State shall brief the committees referred to in subparagraph (A)(ii) regarding any measures taken to encourage countries to accept the return of their citizens, subjects, or nationals, or aliens whose last habitual residence was within each such country, who have been ordered removed from the United States.

''(C) CONTENTS.—Each report prepared pursuant to subparagraph (A)(i) shall include—

''(i) a list of all countries that—

''(I) deny the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States; or

''(II) unreasonably delay the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(ii) for each country described in clause (i)(II), the average length of delay of such citizens, subjects, nationals, or aliens acceptance into such country;

''(iii) a list of the foreign countries that have placed unreasonable limitations upon the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(iv) a description of the criteria used to determine that a country described under clause (iii) has placed such unreasonable limitations;

''(v) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year, including—

''(I) the number of aliens who—

''(aa) received a denial of a work authorization; and

''(bb) are not eligible to request work authorization;

''(vi) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year and who are being detained, disaggregated by—

''(I) the length of such detention;

''(II) the aliens who requested a review of the significant likelihood of their removal in the reasonably foreseeable future;

''(III) the aliens for whom the request for release under such review was denied;

''(IV) the aliens who remain detained on account of special circumstances despite no significant likelihood that such aliens will be removed in the foreseeable future, disaggregated by the specific circumstance;

''(V) the aliens described in subclause (IV) who are being detained based on a determination that they are specially dangerous;

''(VI) the aliens described in subclause (V) whose request to review the basis for their continued detention was denied;

''(VII) demographic categories, including part of a family unit, single adults, and unaccompanied alien children;

''(vii) the number of aliens referred to in clauses (i) through (iii) who—

''(I) have criminal convictions, disaggregated by National Crime Information Center code, whether misdemeanors or felonies;

''(II) are considered national security threats to the United States;

''(III) are members of a criminal gang or another organized criminal organization, if found to be inadmissible or removable on such grounds; or

''(IV) have been released from U.S. Immigration and Customs Enforcement custody on an order of supervision and the type of supervision and compliance with such supervision, if applicable;

''(viii) a description of the actions taken by the Department of Homeland Security and the Department of State to encourage foreign nations to accept the return of their nationals; and

''(ix) the total number of individuals that such jurisdiction has accepted who are not citizens, subjects, or nationals, or aliens who last habitually resided within such jurisdiction and have been removed from the United States, if any.''.

TITLE VII—OTHER MATTERS

SEC. 4701. SEVERABILITY.

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

SA 1570. Mr. CRAPO (for Mr. RISCH (for himself and Mr. CRAPO)) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Congress makes the following findings:

(1) Congress remains concerned about the domestic supply and production of nitrocellulose.

(2) Any failure or supply shortage could restrict ammunition manufacturing for large and small calibers, harming the commercial marketplace and placing the war fighters at risk.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the United States supply of nitrocellulose and options for increasing production to meet demand.

SA 1571. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, after line 21, add the following:

U.S. CUSTOMS AND BORDER PROTECTION

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'', $424,500,000, to remain available until September 30, 2026, for acquisition and deployment of non-intrusive inspection technology: *Provided*, That the amounts made available under this heading are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. (a) Amounts made available in this title under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' for the acquisition and deployment of non-intrusive inspection technology shall be available only through an open competition occurring after the date of the enactment of this Act to acquire innovative technologies that improve performance, including through the integration of artificial intelligence and machine learning capabilities.

(b) Beginning on March 1, 2025, the Commissioner for U.S. Customs and Border Protection shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a quarterly update on the impacts of deployments of additional non-intrusive inspection technology on key performance metrics and operational capabilities that includes—

(1) the percentage of passenger and cargo vehicles scanned;

(2) the percentage of seizures of narcotics, currency, weapons, ammunition, and other illicit items at inbound and outbound operations at ports of entry, checkpoints, and other locations, as applicable; and

(3) the impact of U.S. Customs and Border Protection workforce requirements resulting from the deployment of additional non-intrusive inspection technology.

SA 1572. Ms. SINEMA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—BORDER SECURITY AND COMBATTING FENTANYL SUPPLEMENTAL APPROPRIATIONS ACT, 2024

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2024, and for other purposes, namely:

TITLE I

DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

For an additional amount for ''Executive Office for Immigration Review'', $440,000,000, to remain available until September 30, 2026: *Provided*, That of the total amounts provided under this heading in this Act, $404,000,000 shall be for Immigration Judge Teams, including appropriate attorneys, law clerks, paralegals, court administrators, and other support staff, as well as necessary court and adjudicatory costs, and $36,000,000 shall be for representation for certain incompetent adults pursuant to section 240(e) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)): *Provided further*, That not more than 3 percent of the funds available for representation for certain incompetent adults

in the preceding proviso shall be available for necessary administrative expenses: *Provided further*, That with the exception of immigration judges appointed pursuant to section 1003.10 of title 8, Code of Federal Regulations, amounts provided under this heading in this Act for Immigration Judge Teams may not be used to increase the number of permanent positions: *Provided further*, That the Executive Office for Immigration Review shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $11,800,000, to remain available until September 30, 2026, for necessary expenses of the Criminal Division associated with the Joint Task Force Alpha's efforts to combat human trafficking and smuggling in the Western Hemisphere: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES MARSHALS SERVICE

FEDERAL PRISONER DETENTION

For an additional amount for ''United States Marshals Service—Federal Prisoner Detention'', $210,000,000, to remain available until expended, for detention costs due to enforcement activities along the southern and northern borders: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Federal Bureau of Investigation—Salaries and Expenses'', $204,000,000, to remain available until September 30, 2026, for expenses related to the analysis of DNA samples, including those samples collected from migrants detained by the United States Border Patrol: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Drug Enforcement Administration—Salaries and Expenses'', $23,200,000, to remain available until September 30, 2026, to enhance laboratory analysis of illicit fentanyl samples to trace illicit fentanyl supplies back to manufacturers, to support Operation Overdrive, and to bolster criminal drug network targeting efforts through data system improvements: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT, INTELLIGENCE, SITUATIONAL AWARENESS, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For an additional amount for ''Office of the Secretary and Executive Management—Operations and Support'', $33,000,000, to remain available until September 30, 2026, of which $30,000,000 shall be for necessary expenses relating to monitoring, recording, analyzing, public reporting on, and projecting migration flows and the impacts policy changes and funding have on flows and related resource requirements for border security, immigration enforcement, and immigration services and of which $3,000,000 shall be for the Office of the Immigration Detention Ombudsman for reporting and oversight relating to expanded detention capacity: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''U.S. Customs and Border Protection—Operations and Support'', $6,008,479,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $3,860,363,000 shall be for operational requirements relating to migration surges along the southwest border, counter-fentanyl activities, necessary expenses at ports of entry, reimbursement to the Department of Defense for border operations support, and other related expenses, of which $3,148,262,000 shall remain available until September 30, 2024; $584,116,000 shall be for the hiring of U.S. Customs and Border Protection personnel; $139,000,000 shall be for overtime costs for U.S. Border Patrol; $25,000,000 shall be for familial DNA testing; and $1,400,000,000 shall be transferred to ''Federal Emergency Management Agency—Federal Assistance'' to support sheltering and related activities provided by non-Federal entities through the Shelter and Services Program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'', $758,500,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $424,500,000 shall be for acquisition and deployment of non-intrusive inspection technology, $260,000,000 shall be for acquisition and deployment of border security technology, and $74,000,000 shall be for acquisition and deployment of air assets: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for ''U.S. Immigration and Customs Enforcement—Operations and Support'', $7,600,833,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $3,230,648,000 shall be for increased custodial detention capacity, $2,548,401,000 shall be for increased removal flights and related activities, including short-term staging facilities, $534,682,000 shall be for hiring U.S. Immigration and Customs Enforcement personnel, and $1,287,102,000 shall be for increased enrollment capabilities and related activities within the Alternatives to Detention program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for ''Federal Emergency Management Agency—Federal Assistance'', $100,000,000, to remain available until September 30, 2025, for Operation Stonegarden: *Provided*, That not less than 25 percent of the total amount provided under this heading in this Act shall be for States other than those located along the southwest border: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For an additional amount for ''U.S. Citizenship and Immigration Services—Operations and Support'', $3,995,842,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $3,383,262,000 shall be for hiring and associated costs, $112,580,000 shall be for non-personnel operations, including transcription services, and $500,000,000 shall be for facilities: *Provided further*, That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For an additional amount for ''Federal Law Enforcement Training Centers—Operations and Support'', $50,703,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $49,603,000 shall be for training-related expenses, to include instructors, tuition, and overhead costs associated with the delivery of basic law enforcement training and $1,100,000 shall be for the necessary mission support activities and facility maintenance required for law enforcement training: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Federal Law Enforcement Training Centers—Procurement, Construction, and Improvements'', $6,000,000, to remain available until

September 30, 2026, for necessary expenses of construction and improvements to existing facilities required to conduct training for Federal law enforcement personnel: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 201. (a) The Secretary shall, by March 1, 2025, and quarterly thereafter, provide to the Committees on Appropriations of the House of Representatives and the Senate a report describing changes in performance metrics and operational capabilities relating to border security, immigration enforcement, and immigration services, and the relationship of those changes to actual and projected encounters on the southwest border.

(b) The report required by subsection (a) shall also include an analytic assessment of how policy changes and resources provided in this title of this Act impact efficiencies and resource needs for—

(1) other programs within the Department; and

(2) other Federal Departments and agencies.

SEC. 202. (a) Amounts made available in this Act under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' for acquisition and deployment of border security technology shall be available only as follows:

(1) $170,000,000 for the procurement and deployment of autonomous surveillance towers systems in locations that are not currently covered by such systems or technology, as defined in subsection (d);

(2) $47,500,000 for the procurement and deployment of mobile surveillance capabilities, including mobile video surveillance systems and for obsolete mobile surveillance equipment replacement, counter-UAS, and small unmanned aerial systems;

(3) $25,000,000 for subterranean detection capabilities;

(4) $7,500,000 for seamless integrated communications to extend connectivity for Border Patrol agents; and

(5) $10,000,000 for the acquisition of data from long duration unmanned surface vehicles in support of maritime border security.

(b) None of the funds available under subsection (a)(1) shall be used for the procurement or deployment of border security technology that is not autonomous.

(c) For the purposes of this section, ''autonomous'' and ''autonomous surveillance tower systems'' are defined as integrated software and/or hardware systems that utilize sensors, onboard computing, and artificial intelligence to identify items of interest that would otherwise be manually identified by personnel.

(d) Not later than 90 days after the date of enactment of this Act, and monthly thereafter, U.S. Customs and Border Protection shall provide to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for the use of the funds available under subsection (a)(1) and such expenditure plan shall include the following:

(1) the number and type of systems that will be procured;

(2) the U.S. Border Patrol sectors where each system will be deployed;

(3) a timeline for system deployments, including a timeline for securing necessary approvals and land rights;

(4) estimated annual sustainment costs for the systems; and

(5) other supporting information.

SEC. 203. (a) Amounts made available in this Act under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' for acquisition and deployment of non-intrusive inspection technology shall be available only through an open competition occurring after the date of enactment of this Act to acquire innovative technologies that improve performance, including through the integration of artificial intelligence and machine learning capabilities.

(b) Beginning on March 1, 2025, the Commissioner of U.S. Customs and Border Protection shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly update on the impacts of deployments of additional non-intrusive inspection technology on key performance metrics and operational capabilities and such expenditure plan shall include the following:

(1) the percentage of passenger and cargo vehicles scanned;

(2) the percentage of seizures of narcotics, currency, weapons, and ammunition, and other illicit items at inbound and outbound operations at ports of entry, checkpoints, and other locations as applicable; and

(3) the impact on U.S. Customs and Border Protection workforce requirements resulting from the deployment of additional non-intrusive inspection technology.

SEC. 204. (a) Not later than 30 days after the date of enactment of this Act, the Under Secretary for Management at the Department of Homeland Security shall provide to the Committees on Appropriations of the House of Representatives and the Senate an expenditure and hiring plan for amounts made available in this title of this Act.

(b) The plan required in subsection (a) shall not apply to funds made available in this Act under the heading ''Federal Emergency Management Agency—Federal Assistance'' or to funds transferred by this Act to such heading.

(c) The plan required in subsection (a) shall be updated and submitted to the Committees on Appropriations of the House of Representatives and the Senate every 30 days and no later than the 5th day of each month to reflect changes to the plan and expenditures of funds until all funds made available in this title of this Act are expended or have expired.

(d) None of the funds made available in this title of this Act may be obligated prior to the submission of such plan.

SEC. 205. The remaining unobligated balances, as of the date of enactment of this Act, from amounts made available under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' in division D of the Consolidated Appropriations Act, 2020 (Public Law 116–93) and described in section 209(a)(1) of such division of that Act and division F of the Consolidated Appropriations Act, 2021 (Public Law 116–260) and described in section 210 of such division of that Act are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded pursuant to this section is hereby appropriated, for an additional amount for fiscal year 2024, to remain available until September 30, 2028, and shall be available for the same purposes and under the same authorities and conditions for which such amounts were originally provided in such Acts: *Provided*, That none of the funds allocated for pedestrian physical barriers pursuant to this section may be made available for any purpose other than the construction of steel bollard pedestrian barrier built at least 18 to 30 feet in effective height and augmented with anti-climb and anti-dig features: *Provided further*, That for purposes of this section, the term ''effective height'' refers to the height above the level of the adjacent terrain features: *Provided further*, That none of the funds allocated for pedestrian physical barriers pursuant to this section may be made available for any purpose other than construction of pedestrian barriers consistent with the description in the first proviso at locations identified in the Border Security Improvement Plan submitted to Congress on August 1, 2020: *Provided further*, That the Commissioner of U.S. Customs and Border Protection may reprioritize the construction of physical barriers outlined in the Border Security Improvement Plan and, with prior approval of the Committees on Appropriations of the House of Representatives and the Senate, add additional miles of pedestrian physical barriers where no such barriers exist, prioritized by operational requirements developed in coordination with U.S. Border Patrol leadership: *Provided further*, That within 180 days of the date of enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate detailing how the funds will be used, by sector, to include the number of miles to be built: *Provided further*, That none of the funds made available pursuant to this section shall be available for obligation until the Secretary submits the report detailed in the preceding proviso.

SEC. 206. (a) Not later than 60 days after the date of the enactment of this Act and monthly thereafter, the Director of U.S. Immigration and Customs Enforcement (in this section, referred to as the ''Director'') shall provide to the Committees on Appropriations of the House of Representatives and the Senate data detailing the number of weekly removal flights conducted by U.S. Immigration and Customs Enforcement, the cost per flight, the number of individuals by nationality on each flight, the average length of time by nationality between when the individual was removed and when the individual's final order of removal was issued, and the number of empty seats on each flight.

(b) The Director shall also provide to the Committees on Appropriations of the House of Representatives and the Senate data detailing the number of voluntary repatriations coordinated by U.S. Immigration and Customs Enforcement, the costs associated with each repatriation, the number of individuals by nationality, the average length of time by nationality between when the individual was removed and when the individual's final order of removal was issued, and the number of individuals that have opted into this program still awaiting repatriation.

SEC. 207. (a) Not later than 30 days after the date of enactment of this Act and weekly thereafter, the Director of U.S. Immigration and Customs Enforcement (in this section referred to as the ''Director'') shall provide to the Committees on Appropriations of the House of Representatives and the Senate a plan to increase custodial detention capacity using the funds provided for such purpose in this title of this Act, until such funds are expended.

(b) The plan required by subsection (a) shall also include data on all detention capacity to which U.S. Immigration and Customs Enforcement has access but cannot use, the reason that the capacity cannot be used, and a course of action for mitigating utilization issues.

(c) The Director shall provide notice to the Committees on Appropriations of the House of Representatives and the Senate in the plan required by subsection (a) of any planned facility acquisitions, cost data, utilization rates, increase of average daily population, and notice of any termination or reduction of a contract for detention space, whether such actions are funded by this Act

or any other Act for this or prior fiscal years.

(d) The Director shall notify the Committees on Appropriations of the House of Representatives and the Senate not less than 30 days prior to the planned date of a contract termination or implementation of a reduction in detention capacity.

SEC. 208. None of the funds provided in this title of this Act for ''U.S. Immigration and Customs Enforcement—Operations Support'' may be used for community-based residential facilities.

SEC. 209. (a) Prior to the Secretary of Homeland Security (in this section referred to as the ''Secretary'') requesting assistance from the Department of Defense for border security operations, the Secretary shall ensure that an alternatives analysis and cost-benefit analysis is conducted that includes data on the cost effectiveness of obtaining such assistance from the Department of Defense in lieu of other options.

(b) The Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, a report detailing the types of support sought by the Secretary in any request for assistance from the Department of Defense for border security operations and the operational impact of such request on Department of Homeland Security operations within 30 days of the date of enactment of this Act and quarterly thereafter.

(c) The Secretary shall include with the data requested in subsection (b) the results of the alternatives analysis and cost-benefit analysis required under subsection (a).

SEC. 210. Eligibility for funding made available by this title of this Act for transfer from ''U.S. Customs and Border Protection—Operations and Support'' to ''Federal Emergency Management Agency—Federal Assistance'' for the Shelter and Services Program shall not be limited to entities that previously received or applied for funding for the Shelter and Services Program or the Emergency Food and Shelter-Humanitarian program.

SEC. 211. Of the total amount provided under the heading ''U.S. Customs and Border Protection—Operations and Support'' in this title of this Act for transfer to ''Federal Emergency Management Agency—Federal Assistance'' for the Shelter and Services Program—

(1) not more than $933,333,333 shall be available for transfer immediately upon enactment of this Act;

(2) an additional $350,000,000 shall be available for transfer upon submission of a written certification by the Secretary of Homeland Security, to the Committees on Appropriations of the House of Representatives and the Senate, that U.S. Immigration and Customs Enforcement has—

(A) the ability to detain 46,500 individuals and has increased the total number of Enforcement and Removal Operations deportation officers by 200 above the current on board levels as of the date of enactment of this Act;

(B) increased the total number of U.S. Customs and Border Protection officers by 200 above the current on board levels as of the date of enactment of this Act; and

(C) increased the total number of U.S. Citizenship and Immigration Services asylum officers by 800 above the current on board levels as of the date of enactment of this Act; and

(3) an additional $116,666,667 shall be available for transfer upon submission of a written certification by the Secretary of Homeland Security, to the Committees on Appropriations of the House of Representatives and the Senate, that U.S. Immigration and Customs Enforcement has—

(A) conducted a total of 1,500 removal flights since the date of enactment of this Act; and

(B) ensured that at least 75 percent of Border Patrol agents assigned to duty along the southwest land border have been trained on the procedures included in sections 235B and 244B of the Immigration and Nationality Act.

TITLE III

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for ''Refugee and Entrant Assistance'', $350,000,000, to remain available until expended, for carrying out section 235(c)(5)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)(B)): *Provided,* That for the purposes of carrying out such section the Secretary of Health and Human Services may use amounts made available under this heading in this Act to award grants to, or enter into contracts with, public, private, or nonprofit organizations, including States: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF STATE AND RELATED AGENCY

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $850,000,000, to remain available until expended, to address humanitarian needs in the Western Hemisphere: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $415,000,000, to remain available until September 30, 2026: *Provided,* That of the total amount made available under this heading in this Act, $230,000,000 shall be made available to increase foreign country capacity to accept and integrate returned and removed individuals, which shall be administered in consultation with the Secretary of Homeland Security, including to address partner government requests that enable the achievement of such objectives, as appropriate: *Provided further,* That of the total amount made available under this heading in this Act, $185,000,000 shall be made available to reduce irregular migration within the Western Hemisphere: *Provided further,* That prior to the obligation of funds made available pursuant to the preceding proviso that are made available to support the repatriation operations of a foreign government, the Secretary of State shall submit to the appropriate congressional committees a monitoring and oversight plan for the use of such funds, and such funds shall be subject to prior consultation with such committees and the regular notification procedures of the Committees on Appropriations: *Provided further,* That the Secretary of State shall submit to such committees the text of any agreements or awards related to such operations, which may include documents submitted in classified form, as appropriate, including any agreement with a foreign government, nongovernment entity, or international organization, as applicable, not later than 5 days after the effective date of such document: *Provided further,* That funds appropriated under this heading in this Act may be made available as contributions: *Provided further,* That funds appropriated under this heading in this Act shall not be used to support the refoulement of migrants or refugees: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $25,000,000, to remain available until September 30, 2025, to counter the flow of fentanyl, fentanyl precursors, and other synthetic drugs into the United States, following consultation with the Committees on Appropriations: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985..

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 501. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2024.

SEC. 504. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or repurposed or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 505. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This division may be cited as the ''Border Security and Combatting Fentanyl Supplemental Appropriations Act, 2024''.

DIVISION D—BORDER ACT

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Border Act''.

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

DIVISION D—BORDER ACT

Sec. 4001. Short title; table of contents.
Sec. 4002. Definitions.

TITLE I—CAPACITY BUILDING

Subtitle A—Hiring, Training, and Systems Modernization

CHAPTER 1—HIRING AUTHORITIES

Sec. 4101. USCIS direct hire authority.
Sec. 4102. ICE direct hire authority.
Sec. 4103. Reemployment of civilian retirees to meet exceptional employment needs.
Sec. 4104. Establishment of special pay rate for asylum officers.

CHAPTER 2—HIRING WAIVERS
Sec. 4111. Hiring flexibility.
Sec. 4112. Supplemental Commissioner authority and definitions.
CHAPTER 3—ALTERNATIVES TO DETENTION IMPROVEMENTS AND TRAINING FOR U.S. BORDER PATROL
Sec. 4121. Alternatives to detention improvements.
Sec. 4122. Training for U.S. Border Patrol.
CHAPTER 4—MODERNIZING NOTICES TO APPEAR
Sec. 4131. Electronic notices to appear.
Sec. 4132. Authority to prepare and issue notices to appear.
Subtitle B—Asylum Processing at the Border
Sec. 4141. Provisional noncustodial removal proceedings.
Sec. 4142. Protection merits removal proceedings.
Sec. 4143. Voluntary departure after noncustodial processing; withdrawal of application for admission.
Sec. 4144. Voluntary repatriation.
Sec. 4145. Immigration Examinations Fee Account.
Sec. 4146. Border reforms.
Sec. 4147. Protection Appellate Board.
TITLE II—ASYLUM PROCESSING ENHANCEMENTS
Sec. 4201. Combined screenings.
Sec. 4202. Credible fear standard and asylum bars at screening interview.
Sec. 4203. Internal relocation.
Sec. 4204. Asylum officer clarification.
TITLE III—SECURING AMERICA
Subtitle A—Border Emergency Authority
Sec. 4301. Border emergency authority.
Subtitle B—Fulfilling Promises to Afghan Allies
Sec. 4311. Definitions.
Sec. 4312. Support for Afghan allies outside the United States.
Sec. 4313. Conditional permanent resident status for eligible individuals.
Sec. 4314. Refugee processes for certain at-risk Afghan allies.
Sec. 4315. Improving efficiency and oversight of refugee and special immigrant processing.
Sec. 4316. Support for certain vulnerable Afghans relating to employment by or on behalf of the United States.
Sec. 4317. Support for allies seeking resettlement in the United States.
Sec. 4318. Reporting.
TITLE IV—PROMOTING LEGAL IMMIGRATION
Sec. 4401. Employment authorization for fiancés, fiancées, spouses, and children of United States citizens and specialty workers.
Sec. 4402. Additional visas.
Sec. 4403. Children of long-term visa holders.
Sec. 4404. Military naturalization modernization.
Sec. 4405. Temporary family visits.
TITLE V—SELF-SUFFICIENCY AND DUE PROCESS
Subtitle A—Work Authorizations
Sec. 4501. Work authorization.
Sec. 4502. Employment eligibility.
Subtitle B—Protecting Due Process
Sec. 4511. Access to counsel.
Sec. 4512. Counsel for certain unaccompanied alien children.
Sec. 4513. Counsel for certain incompetent individuals.
Sec. 4514. Conforming amendment.
TITLE VI—ACCOUNTABILITY AND METRICS
Sec. 4601. Employment authorization compliance.
Sec. 4602. Legal access in custodial settings.
Sec. 4603. Credible fear and protection determinations.
Sec. 4604. Publication of operational statistics by U.S. Customs and Border Protection.
Sec. 4605. Utilization of parole authorities.
Sec. 4606. Accountability in provisional removal proceedings.
Sec. 4607. Accountability in voluntary repatriation, withdrawal, and departure.
Sec. 4608. GAO analysis of immigration judge and asylum officer decision-making regarding asylum, withholding of removal, and protection under the Convention Against Torture.
Sec. 4609. Report on counsel for unaccompanied alien children.
Sec. 4610. Recalcitrant countries.
TITLE VII—OTHER MATTERS
Sec. 4701. Severability.

SEC. 4002. DEFINITIONS.

In this division:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise explicitly provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Homeland Security of the House of Representatives.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

TITLE I—CAPACITY BUILDING

Subtitle A—Hiring, Training, and Systems Modernization

CHAPTER 1—HIRING AUTHORITIES

SEC. 4101. USCIS DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within the Refugee, Asylum and International Operations Directorate, the Field Operations Directorate, and the Service Center Operations Directorate of U.S. Citizenship and Immigration Services for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 4102. ICE DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within Enforcement and Removal Operations of U.S. Immigration and Customs Enforcement as a deportation officer or with duties exclusively relating to the Enforcement and Removal, Custody Operations, Alternatives to Detention, or Transportation and Removal program for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates the Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 4103. REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS.

(a) AUTHORITY.—The Secretary, after consultation with the Director of the Office of Personnel Management, may waive, with respect to any position in U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services, the application of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis, for employment of an annuitant in a position necessary to implement this Act and associated work, for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

(b) PROCEDURES.—The Secretary, after consultation with the Director of the Office of Personnel Management, shall prescribe procedures for the exercise of the authority under subsection (a), including procedures for a delegation of authority.

(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

SEC. 4104. ESTABLISHMENT OF SPECIAL PAY RATE FOR ASYLUM OFFICERS.

(a) IN GENERAL.—Subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after section 5332 the following:

''§ 5332a. Special base rates of pay for asylum officers

''(a) DEFINITIONS.—In this section—

''(1) the term 'asylum officer' has the meaning given such term in section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1));

''(2) the term 'General Schedule base rate' means an annual rate of basic pay established under section 5332 before any additions, such as a locality-based comparability payment under section 5304 or 5304a or a special rate supplement under section 5305; and

''(3) the term 'special base rate' means an annual rate of basic pay payable to an asylum officer, before any additions or reductions, that replaces the General Schedule base rate otherwise applicable to the asylum officer and that is administered in the same manner as a General Schedule base rate.

''(b) SPECIAL BASE RATES OF PAY.—

''(1) ENTITLEMENT TO SPECIAL RATE.—Notwithstanding section 5332, an asylum officer is entitled to a special base rate at grades 1 through 15, which shall—

''(A) replace the otherwise applicable General Schedule base rate for the asylum officer;

''(B) be basic pay for all purposes, including the purpose of computing a locality-based comparability payment under section 5304 or 5304a; and

''(C) be computed as described in paragraph (2) and adjusted at the time of adjustments in the General Schedule.

''(2) COMPUTATION.—The special base rate for an asylum officer shall be derived by increasing the otherwise applicable General Schedule base rate for the asylum officer by 15 percent for the grade of the asylum officer and rounding the result to the nearest whole dollar.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5332 the following:

''5332a. Special base rates of pay for asylum officers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning 30 days after the date of the enactment of this Act.

CHAPTER 2—HIRING WAIVERS

SEC. 4111. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

''(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(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;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or 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) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency.

''(2) In the case of a current, full-time Federal law enforcement officer, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) has authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or 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 background investigation, in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information.

''(3) In the case of an individual who is 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, Top Secret or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces, has not engaged in a criminal offense, has not committed a military offense under the Uniform Code of Military Justice, and does not have disciplinary, misconduct, or derogatory records; and

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

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of the Border Act.''.

SEC. 4112. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from 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.—Any individual who receives a waiver under subsection (b) of section 3 who holds a background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information shall be subject to an appropriate 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 subsection (b) of section 3 if information is discovered prior to 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.''.

(b) REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104) is amended by adding at the end the following new section:

''SEC. 5. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter for three years, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period—

''(1) the number of waivers granted and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection;

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals; and

''(7) any disciplinary actions taken against law enforcement officers hired under the waiver authority authorized under section 3(b).

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(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 employees for suitability; and

''(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).''.

(c) GAO REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

''SEC. 6. GAO REPORT.

''(a) IN GENERAL.—Not later than five years after the date of the enactment of this section, and every five years thereafter, the Comptroller General of the United States shall—

''(1) conduct a review of the disciplinary, misconduct, or derogatory records of all individuals hired using the waiver authority under subsection (b) of section 3—

''(A) to determine the rates of disciplinary actions taken against individuals hired using such waiver authority, as compared to individuals hired after passing the polygraph as required under subsection (a) of that section; and

''(B) to address any other issue relating to discipline by U.S. Customs and Border Protection; and

''(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that appropriately protects sensitive information and describes the results of the review conducted under paragraph (1).

''(b) SUNSET.—The requirement under this section shall terminate on the date on which the third report required by subsection (a) is submitted.''.

(d) DEFINITIONS.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (c) of this section, is further amended by adding at the end the following new section:

"SEC. 7. DEFINITIONS.

''In this Act:

''(1) CRIMINAL OFFENSE.—The term 'criminal offense' means—

''(A) any felony punishable by a term of imprisonment of more than one year; and

''(B) any other crime for which an essential element involves fraud, deceit, or misrepresentation to obtain an advantage or to disadvantage another.

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

''(3) MILITARY OFFENSE.—The term 'military offense' means—

''(A) an offense for which—

''(i) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; or

''(ii) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, as pursuant to Army Regulation 635–200 chapter 14–12; and

''(B) an action for which a member of the Armed Forces received a demotion in military rank as punishment for a crime or wrongdoing, imposed by a court martial or other authority.

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

CHAPTER 3—ALTERNATIVES TO DETENTION IMPROVEMENTS AND TRAINING FOR U.S. BORDER PATROL

SEC. 4121. ALTERNATIVES TO DETENTION IMPROVEMENTS.

(a) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall certify to the appropriate committees of Congress that—

(1) with respect to the alternatives to detention programs, U.S. Immigration and Customs Enforcement's processes that release aliens under any type of supervision, consistent and standard policies are in place across all U.S. Immigration and Customs Enforcement field offices;

(2) the U.S. Immigration and Customs Enforcement's alternatives to detention programs use escalation and de-escalation techniques; and

(3) reports on the use of, and policies with respect to, such escalation and de-escalation techniques are provided to the public appropriately protecting sensitive information.

(b) ANNUAL POLICY REVIEW.—

(1) IN GENERAL.—Not less frequently than annually, the Director shall conduct a review of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs so as to ensure standardization and evidence-based decision making.

(2) SUBMISSION OF POLICY REVIEWS.—Not later than 14 days after the completion of each review required by paragraph (1), the Director shall submit to the appropriate committees of Congress a report on the results of the review.

(c) INDEPENDENT VERIFICATION AND VALIDATION.—Not less frequently than every 5 years, the Director shall ensure that an independent verification and validation of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs is conducted.

SEC. 4122. TRAINING FOR U.S. BORDER PATROL.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall require all U.S. Border Patrol agents and other employees or contracted employees designated by the Commissioner to participate in annual continuing training to maintain and update their understanding of—

(1) Department of Homeland Security policies, procedures, and guidelines;

(2) the fundamentals of law (including the Fourth Amendment to the Constitution of the United States), ethics, and professional conduct;

(3) applicable Federal law and regulations;

(4) applicable migration trends that the Commissioner determines are relevant;

(5) best practices for coordinating with community stakeholders;

(6) de-escalation training; and

(7) any other information the Commissioner determines to be relevant to active duty agents.

(b) TRAINING SUBJECTS.—Continuing training under this section shall include training regarding—

(1) the non-lethal use of force policies available to U.S. Border Patrol agents and de-escalation strategies and methods;

(2) identifying, screening, and responding to vulnerable populations, such as children, persons with diminished mental capacity, victims of human trafficking, pregnant mothers, victims of gender-based violence, victims of torture or abuse, and the acutely ill;

(3) trends in transnational criminal organization activities that impact border security and migration;

(4) policies, strategies, and programs—

(A) to protect due process, the civil, human, and privacy rights of individuals, and the private property rights of land owners;

(B) to reduce the number of migrant and agent deaths; and

(C) to improve the safety of agents on patrol;

(5) personal resilience;

(6) anti-corruption and officer ethics training;

(7) current migration trends, including updated cultural and societal issues of countries that are a significant source of migrants who are—

(A) arriving to seek humanitarian protection; or

(B) encountered at a United States international boundary while attempting to enter without inspection;

(8) the impact of border security operations on natural resources and the environment, including strategies to limit the impact of border security operations on natural resources and the environment;

(9) relevant cultural, societal, racial, and religious training, including cross-cultural communication skills;

(10) training required under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.);

(11) risk management and safety training that includes agency protocols for ensuring public safety, personal safety, and the safety of persons in the custody of the Department of Homeland Security; and

(12) any other training that meets the requirements to maintain and update the subjects identified in subsection (a).

(c) COURSE REQUIREMENTS.—Courses offered under this section—

(1) shall be administered by U.S. Customs and Border Protection; and

(2) shall be approved in advance by the Commissioner of U.S. Customs and Border Protection to ensure that such courses satisfy the requirements for training under this section.

(d) ASSESSMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that assesses the training and education provided pursuant to this section, including continuing education.

CHAPTER 4—MODERNIZING NOTICES TO APPEAR

SEC. 4131. ELECTRONIC NOTICES TO APPEAR.

Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(B) in paragraph (2)(A), in the matter preceding clause (i), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(2) in subsection (c)—

(A) by inserting ''the alien, or to the alien's counsel of record, at'' after ''delivery to''; and

(B) by inserting '', or to the email address or other electronic address at which the alien elected to receive notice under paragraph (1) or (2) of subsection (a)'' before the period at the end.

SEC. 4132. AUTHORITY TO PREPARE AND ISSUE NOTICES TO APPEAR.

Section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)) is amended by adding at the end the following:

''(4) AUTHORITY FOR CERTAIN PERSONNEL TO SERVE NOTICES TO APPEAR.—Any mission support personnel within U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement who reports directly to an immigration officer with authority to issue a notice to appear, and who has received the necessary training to issue such a notice, shall be authorized to prepare a notice to appear under this section for review and issuance by the immigration officer.''.

Subtitle B—Asylum Processing at the Border

SEC. 4141. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

"SEC. 235B. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

''(a) GENERAL RULES.—

''(1) CIRCUMSTANCES WARRANTING NONCUSTODIAL PROCEEDINGS.—The Secretary, based upon operational circumstances, may refer an alien applicant for admission for proceedings described in this section if the alien—

''(A) indicates an intention to apply for a protection determination; or

''(B) expresses a credible fear of persecution (as defined in section 235(b)(1)(B)(v)) or torture.

''(2) RELEASE FROM CUSTODY.—Aliens referred for proceedings under this section shall be released from physical custody and processed in accordance with the procedures described in this section.

''(3) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for a proceeding under this section shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement immediately upon release from physical custody

and continuing for the duration of such proceeding.

''(4) FAMILY UNITY.—The Secretary shall ensure, to the greatest extent practicable, that the referral of a family unit for proceedings under this section includes all members of such family unit who are traveling together.

''(5) EXCEPTIONS.—

''(A) UNACCOMPANIED ALIEN CHILDREN.—The provisions under this section may not be applied to unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

''(B) APPLICABILITY LIMITATION.—

''(i) IN GENERAL.—The Secretary shall only refer for proceedings under this section an alien described in clause (ii).

''(ii) ALIEN DESCRIBED.— An alien described in this clause is an alien who—

''(I) has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States for more than the 14-day period immediately prior to the date on which the alien was encountered by U.S. Customs and Border Protection; and

''(II) was encountered within 100 air miles of the international land borders of the United States.

''(6) TIMING.—The provisional noncustodial removal proceedings described in this section shall conclude, to the maximum extent practicable, not later than 90 days after the date the alien is inspected and determined inadmissible.

''(b) PROCEDURES FOR PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.—

''(1) COMMENCEMENT.—

''(A) IN GENERAL.—Provisional noncustodial removal proceedings shall commence under this section with respect to an alien immediately after the Secretary properly serves a notice of removal proceedings on the alien.

''(B) 90-DAY TIMEFRAME.—The 90-day period under subsection (a)(6) with respect to an alien shall commence upon an inspection and inadmissibility determination of the alien.

''(2) SERVICE AND NOTICE OF INTERVIEW REQUIREMENTS.—In provisional noncustodial removal proceedings conducted under this section, the Secretary shall—

''(A) serve notice to the alien or, if personal service is not practicable, to the alien's counsel of record;

''(B) ensure that such notice, to the maximum extent practicable, is in the alien's native language or in a language the alien understands; and

''(C) include in such notice—

''(i) the nature of the proceedings against the alien;

''(ii) the legal authority under which such proceedings will be conducted; and

''(iii) the charges against the alien and the statutory provisions the alien is alleged to have violated;

''(D) inform the alien of his or her obligation—

''(i) to immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any), at which the alien may be contacted respecting the proceeding under this section; and

''(ii) to provide to the Secretary, in writing, any change of the alien's mailing address or telephone number shortly after any such change;

''(E) include in such notice—

''(i) the time and place at which the proceeding under this section will be held, which shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding, which shall be provided not later than 10 days before the scheduled protection determination interview and shall be considered proper service of the commencement of proceedings; and

''(F) inform the alien of—

''(i) the consequences to which the alien would be subject pursuant to section 240(b)(5) if the alien fails to appear at such proceeding, absent exceptional circumstances;

''(ii) the alien's right to be represented, at no expense to the Federal Government, by any counsel or accredited representative selected by the alien who is authorized to represent an alien in such a proceeding; and

''(G) the information described in section 235(b)(1)(B)(iv)(II).

''(3) PROTECTION DETERMINATION.—

''(A) IN GENERAL.—To the maximum extent practicable, within 90 days after the date on which an alien is referred for proceedings under this section, an asylum officer shall conduct a protection determination of such alien in person or through a technology appropriate for protection determinations.

''(B) ACCESS TO COUNSEL.—In any proceeding under this section or section 240D before U.S. Citizenship and Immigration Services and in any appeal of the result of such a proceeding, an alien shall have the privilege of being represented, at no expense to the Federal Government, by counsel authorized to represent an alien in such a proceeding.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection determination. The testimony of the alien shall be under oath or affirmation administered by the asylum officer.

''(D) INTERPRETERS.—Whenever necessary, the asylum officer shall procure the assistance of an interpreter, to the maximum extent practicable, in the alien's native language or in a language the alien understands, during any protection determination.

''(E) LOCATION.—

''(i) IN GENERAL.—Any protection determination authorized under this section shall occur in—

''(I) a U.S. Citizenship and Immigration Services office;

''(II) a facility managed, leased, or operated by U.S. Citizenship and Immigration Services;

''(III) any other location designated by the Director of U.S. Citizenship and Immigration Services; or

''(IV) any other federally owned or federally leased building that—

''(aa) the Director has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the special rules under clause (ii) and the minimum requirements under clause (iii).

''(ii) SPECIAL RULES.—

''(I) LOCATION.—A protection determination may not be conducted in a facility that is managed, leased, owned, or operated by U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

''(II) REASONABLE TIME.—The Secretary shall ensure that a protection determination is conducted during a reasonable time of the day.

''(III) GEOGRAPHICAL LIMITATION.—The Secretary shall ensure that each protection determination for an alien is scheduled at a facility that is a reasonable distance from the current residence of such alien.

''(IV) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(iii) MINIMUM LOCATION REQUIREMENT.—Each facility that the Director authorizes to be used to conduct protection determinations shall—

''(I) have adequate security measures to protect Federal employees, aliens, and beneficiaries for benefits; and

''(II) ensure the best interests of the child or children are prioritized pursuant to clause (ii)(IV) if such children are present at the protection determination.

''(F) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection determination, which—

''(i) shall be provided to the alien, or to the alien's counsel of record, upon a decision; and

''(ii) shall include—

''(I) a summary of the material facts stated by the alien;

''(II) any additional facts relied upon by the asylum officer;

''(III) the asylum officer's analysis of why, in the light of the facts referred to in subclauses (I) and (II), the alien has or has not established a positive or negative outcome from the protection determination; and

''(IV) a copy of the asylum officer's interview notes.

''(G) RESCHEDULING.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations that permit an alien to reschedule a protection determination in the event of exceptional circumstances.

''(ii) TOLLING OF TIME LIMITATION.—If an interview is rescheduled at the request of an alien, the period between the date on which the protection determination was originally scheduled and the date of the rescheduled interview shall not count toward the 90-day period referred to in subsection (a)(6).

''(H) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(I) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(i) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(ii) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(J) PROTECTION OF INFORMATION.—

''(i) SENSITIVE OR LAW ENFORCEMENT INFORMATION.—Nothing in this section may be construed to compel any employee of the Department of Homeland Security to disclose any information that is otherwise protected from disclosure by law.

''(ii) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (F) to the alien or to the alien's counsel of record, the Director shall protect any information that is prohibited by law from being disclosed.

''(c) PROTECTION DETERMINATION.—

''(1) IDENTITY VERIFICATION.—The Secretary may not conduct the protection determination with respect to an alien until the identity of the alien has been checked against all appropriate records and databases maintained by the Attorney General, the Secretary of State, or the Secretary.

''(2) IN GENERAL.—

''(A) ELIGIBILITY.—Upon the establishing the identity of an alien pursuant to paragraph (1), the asylum officer shall conduct a protection determination in a location selected in accordance with this section.

''(B) OUTCOME.—

''(i) POSITIVE PROTECTION DETERMINATION OUTCOME.—If the protection determination conducted pursuant to subparagraph (A) results in a positive protection determination outcome, the alien shall be referred to protection merits removal proceedings in accordance with the procedures described in paragraph (4).

''(ii) NEGATIVE PROTECTION DETERMINATION OUTCOME.—If such protection determination results in a negative protection determination outcome, the alien shall be subject to the process described in subsection (d).

''(3) RECORD.—

''(A) USE OF RECORD.—In each protection determination, or any review of such determination, the record of the alien's protection determination required under subsection (b)(3)(F) shall constitute the underlying application for the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture for purposes of the protection merits interview.

''(B) DATE OF FILING.—The date on which the Secretary issues a notification of a positive protection determination pursuant to paragraph (2)(B)(i) shall be considered, for all purposes, the date of filing and the date of receipt of the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture, as applicable.

''(4) REFERRAL FOR PROTECTION MERITS REMOVAL PROCEEDINGS.—

''(A) IN GENERAL.—If the alien receives a positive protection determination—

''(i) the alien shall be issued employment authorization pursuant to section 235C; and

''(ii) subject to paragraph (5), the asylum officer shall refer the alien for protection merits removal proceedings described in section 240D.

''(B) NOTIFICATIONS.—As soon as practicable after a positive protection determination, the Secretary shall—

''(i) issue a written notification to the alien of the outcome of such determination;

''(ii) include all of the information described in subsection (b)(2); and

''(iii) ensure that such notification and information concerning the procedures under section 240D, shall be made, at a minimum, not later than 30 days before the date on which the required protection merits interview under section 240D occurs.

''(5) AUTHORITY TO GRANT RELIEF OR PROTECTION.—

''(A) IN GENERAL.—If an alien demonstrates, by clear and convincing evidence, that the alien is eligible for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture during the protection determination, the asylum officer, subject to the procedures under subparagraph (B), may grant an application for such relief or protection submitted by such alien without referring the alien to protection merits removal proceedings under section 240D.

''(B) SUPERVISORY REVIEW.—

''(i) IN GENERAL.—An application granted by an asylum officer under subparagraph (A) shall be reviewed by a supervisory asylum officer to determine whether such grant is warranted.

''(ii) LIMITATION.—A decision by an asylum officer to grant an application under subparagraph (A) shall not be final, and the alien shall not be notified of such decision, unless a supervisory asylum officer first determines, based on the review conducted pursuant to clause (i), that such a grant is warranted.

''(iii) EFFECT OF APPROVAL.—If the supervisor determines that granting an alien's application for relief or protection is warranted—

''(I) such application shall be approved; and

''(II) the alien shall receive written notification of such decision as soon as practicable.

''(iv) EFFECT OF NON-APPROVAL.—If the supervisor determines that the grant is not warranted, the alien shall be referred for protection merits removal proceedings under section 240D.

''(C) SPECIAL RULES.—Notwithstanding any other provision of law—

''(i) if an alien's application for asylum is approved pursuant to subparagraph (B)(iii), the asylum officer may not issue an order of removal; and

''(ii) if an alien's application for withholding of removal under section 241(b)(3) or for withholding or deferral of removal under the Convention Against Torture is approved pursuant to subparagraph (B)(iii), the asylum officer shall issue a corresponding order of removal.

''(D) BIANNUAL REPORT.—The Director shall submit a biannual report to the relevant committees of Congress that includes, for the relevant period—

''(i) the number of cases described in subparagraph (A) that were referred to a supervisor pursuant to subparagraph (B), disaggregated by asylum office;

''(ii) the number of cases described in clause (i) that were approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iii) the number of cases described in clause (i) that were not approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iv) a summary of the benefits for which any aliens described in subparagraph (A) were considered amenable and whose cases were referred to a supervisor pursuant to subparagraph (B), disaggregated by case outcome referred to in clauses (ii) and (iii);

''(v) a description of any anomalous case outcomes for aliens described in subparagraph (A) whose cases were referred to a supervisor pursuant subparagraph (B); and

''(vi) a description of any actions taken to remedy the anomalous case outcomes referred to in clause (v).

''(E) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subparagraph (D), the Director shall—

''(i) protect any personally identifiable information associated with aliens described in subparagraph (A); and

''(ii) comply with all applicable privacy laws.

''(6) EMPLOYMENT AUTHORIZATION.—An alien whose application for relief or protection has been approved by a supervisor pursuant to paragraph (5)(B) shall be issued employment authorization under section 235C.

''(d) NEGATIVE PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If an alien receives a negative protection determination, the asylum officer shall—

''(A) provide such alien with written notification of such determination; and

''(B) subject to paragraph (2), order the alien removed from the United States without hearing or review.

''(2) OPPORTUNITY TO REQUEST RECONSIDERATION OR APPEAL.—The Secretary shall notify any alien described in paragraph (1) immediately after receiving notification of a negative protection determination under this subsection that he or she—

''(A) may request reconsideration of such determination in accordance with paragraph (3); and

''(B) may request administrative review of such protection determination decision in accordance with paragraph (4).

''(3) REQUEST FOR RECONSIDERATION.—

''(A) IN GENERAL.—Any alien with respect to whom a negative protection determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination.

''(B) DECISION.—The Director, or designee, in the Director's unreviewable discretion, may grant or deny a request for reconsideration made pursuant to subparagraph (A), which decision shall not be subject to review.

''(4) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the administrative review of a protection determination with respect to an alien under this subsection shall be based on the record before the asylum officer at the time at which such protection determination was made.

''(B) EXCEPTION.—An alien referred to in subparagraph (A), or the alien's counsel of record, may submit such additional evidence or testimony in accordance with such policies and procedures as the Secretary may prescribe.

''(C) REVIEW.—Each review described in subparagraph (A) shall be conducted by the Protection Appellate Board.

''(D) STANDARD OF REVIEW.—In accordance with the procedures prescribed by the Secretary, the Protection Appellate Board, upon the request of an alien, or the alien's counsel of record, shall conduct a de novo review of the record of the protection determination carried out pursuant to this section with respect to the alien.

''(E) DETERMINATION.—

''(i) TIMING.—The Protection Appellate Board shall complete a review under this paragraph, to the maximum extent practicable, not later than 72 hours after receiving a request from an alien pursuant to subparagraph (D).

''(ii) EFFECT OF POSITIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a positive protection determination, the alien shall be referred for protection merits removal proceedings under section 240D.

''(iii) EFFECT OF NEGATIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a negative protection determination, the alien shall be ordered removed from the United States without additional review.

''(5) JURISDICTIONAL MATTERS.—In any action brought against an alien under section 275(a) or 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of removal entered pursuant to subsection (c)(5)(C)(ii).

''(e) SERVICE OF PROTECTION DETERMINATION DECISION.—

''(1) PROTECTION DETERMINATION DECISION.—

''(A) IN GENERAL.—Upon reaching a decision regarding a protection determination, the Secretary shall—

''(i) immediately notify the alien, and the alien's counsel of record, if applicable, that a determination decision has been made; and

''(ii) schedule the service of the protection determination decision, which shall take place, to the maximum extent practicable, not later than 5 days after such notification.

''(B) SPECIAL RULES.—

''(i) LOCATION.—Each service of a protection determination decision scheduled pursuant to subparagraph (A)(ii) may occur at—

''(I) a U.S. Immigration and Customs Enforcement facility;

''(II) an Immigration Court; or

''(III) any other federally owned or federally leased building that—

''(aa) the Secretary has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the minimum requirements under this subparagraph.

''(ii) MINIMUM REQUIREMENTS.—In conducting each service of a protection determination decision, the Director shall ensure compliance with the requirements set forth in clauses (ii)(II), (ii)(III), (ii)(IV), and (iii) of subsection (b)(3)(E).

''(2) PROCEDURES FOR SERVICE OF PROTECTION DETERMINATION DECISIONS.—

''(A) WRITTEN DECISION.—The Secretary shall ensure that each alien and the alien's counsel of record, if applicable, attending a determination decision receives a written decision that includes, at a minimum, the articulated basis for the denial of the protection benefit sought by the alien.

''(B) LANGUAGE ACCESS.—The Secretary shall ensure that each written decision required under subparagraph (A) is delivered to the alien in—

''(i) the alien's native language, to the maximum extent practicable; or

''(ii) another language the alien understands.

''(C) ACCESS TO COUNSEL.—An alien who has obtained the services of counsel shall be represented by such counsel, at no expense to the Federal Government, at the service of the protection determination. Nothing in this subparagraph may be construed to create a substantive due process right or to unreasonably delay the scheduling of the service of the protection determination.

''(D) ASYLUM OFFICER.—A protection determination decision may only be served by an asylum officer.

''(E) PROTECTIONS FOR ASYLUM OFFICER DECISIONS BASED ON THE MERITS OF THE CASE.—The Secretary may not impose restrictions on an asylum officer's ability to grant or deny relief sought by an alien in a protection determination or protection merits interview based on a numerical limitation.

''(3) NEGATIVE PROTECTION DETERMINATION.—

''(A) ADVISEMENT OF RIGHTS AND OPPORTUNITIES.—If an alien receives a negative protection determination decision, the asylum officer shall—

''(i) advise the alien if an alternative option of return is available to the alien, including—

''(I) voluntary departure;

''(II) withdrawal of the alien's application for admission; or

''(III) voluntary repatriation; and

''(ii) provide written or verbal information to the alien regarding the process, procedures, and timelines for appealing such denial, to the maximum extent practicable, in the alien's native language, or in a language the alien understands.

''(4) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(5) FINAL ORDER OF REMOVAL.—If an alien receives a negative protection determination decision, an alien shall be removed in accordance with section 241 upon a final order of removal.

''(f) FAILURE TO CONDUCT PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If the Secretary fails to conduct a protection determination for an alien during the 90-day period set forth in subsection (b)(3)(A), such alien shall be referred for protection merits removal proceedings in accordance with 240D.

''(2) NOTICE OF PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—If an alien is referred for protection merits removal proceedings pursuant to paragraph (1), the Secretary shall properly file with U.S. Citizenship and Immigration Services and serve upon the alien, or the alien's counsel of record, a notice of a protection merits interview, in accordance with subsection (b)(2).

''(B) CONTENTS.—Each notice of protection merits interview served pursuant to subparagraph (A)—

''(i) shall include each element described in subsection (b)(2); and

''(ii) shall—

''(I) inform the alien that an application for protection relief shall be submitted to the Secretary not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(II) inform the alien that he or she shall receive employment authorization, pursuant to section 235C, not later than 30 days after filing the application required under subclause (I);

''(III) inform the alien that he or she may submit evidence into the record not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(IV) describe—

''(aa) the penalties resulting from the alien's failure to file the application required under subclause (I); and

''(bb) the terms and conditions for redressing such failure to file; and

''(V) describe the penalties resulting from the alien's failure to appear for a scheduled protection merits interview.

''(3) DATE OF FILING.—The date on which an application for protection relief is received by the Secretary shall be considered the date of filing and receipt for all purposes.

''(4) EFFECT OF FAILURE TO FILE.—

''(A) IN GENERAL.—Failure to timely file an application for protection relief under this subsection will result in an order of removal, absent exceptional circumstances.

''(B) OPPORTUNITY FOR REDRESS.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations authorizing a 15-day opportunity for redress to file an application for protection relief if there are exceptional circumstances regarding the alien's failure to timely file an application for protection relief.

''(ii) CONTENTS.—Each application submitted pursuant to clause (i) shall—

''(I) describe the basis for such request;

''(II) include supporting evidence; and

''(III) identify the exceptional circumstances that led to the alien's failure to file the application for protection relief in a timely manner.

''(C) DECISION .—In evaluating a request for redress submitted pursuant to subparagraph (B)(i), the Director, or designee—

''(i) shall determine whether such request rises to the level of exceptional circumstances; and

''(ii) may schedule a protection determination interview.

''(5) EMPLOYMENT AUTHORIZATION.—

''(A) IN GENERAL.—Employment authorization shall be provided to aliens described in this subsection in accordance with section 235C.

''(B) REVOCATION.—The Secretary may revoke the employment authorization provided to any alien processed under this section or section 240D if such alien—

''(i) has obtained authorization for employment pursuant to the procedures described in section 235C; and

''(ii) absent exceptional circumstances, subsequently fails to appear for a protection determination under subsection (b)(3) or a protection merits interview under 240D(c)(3).

''(g) FAILURE TO APPEAR.—

''(1) PROTECTION MERITS INTERVIEW.—The provisions of section 240(b)(5) shall apply to proceedings under this section.

''(2) OPPORTUNITY TO REDRESS.—

''(A) IN GENERAL.—Not later than 15 days after the date on which an alien fails to appear for a scheduled protection determination or protection merits interview, the alien may submit a written request for a rescheduled protection determination or protection merits interview.

''(B) CONTENTS.—Each request submitted pursuant to subparagraph (A) shall—

''(i) describe the basis for such request;

''(ii) include supporting evidence; and

''(iii) identify the exceptional circumstances that led to the alien's failure to appear.

''(C) DECISION.—In evaluating a request submitted pursuant to subparagraph (A), the Director, or designee shall determine whether the evidence included in such request rises to the level of exceptional circumstances. Such decision shall not be reviewable.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section, shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) SAVINGS PROVISIONS.—

''(1) EXPEDITED REMOVAL.—Nothing in this section may be construed to expand or restrict the Secretary's discretion to carry out expedited removals pursuant to section 235 to the extent authorized by law. The Secretary shall not refer or place an alien in proceedings under section 235 if the alien has already been placed in or referred to proceedings under this section or section 240D.

''(2) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien released pursuant to this section if otherwise authorized by law.

''(3) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect as of the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(4) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(5) SPECIAL RULE.—For aliens who are natives or citizens of Cuba released pursuant to this section and who are otherwise eligible for adjustment of status under the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the 'Cuban Adjustment Act'), the requirement that an alien has been inspected and admitted or paroled into the United States shall not apply. Aliens who are natives or citizens of Cuba or Haiti and have been released pursuant to section 240 (8 U.S.C. 1229) shall be considered to be individuals described in section 501(e)(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note).

''(6) REVIEW OF PROTECTION DETERMINATIONS.—Except for reviews of constitutional claims, no court shall have jurisdiction to review a protection determination issued by U.S. Citizenship and Immigration Services under this section.

''(7) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(j) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(k) REPORTS ON ASYLUM OFFICER GRANT RATES.—

''(1) PUBLICATION OF ANNUAL REPORT.—Not later than 1 year after the date of the enactment of the Border Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall publish a report, on a publicly accessible website of U.S. Citizenship and Immigration Services, which includes, for the reporting period—

''(A) the number of protection determinations that were approved or denied; and

''(B) a description of any anomalous incidents identified by the Director, including any action taken by the Director to address such an incident.

''(2) SEMIANNUAL REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not less frequently than twice each year, the Director of U.S. Citizenship and Immigration Services shall submit a report to the relevant committees of Congress that includes, for the preceding reporting period, and aggregated for the applicable calendar year—

''(i) the number of cases in which a protection determination or protection merits interview has been completed; and

''(ii) for each asylum office or duty station to which more than 20 asylum officers are assigned—

''(I) the median percentage of positive determinations and protection merits interviews in the cases described in clause (i);

''(II) the mean percentage of negative determinations and protection merits interviews in such cases; and

''(III) the number of cases described in subsection (c)(5) in which an alien was referred to a supervisor after demonstrating, by clear and convincing evidence, eligibility for asylum, withholding of removal, or protection under the Convention Against Torture, disaggregated by benefit type;

''(IV) the number of cases described in clause (i) that were approved by a supervisor; and

''(V) the number of cases described in clause (i) that were not approved by a supervisor.

''(B) PRESENTATION OF DATA.—The information described in subparagraph (A) shall be provided in the format of aggregate totals by office or duty station.

''(l) DEFINITIONS.—In this section:

''(1) APPLICATION FOR PROTECTION RELIEF.—The term 'application for protection relief' means any request, application or petition authorized by the Secretary for asylum, withholding of removal, or protection under the Convention Against Torture.

''(2) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(3) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(4) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(5) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(6) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(7) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(8) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(9) RELEVANT COMMITTEES OF CONGRESS.—The term 'relevant committees of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on the Judiciary of the Senate;

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Homeland Security of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives;

''(F) the Committee on Appropriations of the House of Representatives; and

''(G) the Committee on Oversight and Accountability of the House of Representatives.

''(10) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Provisional noncustodial removal proceedings.''.

SEC. 4142. PROTECTION MERITS REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 240C the following:

''SEC. 240D. PROTECTION MERITS REMOVAL PROCEEDINGS.

''(a) COMMENCEMENT OF PROCEEDINGS.—Removal proceedings under this section shall commence immediately after the Secretary properly serves notice on an alien who was—

''(1) processed under section 235B and referred under subsection (c)(4) of that section after having been issued a notice of a positive protection determination under such subsection; or

''(2) referred under section 235B(f).

''(b) DURATION OF PROCEEDINGS.—To the maximum extent practicable, proceedings under this section shall conclude not later than 90 days after the date on which such proceedings commence.

''(c) PROCEDURES.—

''(1) SERVICE AND NOTICE REQUIREMENTS.—Upon the commencement of proceedings under this section, the Secretary shall provide notice of removal proceedings to the alien, or if personal service is not practicable, to the alien's counsel of record. Such notice shall be provided, to the maximum extent practicable, in the alien's native language, or in a language the alien understands, and shall specify or provide—

''(A) the nature of the proceedings against the alien;

''(B) the legal authority under which such proceedings will be conducted;

''(C) the charges against the alien and the statutory provisions alleged to have been violated by the alien;

''(D) that the alien shall—

''(i) immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any) at which the alien may be contacted respecting the proceeding under this section; and

''(ii) provide to the Secretary, in writing, any change of the alien's mailing address or telephone number after any such change;

''(E)(i) the time and place at which the proceeding under this section will be held, which information shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding shall be provided to the alien, or to the alien's counsel of record, not later than 10 days before the scheduled protection determination interview, which shall be considered proper service of the commencement of proceedings;

''(F) the consequences for the alien's failure to appear at such proceeding pursuant to section 240(b)(5)(A), absent exceptional circumstances;

''(G) the alien's right to be represented, at no expense to the Federal Government, by any counsel, or an accredited representative, selected by the alien who is authorized to practice in such a proceeding; and

''(H) information described in section 235(b)(1)(B)(iv)(II).

''(2) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for proceedings under this section, shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement for the duration of such proceedings.

''(3) PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—An asylum officer shall conduct a protection merits interview of each alien processed under this section.

''(B) ACCESS TO COUNSEL.—Section 235B(b)(3)(B) shall apply to proceedings under this section.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection merits interview. The testimony of the alien shall be under oath or affirmation, which shall be administered by the asylum officer.

''(D) TRANSLATION OF DOCUMENTS.—Any foreign language document offered by a party in proceedings under this section shall be accompanied by an English language translation and a certification signed by the translator, which shall be printed legibly or typed. Such certification shall include a statement that the translator is competent to translate the document, and that the

translation is true and accurate to the best of the translator's abilities.

''(E) INTERPRETERS.—An interpreter may be provided to the alien for the proceedings under this section, in accordance with section 235B(b)(3)(D).

''(F) LOCATION.—The location for the protection merits interview described in this section shall be determined in accordance with the terms and conditions described in section 235B(b)(3)(E).

''(G) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection merits interview, which shall be provided to the alien or the alien's counsel, that includes—

''(i) a summary of the material facts stated by the alien;

''(ii) any additional facts relied upon by the asylum officer;

''(iii) the asylum officer's analysis of why, in light of the facts referred to in clauses (i) and (ii), the alien has or has not established eligibility for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(iv) a copy of the asylum officer's interview notes.

''(H) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (G) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(I) RULEMAKING.—The Secretary shall promulgate regulations that permit an alien to request a rescheduled interview due to exceptional circumstances.

''(J) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(4) SPECIAL RULE RELATING TO ONE-YEAR BAR.—An alien subject to proceedings under this section shall not be subject to the one-year bar under section 208(a)(2)(B).

''(5) TIMING OF PROTECTION MERITS INTERVIEW.—A protection merits interview may not be conducted on a date that is earlier than 30 days after the date on which notice is served under paragraph (1).

''(d) PROTECTION MERITS DETERMINATION.—

''(1) IN GENERAL.—After conducting an alien's protection merits interview, the asylum officer shall make a determination on the merits of the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) POSITIVE PROTECTION MERITS DETERMINATION.—In the case of an alien who the asylum officer determines meets the criteria for a positive protection merits determination, the asylum officer shall approve the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(3) NEGATIVE PROTECTION MERITS DETERMINATION.—

''(A) IN GENERAL.—In the case of an alien who the asylum officer determines does not meet the criteria for a positive protection merits determination—

''(i) the asylum officer shall deny the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(ii) the Secretary shall—

''(I) provide the alien with written notice of the decision; and

''(II) subject to subparagraph (B) and subsection (e), order the removal of the alien from the United States.

''(B) REQUEST FOR RECONSIDERATION.—Any alien with respect to whom a negative protection merits determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination, in accordance with the procedures set forth in section 235B(d)(3).

''(e) APPEALS.—

''(1) IN GENERAL.—An alien with respect to whom a negative protection merits determination has been made may submit to the Protection Appellate Board a written petition for review of such determination, together with additional evidence supporting the alien's claim, as applicable, not later than 7 days after the date on which a request for reconsideration under subsection (d)(3)(B) has been denied.

''(2) SWORN STATEMENT.—A petition for review submitted under this subsection shall include a sworn statement by the alien.

''(3) RESPONSIBILITIES OF THE DIRECTOR.—

''(A) IN GENERAL.—After the filing of a petition for review by an alien, the Director shall—

''(i) refer the alien's petition for review to the Protection Appellate Board; and

''(ii) before the date on which the Protection Appellate Board commences review, subject to subparagraph (B), provide a full record of the alien's protection merits interview, including a transcript of such interview—

''(I) to the Protection Appellate Board; and

''(II) to the alien, or the alien's counsel of record.

''(B) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (A)(ii)(II) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(4) STANDARD OF REVIEW.—

''(A) IN GENERAL.—In reviewing a protection merits determination under this subsection, the Protection Appellate Board shall—

''(i) with respect to questions of fact, determine whether the decision reached by the asylum officer with initial jurisdiction regarding the alien's eligibility for relief or protection was clear error; and

''(ii) with respect to questions of law, discretion, and judgement, make a de novo determination with respect to the alien's eligibility for relief or protection.

''(B) in making a determination under clause (i) or (ii) of subparagraph (A), take into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the Protection Appellate Board.

''(5) COMPLETION.—To the maximum extent practicable, not later than 7 days after the date on which an alien files a petition for review with the Protection Appellate Board, the Protection Appellate Board shall conclude the review.

''(6) OPPORTUNITY TO SUPPLEMENT.—The Protection Appellate Board shall establish a process by which an alien, or the alien's counsel of record, may supplement the record for purposes of a review under this subsection not less than 30 days before the Protection Appellate Board commences the review.

''(7) RESULT OF REVIEW.—

''(A) VACATUR OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for asylum warrants approval, the Protection Appellate Board shall vacate the order of removal issued by the asylum officer and grant such application.

''(B) WITHHOLDING OF REMOVAL AND CONVENTION AGAINST TORTURE ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture warrants approval, the Protection Appellate Board—

''(i) shall not vacate the order of removal issued by the asylum officer; and

''(ii) shall grant the application for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture, as applicable.

''(C) AFFIRMATION OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the petition for review of a protection merits interview does not warrant approval, the Protection Appellate Board shall affirm the denial of such application and the order of removal shall become final.

''(D) NOTIFICATION.—Upon making a determination with respect to a review under this subsection, the Protection Appellate Board shall expeditiously provide notice of the determination to the alien and, as applicable, to the alien's counsel of record.

''(8) MOTION TO REOPEN OR MOTION TO RECONSIDER.—

''(A) MOTION TO REOPEN.—A motion to reopen a review conducted by the Protection Appellate Board shall state new facts and shall be supported by documentary evidence. The resubmission of previously provided evidence or reassertion of previously stated facts shall not be sufficient to meet the requirements of a motion to reopen under this subparagraph. An alien with a pending motion to reopen may be removed if the alien's order of removal is final, pending a decision on a motion to reopen.

''(B) MOTION TO RECONSIDER.—

''(i) IN GENERAL.—A motion to reconsider a decision of the Protection Appellate Board—

''(I) shall establish that—

''(aa) the Protection Appellate Board based its decision on an incorrect application of law or policy; and

''(bb) the decision was incorrect based on the evidence in the record of proceedings at the time of the decision; and

''(II) shall be filed not later than 30 days after the date on which the decision was issued.

''(ii) LIMITATION.—The Protection Appellate Board shall not consider new facts or evidence submitted in support of a motion to reconsider.

''(f) ORDER OF REMOVAL.—

''(1) IN GENERAL.—The Secretary—

''(A) shall have exclusive and final jurisdiction over the denial of an application for relief or protection under this section; and

''(B) may remove an alien to a country where the alien is a subject, national, or citizen, or in the case of an alien having no nationality, the country of the alien's last habitual residence, or in accordance with the processes established under section 241, unless removing the alien to such country would be prejudicial to the interests of the United States.

''(2) DETENTION; REMOVAL.—The terms and conditions under section 241 shall apply to the detention and removal of aliens ordered removed from the United States under this section.

''(g) LIMITATION ON JUDICIAL REVIEW.—

''(1) DENIALS OF PROTECTION.—Except for review of constitutional claims, no court

shall have jurisdiction to review a decision issued by U.S. Citizenship and Immigration Services under this section denying an alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section, shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) SAVINGS PROVISIONS.—

''(1) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien who is processed, including for release, under this section if otherwise authorized by law.

''(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect on the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(3) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(4) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(A) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(B) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(j) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed pursuant to this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(k) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(l) DEFINITIONS.—In this section:

''(1) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture'—means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(3) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(4) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(5) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(6) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(7) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 240C the following:

''Sec. 240D. Protection merits removal proceedings.''.

SEC. 4143. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING; WITHDRAWAL OF APPLICATION FOR ADMISSION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4142(a), is further amended by inserting after section 240D the following:

''SEC. 240E. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING.

''(a) CONDITIONS.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, instead of being subject to proceedings under section 235B or 240D or before the completion of such proceedings, if such alien is not deportable under paragraph (2)(A)(iii) or (4)(B) of section 237(a).

''(2) PERIOD OF VALIDITY.—Permission to depart voluntarily under this subsection shall be valid for a period not to exceed 120 days.

''(3) DEPARTURE BOND.—The Secretary may require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(b) AT CONCLUSION OF PROCEEDINGS.—

''(1) IN GENERAL.—The Secretary may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, if, at the conclusion of a proceeding under section 240D, the asylum officer—

''(A) enters an order granting voluntary departure instead of removal; and

''(B) determines that the alien—

''(i) has been physically present in the United States for not less than 60 days immediately preceding the date on which proper notice was served in accordance with section 235B(e)(2);

''(ii) is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure;

''(iii) is not deportable under paragraph (2)(A)(iii) or (4) of section 237(a); and

''(iv) has established, by clear and convincing evidence, that he or she has the means to depart the United States and intends to do so.

''(2) DEPARTURE BOND.—The Secretary shall require any alien permitted to voluntarily depart under this subsection to post a voluntary departure bond, in an amount necessary to ensure that such alien will depart, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(c) INELIGIBLE ALIENS.—The Secretary shall not permit an alien to voluntarily depart under this section if such alien was previously permitted to voluntarily depart after having been found inadmissible under section 212(a)(6)(A).

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Subject to paragraph (2), an alien who was permitted to voluntarily depart the United States under this section and fails to voluntarily depart within the period specified by the Secretary—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, during the 10-year period beginning on the last day such alien was permitted to voluntarily depart, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) SPECIAL RULE.—The restrictions on relief under paragraph (1) shall not apply to individuals identified in section 240B(d)(2).

''(3) NOTICE.—The order permitting an alien to voluntarily depart shall describe the penalties under this subsection.

''(e) ADDITIONAL CONDITIONS.—The Secretary may prescribe regulations that limit eligibility for voluntary departure under this section for any class of aliens. No court may review any regulation issued under this subsection.

''(f) JUDICIAL REVIEW.—No court has jurisdiction over an appeal from the denial of a request for an order of voluntary departure under subsection (b). No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure relief in any other section of this Act.

''SEC. 240F. WITHDRAWAL OF APPLICATION FOR ADMISSION.

''(a) WITHDRAWAL AUTHORIZED.—The Secretary of Homeland Security (referred to in this section as the 'Secretary'), in the discretion of the Secretary, may permit any alien for admission to withdraw his or her application—

''(1) instead of being placed into removal proceedings under section 235B or 240D; or

''(2) at any time before the alien's protection merits interview occurs under section 240D.

''(b) CONDITIONS.—An alien's decision to withdraw his or her application for admission under subsection (a) shall be made voluntarily. Permission to withdraw an application for admission may not be granted unless the alien intends and is able to depart the United States within a period determined by the Secretary.

''(c) CONSEQUENCE FOR FAILURE TO DEPART.—An alien who is permitted to withdraw his or her application for admission

under this section and fails to voluntarily depart the United States within the period specified by the Secretary pursuant to subsection (b) shall be ineligible, during the 5-year period beginning on the last day of such period, to receive any further relief under this section and section 240A.

''(d) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed after withdrawing an application under this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any withdrawal requirements in any other section of this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4142(b), is further amended by inserting after the item relating to section 240D the following:

''Sec. 240E. Voluntary departure after non-custodial processing.
''Sec. 240F. Withdrawal of application for admission.''.

SEC. 4144. VOLUNTARY REPATRIATION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4143(a), is further amended by inserting after section 240F, the following:

''SEC. 240G. VOLUNTARY REPATRIATION.

''(a) ESTABLISHMENT.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish a voluntary repatriation program in accordance with the terms and conditions of this section.

''(b) VOLUNTARY REPATRIATION IN LIEU OF PROCEEDINGS.—Under the voluntary repatriation program established under subsection (a), the Secretary may permit an alien to elect, at any time during proceedings under section 235B or before the alien's protection merits determination under section 240D(d), voluntary repatriation in lieu of continued proceedings under section 235B or 240D.

''(c) PERIOD OF VALIDITY.—An alien who elects voluntary repatriation shall depart the United States within a period determined by the Secretary, which may not exceed 120 days.

''(d) PROCEDURES.—Consistent with subsection (b), the Secretary may permit an alien to elect voluntary repatriation if the asylum officer—

''(1) enters an order granting voluntary repatriation instead of an order of removal; and

''(2) determines that the alien—

''(A) has been physically present in the United States immediately preceding the date on which the alien elects voluntary repatriation;

''(B) is, and has been, a person of good moral character for the entire period the alien is physically present in the United States;

''(C) is not described in paragraph (2)(A)(iii) or (4) of section 237(a);

''(D) meets the applicable income requirements, as determined by the Secretary; and

''(E) has not previously elected voluntary repatriation.

''(e) MINIMUM REQUIREMENTS.—

''(1) NOTICE.—The notices required to be provided to an alien under sections 235B(b)(2) and 240D(c)(1) shall include information on the voluntary repatriation program.

''(2) VERBAL REQUIREMENTS.—The asylum officer shall verbally provide the alien with information about the opportunity to elect voluntary repatriation—

''(A) at the beginning of a protection determination under section 235B(c)(2); and

''(B) at the beginning of the protection merits interview under section 240D(b)(3).

''(3) WRITTEN REQUEST.—An alien subject to section 235B or 240D—

''(A) may elect voluntary repatriation at any time during proceedings under 235B or before the protection merits determination under section 240D(d); and

''(B) may only elect voluntary repatriation—

''(i) knowingly and voluntarily; and

''(ii) in a written format, to the maximum extent practicable, in the alien's native language or in a language the alien understands, or in an alternative record if the alien is unable to write.

''(f) REPATRIATION.—The Secretary is authorized to provide transportation to aliens, including on commercial flights, if such aliens elect voluntary repatriation.

''(g) REINTEGRATION.—Upon election of voluntary repatriation, the Secretary shall advise the alien of any applicable reintegration or reception program available in the alien's country of nationality.

''(h) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been permitted to voluntarily repatriate pursuant to this section, the Secretary shall ensure that such alien is repatriated with the minor child, if the alien elects.

''(i) IMMIGRATION CONSEQUENCES.—

''(1) ELECTION TIMING.—In the case of an alien who elects voluntary repatriation at any time during proceeding under section 235B or before the protection merits interview, a final order of removal shall not be entered against the alien.

''(2) FAILURE TO TIMELY DEPART.—In the case of an alien who elects voluntary repatriation and fails to depart the United States before the end of the period of validity under subsection (c)—

''(A) the alien shall be subject to a civil penalty in an amount equal to the cost of the commercial flight or the ticket, or tickets, to the country of nationality;

''(B) during the 10-year period beginning on the date on which the period of validity under subsection (c) ends, the alien shall be ineligible for relief under—

''(i) this section;

''(ii) section 240A; and

''(iii) section 240E; and

''(C) a final order of removal shall be entered against the alien.

''(3) EXCEPTIONS.—Paragraph (2) shall not apply to a child of an adult alien who elected voluntary repatriation.

''(j) CLERICAL MATTERS.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure under any other section of this Act.

''(2) SAVINGS CLAUSE.—Nothing in this section may be construed to supersede the requirements of section 241(b)(3).

''(3) JUDICIAL REVIEW.—No court shall have jurisdiction of the Secretary's decision, in the Secretary's sole discretion, to permit an alien to elect voluntary repatriation. No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary repatriation.

''(4) APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section.

''(k) VOLUNTARY REPATRIATION DEFINED.—The term 'voluntary repatriation' means the free and voluntary return of an alien to the alien's country of nationality (or in the case of an alien having no nationality, the country of the alien's last habitual residence) in a safe and dignified manner, consistent with the obligations of the United States under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4143(b), is further amended by inserting after the item relating to section 240F the following:

''Sec. 240G. Voluntary repatriation.''.

SEC. 4145. IMMIGRATION EXAMINATIONS FEE ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in subsection (m), by striking ''collected.'' and inserting ''collected: *Provided further*, That such fees may not be set to recover any costs associated with the implementation of sections 235B and 240D, are appropriated by Congress, and are not subject to the fees collected.''; and

(2) in subsection (n), by adding at the end the following: ''Funds deposited in the 'Immigration Examinations Fee Account' shall not be used to reimburse any appropriation for expenses associated with the implementation of sections 235B and 240D.''.

SEC. 4146. BORDER REFORMS.

(a) SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.—

(1) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 244A. SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.

''(a) IN GENERAL.—An alien described in section 235 or 235B who arrives by land from a contiguous continental land border (whether or not at a designated port of arrival), absent unusual circumstances, shall be promptly subjected to the mandatory provisions of such sections unless the Secretary of Homeland Security (referred to in this section as the 'Secretary')determines, on a case-by-case basis, that there is—

''(1) an exigent medical circumstance involving the alien that requires the alien's physical presence in the United States;

''(2) a significant law enforcement or intelligence purpose warranting the alien's presence in the United States;

''(3) an urgent humanitarian reason directly pertaining to the individual alien, according to specific criteria determined by the Secretary;

''(4) a Tribal religious ceremony, cultural exchange, celebration, subsistence use, or other culturally important purpose warranting the alien's presence in the United States on Tribal land located at or near an international land border;

''(5) an accompanying alien whose presence in the United States is necessary for the alien who meets the criteria described in any of the paragraphs (1) through (4) to further the purposes of such provisions; or

''(6) an alien who, while in the United States, had an emergent personal or bona fide reason to travel temporarily abroad and received approval for Advance Parole from the Secretary.

''(b) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to preclude the execution of section 235(a)(4) or 241(a)(5);

''(2) to expand or restrict the authority to grant parole under section 212(d)(5), including for aliens arriving at a port of entry by air or sea, other than an alien arriving by land at a contiguous continental land border for whom a special rule described in subsection (a) applies; or

''(3) to refer to or place an alien in removal proceedings pursuant to section 240, or in any other proceedings, if such referral is not otherwise authorized under this Act.

''(c) TRANSITION RULES.—

''(1) MANDATORY PROCESSING.—Beginning on the date that is 90 days after the date of the enactment of this section, the Secretary shall require any alien described in subsection (a) who does not meet any of the criteria described in paragraphs (1) through (6) of that subsection to be processed in accordance with section 235 or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).

''(2) PRE-CERTIFICATION REFERRALS AND PLACEMENTS.—Before the Comptroller General of the United States has certified that sections 235B and 240D are fully operational pursuant to section 4146(d) of the Border Act, the Secretary shall refer or place aliens described in subsection (a) in proceedings under section 240 based upon operational considerations regarding the capacity of the Secretary to process aliens under section 235 or section 235B, as applicable.

''(3) POST-CERTIFICATION REFERRALS AND PLACEMENTS.—After the Comptroller General makes the certification referred to in paragraph (2), the Secretary may only refer aliens described in subsection (a) to, or place such aliens in, proceedings under section 235(b) or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Special rules for contiguous continental land borders.''.

(b) MODIFICATION OF AUTHORITY TO ARREST, DETAIN, AND RELEASE ALIENS.—

(1) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''on'';

(B) in subparagraph (A), by inserting ''on'' before ''bond''; and

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

''(B)(i) in the case of an alien encountered in the interior, on conditional parole; or

''(ii) in the case of an alien encountered at the border—

''(I) pursuant to the procedures under 235B; or

''(II) on the alien's own recognizance with placement into removal proceedings under 240; and''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) SEMIANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the Comptroller General makes the certification described in section 4146(d) of the Border Act, and every 180 days thereafter, the Secretary of Homeland Security shall publish, on a publicly accessible internet website in a downloadable and searchable format, a report that describes each use of the authority of the Secretary under subsection (a)(2)(B)(ii)(II).

''(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the applicable 180-day reporting period—

''(A) the number of aliens released pursuant to the authority of the Secretary of Homeland Security under subsection (a)(2)(B)(ii)(II);

''(B) with respect to each such release—

''(i) the rationale;

''(ii) the Border Patrol sector in which the release occurred; and

''(iii) the number of days between the scheduled date of the protection determination and the date of release from physical custody.

''(3) PRIVACY PROTECTION.—Each report published under paragraph (1)—

''(A) shall comply with all applicable Federal privacy laws; and

''(B) shall not disclose any information contained in, or pertaining to, a protection determination.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(d) CERTIFICATION PROCESS.—

(1) DEFINITIONS.—In this subsection:

(A) FULLY OPERATIONAL.—The term ''fully operational'' means the Secretary has the necessary resources, capabilities, and personnel to process all arriving aliens referred to in sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, within the timeframes required by such sections.

(B) REQUIRED PARTIES.—The term ''required parties'' means—

(i) the President;

(ii) the Secretary;

(iii) the Attorney General;

(iv) the Director of the Office of Management and Budget;

(v) the Committee on Homeland Security and Governmental Affairs of the Senate;

(vi) the Committee on the Judiciary of the Senate;

(vii) the Committee on Appropriations of the Senate;

(viii) the Committee on Homeland Security of the House of Representatives;

(ix) the Committee on the Judiciary of the House of Representatives; and

(x) the Committee on Appropriations of the House of Representatives.

(2) REVIEW.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, to determine whether such sections are fully operational.

(B) REVIEW ELEMENTS.—In completing the review required under subparagraph (A), the Comptroller General shall assess, in comparison to the available resources, capabilities, and personnel on the date of the enactment of this Act, whether there are sufficient—

(i) properly trained personnel, including support personnel;

(ii) real property assets and other required capabilities;

(iii) information technology infrastructure;

(iv) field manuals and guidance, regulations, and policies;

(v) other investments that the Comptroller General considers necessary; and

(vi) asylum officers to effectively process all aliens who are considered amenable for processing under section 235(b), section 235B, section 240, and section 240D of the Immigration and Nationality Act.

(3) CERTIFICATION OF FULL IMPLEMENTATION.—If the Comptroller General determines, after completing the review required under paragraph (2), that sections 235B and 240D of the Immigration and Nationality Act are fully operational, the Comptroller General shall immediately submit to the required parties a certification of such determination.

(4) NONCERTIFICATION AND SUBSEQUENT REVIEWS.—If the Comptroller General determines, after completing the review required under paragraph (2), that such sections 235B and 240D are not fully operational, the Comptroller General shall—

(A) notify the required parties of such determination, including the reasons for such determination;

(B) conduct a subsequent review in accordance with paragraph (2)(A) not later than 180 days after each previous review that concluded that such sections 235B and 240D were not fully operational; and

(C) conduct a subsequent review not later than 90 days after each time Congress appropriates additional funding to fully implement such sections 235B and 240D.

(5) DETERMINATION OF THE SECRETARY.—Not later than 7 days after receiving a certification described in paragraph (3), the Secretary shall confirm or reject the certification of the Comptroller General.

(6) EFFECT OF REJECTION.—

(A) NOTIFICATION.—If the Secretary rejects a certification of the of the Comptroller General pursuant to paragraph (A), the Secretary shall immediately—

(i) notify the President, the Comptroller General, and the congressional committees listed in paragraph (1) of such rejection; and

(ii) provide such entities with a rationale for such rejection.

(B) SUBSEQUENT REVIEWS.—If the Comptroller General receives a notification of rejection from the Secretary pursuant to subparagraph (A), the Comptroller General shall conduct a subsequent review in accordance with paragraph (4)(B).

SEC. 4147. PROTECTION APPELLATE BOARD.

(a) IN GENERAL.—Subtitle E of title IV of the Homeland Security Act of 2002 (6 U.S.C. 271 et seq.) is amended by adding at the end the following:

''SEC. 463. PROTECTION APPELLATE BOARD.

''(a) ESTABLISHMENT.—The Secretary shall establish within the U.S. Citizenship and Immigration Services an appellate authority to conduct administrative appellate reviews of protection merits determinations made under section 240D of the Immigration and Nationality Act in which the alien is denied relief or protection, to be known as the 'Protection Appellate Board'.

''(b) COMPOSITION.—Each panel of the Protection Appellate Board shall be composed of 3 U.S. Citizenship and Immigration Services asylum officers (as defined in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E))), assigned to the panel at random, who—

''(1) possess the necessary experience adjudicating asylum claims; and

''(2) are from diverse geographic regions.

''(c) DUTIES OF ASYLUM OFFICERS.—In conducting a review under section 240D(e) of the Immigration and Nationality Act, each asylum officer assigned to a panel of the Protection Appellate Board shall independently review the file of the alien concerned, including—

''(1) the record of the alien's protection determination (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), as applicable;

''(2) the alien's application for a protection merits interview (as defined in section 240D(1) of that Act);

''(3) a transcript of the alien's protection merits interview;

''(4) the final record of the alien's protection merits interview;

''(5) a sworn statement from the alien identifying new evidence or alleged error and any

accompanying information the alien or the alien's legal representative considers important; and

''(6) any additional materials, information, or facts inserted into the record.

''(d) DECISIONS.—Any final determination made by a panel of the Protection Appellate Board shall be by majority decision, independently submitted by each member of the panel.

''(e) EXCLUSIVE JURISDICTION.—The Protection Appellate Board shall have exclusive jurisdiction to review appeals of negative protections merits determinations.

''(f) PROTECTIONS FOR DECISIONS BASED ON MERITS OF CASE.—The Director of U.S. Citizenship and Immigration Services may not impose restrictions on an asylum officer's ability to grant or deny relief or protection based on a numerical limitation.

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary—

''(A) shall submit a report to the appropriate committees of the Congress that includes, for the preceding year—

''(i) the number of petitions for review submitted by aliens under section 240D(e) of the Immigration and Nationality Act;

''(ii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a grant of relief or protection;

''(iii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a denial of relief or protection;

''(iv) the geographic regions in which the members of the Protection Appellate Board held their primary duty station;

''(v) the tenure of service of the members of the Protection Appellate Board;

''(vi) a description of any anomalous case outcome identified by the Secretary and the resolution of any such case outcome;

''(vii) the number of unanimous decisions by the Protection Appellate Board;

''(viii) an identification of the number of cases the Protection Appellate Board was unable to complete in the timelines specified under section 240D(e) of the Immigration and Nationality Act; and

''(ix) a description of any steps taken to remediate any backlog identified under clause (viii), as applicable; and

''(B) in submitting each such report, shall protect all personally identifiable information of Federal employees and aliens who are subject to the reporting under this subsection.

''(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Appropriations of the Senate;

''(B) the Committee on the Judiciary of the Senate;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Appropriations of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives; and

''(F) the Committee on Homeland Security of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 462 the following:

''Sec. 463. Protection Appellate Board.''.

TITLE II—ASYLUM PROCESSING ENHANCEMENTS

SEC. 4201. COMBINED SCREENINGS.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53) The term 'protection determination' means—

''(A) a screening conducted pursuant to section 235(b)(1)(B)(v); or

''(B) a screening to determine whether an alien is eligible for—

''(i) withholding of removal under section 241(b)(3); or

''(ii) protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.

''(54) The term 'protection merits interview' means an interview to determine whether an alien—

''(A) meets the definition of refugee under paragraph (42), in accordance with the terms and conditions under section 208;

''(B) is eligible for withholding of removal under section 241(b)(3); or

''(C) is eligible for protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.''.

SEC. 4202. CREDIBLE FEAR STANDARD AND ASYLUM BARS AT SCREENING INTERVIEW.

Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (v), by striking ''significant possibility'' and inserting ''reasonable possibility''; and

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

''(vi) ASYLUM EXCEPTIONS.—An asylum officer, during the credible fear screening of an alien—

''(I) shall determine whether any of the asylum exceptions under section 208(b)(2) disqualify the alien from receiving asylum; and

''(II) may determine that the alien does not meet the definition of credible fear of persecution under clause (v) if any such exceptions apply, including whether any such exemptions to such disqualifying exceptions may apply.''.

SEC. 4203. INTERNAL RELOCATION.

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

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) there are reasonable grounds for concluding that the alien could avoid persecution by relocating to—

''(I) another location in the alien's country of nationality; or

''(II) in the case of an alien having no nationality, another location in the alien's country of last habitual residence.''.

(b) INAPPLICABILITY.—Section 244(c)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)(ii)) is amended by inserting ''clauses (i) through (vi) of'' after ''described in''.

SEC. 4204. ASYLUM OFFICER CLARIFICATION.

Section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)) is amended—

(1) in clause (i), by striking ''comparable to'' and all that follows and inserting '', including nonadversarial techniques;'';

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii)(I) is an employee of U.S. Citizenship and Immigration Services; and

''(II) is not a law enforcement officer.''.

TITLE III—SECURING AMERICA

Subtitle A—Border Emergency Authority

SEC. 4301. BORDER EMERGENCY AUTHORITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4146(a), is further amended by adding at the end the following:

''SEC. 244B. BORDER EMERGENCY AUTHORITY.

''(a) USE OF AUTHORITY.—

''(1) IN GENERAL.—In order to respond to extraordinary migration circumstances, there shall be available to the Secretary, notwithstanding any other provision of law, a border emergency authority.

''(2) EXCEPTIONS.—The border emergency authority shall not be activated with respect to any of the following:

''(A) A citizen or national of the United States.

''(B) An alien who is lawfully admitted for permanent residence.

''(C) An unaccompanied alien child.

''(D) An alien who an immigration officer determines, with the approval of a supervisory immigration officer, should be excepted from the border emergency authority based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests, or an alien who an immigration officer determines, in consultation with U.S. Immigration and Customs Enforcement, should be excepted from the border emergency authority due to operational considerations.

''(E) An alien who is determined to be a victim of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

''(F) An alien who has a valid visa or other lawful permission to enter the United States, including—

''(i) a member of the Armed Forces of the United States and associated personnel, United States Government employees or contractors on orders abroad, or United States Government employees or contractors, and an accompanying family member who is on orders or is a member of the alien's household, subject to required assurances;

''(ii) an alien who holds a valid travel document upon arrival at a port of entry;

''(iii) an alien from a visa waiver program country under section 217 who is not otherwise subject to travel restrictions and who arrives at a port of entry; or

''(iv) an alien who presents at a port of entry pursuant to a process approved by the Secretary to allow for safe and orderly entry into the United States.

''(3) APPLICABILITY.—The border emergency authority shall only be activated as to aliens who are not subject to an exception under paragraph (2), and who are, after the authority is activated, within 100 miles of the United States southwest land border and within the 14-day period after entry.

''(b) BORDER EMERGENCY AUTHORITY DESCRIBED.—

''(1) IN GENERAL.—Whenever the border emergency authority is activated, the Secretary shall have the authority, in the Secretary's sole and unreviewable discretion, to summarily remove from and prohibit, in whole or in part, entry into the United States of any alien identified in subsection (a)(3) who is subject to such authority in accordance with this subsection.

''(2) TERMS AND CONDITIONS.—

''(A) SUMMARY REMOVAL.—Notwithstanding any other provision of this Act, subject to subparagraph (B), the Secretary shall issue a summary removal order and summarily remove an alien to the country of which the alien is a subject, national, or citizen (or, in the case of an alien having no nationality, the country of the alien's last habitual residence), or in accordance with the processes established under section 241, unless the summary removal of the alien to such country would be prejudicial to the interests of the United States.

''(B) WITHHOLDING AND CONVENTION AGAINST TORTURE INTERVIEWS.—

''(i) IN GENERAL.—In the case of an alien subject to the border emergency authority who manifests a fear of persecution or torture with respect to a proposed country of summary removal, an asylum officer (as defined in section 235(b)(1)(E)) shall conduct an interview, during which the asylum officer shall determine that, if such alien demonstrates during the interview that the alien has a reasonable possibility of persecution or torture, such alien shall be referred to or placed in proceedings under section 240 or 240D, as appropriate.

''(ii) SOLE MECHANISM TO REQUEST PROTECTION.—An interview under this subparagraph conducted by an asylum officer shall be the sole mechanism by which an alien described in clause (i) may make a claim for protection under—

''(I) section 241(b)(3); and

''(II) the Convention Against Torture.

''(iii) ALIEN REFERRED FOR ADDITIONAL PROCEEDINGS.—In the case of an alien interviewed under clause (i) who demonstrates that the alien is eligible to apply for protection under section 241(b)(3) or the Convention Against Torture, the alien—

''(I) shall not be summarily removed; and

''(II) shall instead be processed under section 240 or 240D, as appropriate.

''(iv) ADDITIONAL REVIEW.—

''(I) OPPORTUNITY FOR SECONDARY REVIEW.—A supervisory asylum officer shall review any case in which the asylum officer who interviewed the alien under the procedures in clause (iii) finds that the alien is not eligible for protection under section 241(b)(3) or the Convention Against Torture.

''(II) VACATUR.—If, in conducting such a secondary review, the supervisory asylum officer determines that the alien demonstrates eligibility for such protection—

''(aa) the supervisory asylum officer shall vacate the previous negative determination; and

''(bb) the alien shall instead be processed under section 240 or 240D.

''(III) SUMMARY REMOVAL.—If an alien does not seek such a secondary review, or if the supervisory asylum officer finds that such alien is not eligible for such protection, the supervisory asylum officer shall order the alien summarily removed without further review.

''(3) ACTIVATIONS OF AUTHORITY.—

''(A) DISCRETIONARY ACTIVATION.—The Secretary may activate the border emergency authority if, during a period of 7 consecutive calendar days, there is an average of 4,000 or more aliens who are encountered each day.

''(B) MANDATORY ACTIVATION.—The Secretary shall activate the border emergency authority if—

''(i) during a period of 7 consecutive calendar days, there is an average of 5,000 or more aliens who are encountered each day; or

''(ii) on any 1 calendar day, a combined total of 8,500 or more aliens are encountered.

''(C) CALCULATION OF ACTIVATION.—

''(i) IN GENERAL.—For purposes of subparagraphs (A) and (B), the average for the applicable 7-day period shall be calculated using—

''(I) the sum of—

''(aa) the number of encounters that occur between the southwest land border ports of entry of the United States;

''(bb) the number of encounters that occur between the ports of entry along the southern coastal borders; and

''(cc) the number of inadmissible aliens encountered at a southwest land border port of entry as described in subsection (a)(2)(F)(iv); divided by

''(II) 7.

''(ii) LIMITATION.—Aliens described in subsection (a)(2)(C) from noncontiguous countries shall not be included in calculating the sum of aliens encountered.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—For purposes of paragraph (3), the Secretary shall not activate the border emergency authority—

''(i) during the first calendar year after the effective date, for more than 270 calendar days;

''(ii) during the second calendar year after the effective date, for more than 225 days; and

''(iii) during the third calendar year, for more than 180 calendar days.

''(B) IMPLEMENTATION.—When the authority is activated, the Secretary shall implement the authority within 24 hours of such activation.

''(5) SUSPENSIONS OF AUTHORITY.—The Secretary shall suspend activation of the border emergency authority, and the procedures under subsections (a), (b), (c), and (d), not later than 14 calendar days after the date on which the following occurs, as applicable:

''(A) In the case of an activation under subparagraph (A) of paragraph (3), there is during a period of 7 consecutive calendar days an average of less than 75 percent of the encounter level used for activation.

''(B) In the case of an activation under clause (i) or (ii) of paragraph (3)(B), there is during a period of 7 consecutive calendar days an average of less than 75 percent of the encounter level described in such clause (i).

''(6) WAIVERS OF ACTIVATION OF AUTHORITY.—

''(A) FIRST CALENDAR YEAR.—Notwithstanding paragraph (3), beginning the first calendar year after the effective date, the Secretary shall only have the authority to activate the border emergency authority for 270 calendar days during the calendar year, provided that—

''(i) for the first 90 calendar days in which any of the requirements of paragraph (3) have been satisfied, the Secretary shall be required to activate such authority;

''(ii) for the remaining 180 days that the authority is available in the calendar year, the Secretary may, in the sole, unreviewable, and exclusive discretion of the Secretary, determine whether to activate the requirements of the border emergency authority under paragraph (3)(B) until the number of days that the authority has not been activated is equal to the number of days left in the calendar year; and

''(iii) when the number of calendar days remaining in the calendar year is equal to the number of days that the authority has not been activated, the Secretary shall be required to activate the border emergency authority for the remainder of the calendar year on days during which the requirements of paragraph (3)(B) have been satisfied.

''(B) SECOND CALENDAR YEAR.—Notwithstanding paragraph (3), beginning the second calendar year after the effective date, the Secretary shall only have the authority to activate the border emergency authority for 225 calendar days during the calendar year, provided that—

''(i) during the first 75 calendar days during which any of the requirements of paragraph (3) have been satisfied, the Secretary shall be required to activate the authority;

''(ii) for the remaining 150 days that the authority is available in the calendar year, the Secretary may, in the sole, unreviewable, and exclusive discretion of the Secretary, determine whether to activate the requirements of the border emergency authority under paragraph (3)(B) until the number of days that the authority has not been activated is equal to the number of days left in the calendar year; and

''(iii) when the number of calendar days remaining in the calendar year is equal to the number of days that the authority has not been activated, the Secretary shall be required to activate the border emergency authority for the remainder of the calendar year on days during which the requirements of paragraph (3)(B) have been satisfied.

''(C) THIRD CALENDAR YEAR.—Notwithstanding paragraph (3), beginning the third calendar year after the effective date, the Secretary shall only have the authority to activate the border emergency authority for 180 calendar days during the calendar year, provided that—

''(i) during the first 60 calendar days during which any of the requirements of paragraph (3) have been satisfied, the Secretary shall be required to activate the authority;

''(ii) for the remaining 120 days that the authority is available in each calendar year, the Secretary may, in the sole, unreviewable, and exclusive discretion of the Secretary, determine whether to activate the requirements of the border emergency authority under paragraph (3)(B) until the number of days that the authority has not been activated is equal to the number of days left in the calendar year; and

''(iii) when the number of calendar days remaining in the calendar year is equal to the number of days that the authority has not been activated, the Secretary shall be required to activate the border emergency authority for the remainder of the calendar year on days during which the requirements of paragraph (3)(B) have been satisfied.

''(7) EMERGENCY SUSPENSION OF AUTHORITY.—

''(A) IN GENERAL.—If the President finds that it is in the national interest to temporarily suspend the border emergency authority, the President may direct the Secretary to suspend use of the border emergency authority on an emergency basis.

''(B) DURATION.—In the case of a direction from the President under subparagraph (A), the Secretary shall suspend the border emergency authority for not more than 45 calendar days within a calendar year, notwithstanding any limitations on the use of the authority described in this subsection.

''(c) CONTINUED ACCESS TO SOUTHWEST LAND BORDER PORTS OF ENTRY.—

''(1) IN GENERAL.—During any activation of the border emergency authority under subsection (b), the Secretary shall maintain the capacity to process, and continue processing, under section 235 or 235B a minimum of 1,400 inadmissible aliens each calendar day cumulatively across all southwest land border ports of entry in a safe and orderly process developed by the Secretary.

''(2) SPECIAL RULES.—

''(A) UNACCOMPANIED ALIEN CHILDREN EXCEPTION.—For the purpose of calculating the number under paragraph (1), the Secretary shall count all unaccompanied alien children, who are nationals of contiguous countries, processed at southwest land border ports of entry, but shall not count such children who are nationals of noncontiguous countries.

''(B) TRANSITION RULES.—The provisions of section 244A(c) shall apply to this section.

''(d) BAR TO ADMISSION.—Any alien who, during a period of 365 days, has 2 or more summary removals pursuant to the border emergency authority, shall be inadmissible for a period of 1 year beginning on the date of the alien's most recent summary removal.

''(e) SAVINGS PROVISIONS.—

''(1) UNACCOMPANIED ALIEN CHILDREN.—Nothing in this section may be construed to interfere with the processing of unaccompanied alien children and such children are not subject to this section.

''(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed to interfere with any rights or responsibilities established through a settlement agreement in effect before the date of the enactment of this section.

''(3) RULE OF CONSTRUCTION.—For purposes of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the 1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)), the Convention Against Torture, and any other applicable treaty, as applied to this section, the interview under this section shall occur only in the context of the border emergency authority.

''(f) JUDICIAL REVIEW.—Judicial review of any decision or action applying the border emergency authority shall be governed only by this subsection as follows:

''(1) Notwithstanding any other provision of law, except as provided in paragraph (2), no court or judge shall have jurisdiction to review any cause or claim by an individual alien arising from the decision to enter a summary removal order against such alien under this section, or removing such alien pursuant to such summary removal order.

''(2) The United States District Court for the District of Columbia shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(g) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section shall take effect on the day after the date of the enactment of this section.

''(2) 7-DAY PERIOD.—The initial activation of the authority under subparagraph (A) or (B)(i) of subsection (b)(3) shall take into account the average number of encounters during the preceding 7 consecutive calendar days, as described in such subparagraphs, which may include the 6 consecutive calendar days immediately preceding the date of the enactment of this section.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) DEFINITIONS.—In this section:

''(1) BORDER EMERGENCY AUTHORITY.—The term 'border emergency authority' means all authorities and procedures under this section.

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and includes the regulations implementing any law enacted pursuant to Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(3) ENCOUNTER.—With respect to an alien, the term 'encounter' means an alien who—

''(A) is physically apprehended by U.S. Customs and Border Protection personnel—

''(i) within 100 miles of the southwest land border of the United States during the 14-day period immediately after entry between ports of entry; or

''(ii) at the southern coastal borders during the 14-day period immediately after entry between ports of entry; or

''(B) is seeking admission at a southwest land border port of entry and is determined to be inadmissible, including an alien who utilizes a process approved by the Secretary to allow for safe and orderly entry into the United States.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) SOUTHERN COASTAL BORDERS.—The term 'southern coastal borders' means all maritime borders in California, Texas, Louisiana, Mississippi, Alabama, and Florida.

''(6) UNACCOMPANIED ALIEN CHILD.—The term 'unaccompanied alien child' has the meaning given such term in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)).

''(j) SUNSET.—This section—

''(1) shall take effect on the date of the enactment of this section; and

''(2) shall be repealed effective as of the date that is 3 years after such date of enactment.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4146(b), is further amended by inserting after the item relating to section 244A the following:

''Sec. 244B Border emergency authority.''.

Subtitle B—Fulfilling Promises to Afghan Allies

SEC. 4311. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Committee on Armed Services of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

(J) the Committee on Homeland Security of the House of Representatives.

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by section 4316(a).

(5) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) a pending, documentarily complete application for special immigrant status; and

(B) a case in processing in the United States Refugee Admissions Program for an individual who has received a Priority 1 or Priority 2 referral to such program.

(6) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 4312. SUPPORT FOR AFGHAN ALLIES OUTSIDE THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding the status of a specified application submitted by, or on behalf of, a national of Afghanistan, including any information that has been provided to the applicant, in accordance with section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)).

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall designate an appropriate office within the Department of State—

(1) to review specified applications submitted by nationals of Afghanistan residing in Afghanistan, including by conducting any required interviews;

(2) to issue visas or other travel documents to such nationals, in accordance with the immigration laws;

(3) to provide services to such nationals, to the greatest extent practicable, that would normally be provided by an embassy; and

(4) to carry out any other function the Secretary of State considers necessary.

SEC. 4313. CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) CONDITIONAL PERMANENT RESIDENT STATUS.—The term ''conditional permanent resident status'' means conditional permanent resident status under section 216 and 216A of the Immigration and Nationality Act (8 U.S.C. 1186a, 1186b), subject to the provisions of this section.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an alien who—

(A) is present in the United States;

(B) is a citizen or national of Afghanistan or, in the case of an alien having no nationality, is a person who last habitually resided in Afghanistan;

(C) has not been granted permanent resident status;

(D)(i) was inspected and admitted to the United States on or before the date of the enactment of this Act; or

(ii) was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary upon written notice; and

(E) is admissible to the United States as an immigrant under the immigration laws, including eligibility for waivers of grounds of inadmissibility to the extent provided by the immigration laws and subject to the terms of subsection (c) of this section.

(b) CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.—

(1) ADJUSTMENT OF STATUS TO CONDITIONAL PERMANENT RESIDENT STATUS.—Beginning on the date of the enactment of this Act, the Secretary may—

(A) adjust the status of each eligible individual to that of an alien lawfully admitted for permanent residence status, subject to the procedures established by the Secretary to determine eligibility for conditional permanent resident status; and

(B) create for each eligible individual a record of admission to such status as of the date on which the eligible individual was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later,

unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(2) CONDITIONAL BASIS.—An individual who obtains lawful permanent resident status under this section shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(c) CONDITIONAL PERMANENT RESIDENT STATUS DESCRIBED.—

(1) ASSESSMENT.—

(A) IN GENERAL.—Before granting conditional permanent resident status to an eligible individual under subsection (b)(1), the Secretary shall conduct an assessment with respect to the eligible individual, which shall be equivalent in rigor to the assessment conducted with respect to refugees admitted to the United States through the United States Refugee Admissions Program, for the purpose of determining whether the eligible individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182).

(B) CONSULTATION.—In conducting an assessment under subparagraph (A), the Secretary may consult with the head of any other relevant agency and review the holdings of any such agency.

(2) REMOVAL OF CONDITIONS.—

(A) IN GENERAL.—Not earlier than the date described in subparagraph (B), the Secretary may remove the conditional basis of the status of an individual granted conditional permanent resident status under this section unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

(i) the date that is 4 years after the date on which the individual was admitted or paroled into the United States; or

(ii) July 1, 2027.

(C) WAIVER.—

(i) IN GENERAL.—Except as provided in clause (ii), with respect to an eligible individual, the Secretary may waive the application of the grounds of inadmissibility under 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or to ensure family unity.

(ii) EXCEPTIONS.—The Secretary may not waive under clause (i) the application of subparagraphs (C) through (E) and (G) through (H) of paragraph (2), or paragraph (3), of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to expand or limit any other waiver authority applicable under the immigration laws to an applicant for adjustment of status.

(D) TIMELINE.—Not later than 180 days after the date described in subparagraph (B), the Secretary shall endeavor to remove conditions as to all individuals granted conditional permanent resident status under this section who are eligible for removal of conditions.

(3) TREATMENT OF CONDITIONAL BASIS OF STATUS PERIOD FOR PURPOSES OF NATURALIZATION.—An individual in conditional permanent resident status under this section, or who otherwise meets the requirements under (a)(1) of this section, shall be considered—

(A) to have been admitted to the United States as an alien lawfully admitted for permanent residence; and

(B) to be present in the United States as an alien lawfully admitted to the United States for permanent residence, provided that, no alien shall be naturalized unless the alien's conditions have been removed under this section.

(d) TERMINATION OF CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Conditional permanent resident status shall terminate on, as applicable—

(A) the date on which the Secretary removes the conditions pursuant to subsection (c)(2), on which date the alien shall be lawfully admitted for permanent residence without conditions;

(B) the date on which the Secretary determines that the alien was not an eligible individual under subsection (a)(2) as of the date that such conditional permanent resident status was granted, on which date of the Secretary's determination the alien shall no longer be an alien lawfully admitted for permanent residence; or

(C) the date on which the Secretary determines pursuant to subsection (c)(2) that the alien is not eligible for removal of conditions, on which date the alien shall no longer be an alien lawfully admitted for permanent residence.

(2) NOTIFICATION.—If the Secretary terminates status under this subsection, the Secretary shall so notify the individual in writing and state the reasons for the termination.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary at any time to place in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) any alien who has conditional permanent resident status under this section, if the alien is deportable under section 237 of such Act (8 U.S.C. 1227) under a ground of deportability applicable to an alien who has been lawfully admitted for permanent residence.

(f) PAROLE EXPIRATION TOLLED.—The expiration date of a period of parole shall not apply to an individual under consideration for conditional permanent resident status under this section, until such time as the Secretary has determined whether to issue conditional permanent resident status.

(g) PERIODIC NONADVERSARIAL MEETINGS.—

(1) IN GENERAL.—Not later than 180 days after the date on which an individual is conferred conditional permanent resident status under this section, and periodically thereafter, the Office of Refugee Resettlement shall make available opportunities for the individual to participate in a nonadversarial meeting, during which an official of the Office of Refugee Resettlement (or an agency funded by the Office) shall—

(A) on request by the individual, assist the individual in a referral or application for applicable benefits administered by the Department of Health and Human Services and completing any applicable paperwork; and

(B) answer any questions regarding eligibility for other benefits administered by the United States Government.

(2) NOTIFICATION OF REQUIREMENTS.—Not later than 7 days before the date on which a meeting under paragraph (1) is scheduled to occur, the Secretary of Health and Human Services shall provide notice to the individual that includes the date of the scheduled meeting and a description of the process for rescheduling the meeting.

(3) CONDUCT OF MEETING.—The Secretary of Health and Human Services shall implement practices to ensure that—

(A) meetings under paragraph (1) are conducted in a nonadversarial manner; and

(B) interpretation and translation services are provided to individuals granted conditional permanent resident status under this section who have limited English proficiency.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to prevent an individual from electing to have counsel present during a meeting under paragraph (1); or

(B) in the event that an individual declines to participate in such a meeting, to affect the individual's conditional permanent resident status under this section or eligibility to have conditions removed in accordance with this section.

(h) CONSIDERATION.—Except with respect to an application for naturalization and the benefits described in subsection (p), an individual in conditional permanent resident status under this section shall be considered to be an alien lawfully admitted for permanent residence for purposes of the adjudication of an application or petition for a benefit or the receipt of a benefit.

(i) NOTIFICATION OF REQUIREMENTS.—Not later than 90 days after the date on which the status of an individual is adjusted to that of conditional permanent resident status under this section, the Secretary shall provide notice to such individual with respect to the provisions of this section, including subsection (c)(1) (relating to the conduct of assessments) and subsection (g) (relating to periodic nonadversarial meetings).

(j) APPLICATION FOR NATURALIZATION.—The Secretary shall establish procedures whereby an individual who would otherwise be eligible to apply for naturalization but for having conditional permanent resident status, may be considered for naturalization coincident with removal of conditions under subsection (c)(2).

(k) ADJUSTMENT OF STATUS DATE.—

(1) IN GENERAL.—An alien described in paragraph (2) shall be regarded as lawfully admitted for permanent residence as of the date the alien was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is described in subparagraph (A), (B), or (D) of subsection (a)(2), and whose status was adjusted to that of an alien lawfully admitted for permanent residence on or after July 30, 2021, but on or before the date of the enactment of this Act; or

(B) is an eligible individual whose status is then adjusted to that of an alien lawfully admitted for permanent residence after the

date of the enactment of this Act under any provision of the immigration laws other than this section.

(l) PARENTS AND LEGAL GUARDIANS OF UNACCOMPANIED CHILDREN.—A parent or legal guardian of an eligible individual shall be eligible to obtain status as an alien lawfully admitted for permanent residence on a conditional basis if—

(1) the eligible individual—

(A) was under 18 years of age on the date on which the eligible individual was granted conditional permanent resident status under this section; and

(B) was not accompanied by at least one parent or guardian on the date the eligible individual was admitted or paroled into the United States; and

(2) such parent or legal guardian was admitted or paroled into the United States after the date referred to in paragraph (1)(B).

(m) GUIDANCE.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, guidance issued pursuant to subparagraph (A)—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of issuance of guidance under paragraph (1), the Secretary shall finalize the guidance implementing this section.

(B) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.—Chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act''), or any other law relating to rulemaking or information collection, shall not apply to the guidance issued under this paragraph.

(n) ASYLUM CLAIMS.—

(1) IN GENERAL.—With respect to the adjudication of an application for asylum submitted by an eligible individual, section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act (8 U.S.C. 1101 note; Public Law 117–43) shall not apply.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit an eligible individual from seeking or receiving asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158).

(o) PROHIBITION ON FEES.—The Secretary may not charge a fee to any eligible individual in connection with the initial issuance under this section of—

(1) a document evidencing status as an alien lawfully admitted for permanent residence or conditional permanent resident status; or

(2) an employment authorization document.

(p) ELIGIBILITY FOR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) an individual described in subsection (a) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (8 U.S.C. 1101 note; Public Law 117–43) shall retain his or her eligibility for the benefits and services described in subsection (b) of such section if the individual has a pending application, or is granted adjustment of status, under this section; and

(B) such benefits and services shall remain available to the individual to the same extent and for the same periods of time as such benefits and services are otherwise available to refugees who acquire such status.

(2) EXCEPTION FROM 5-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—Section 403(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)) is amended by adding at the end the following:

''(F) An alien whose status is adjusted under section 4313 of the Border Act to that of an alien lawfully admitted for permanent residence or to that of an alien lawfully admitted for permanent residence on a conditional basis.''.

(q) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible individual from applying for or receiving any immigration benefit to which the individual is otherwise entitled.

(r) EXEMPTION FROM NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Aliens granted conditional permanent resident status or lawful permanent resident status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(2) SPOUSE AND CHILDREN BENEFICIARIES.—A spouse or child who is the beneficiary of an immigrant petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed by an alien who has been granted conditional permanent resident status or lawful permanent resident status under this section, seeking classification of the spouse or child under section 203(a)(2)(A) of that Act (8 U.S.C. 1153(a)(2)(A)) shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(s) EFFECT ON OTHER APPLICATIONS.—Notwithstanding any other provision of law, in the interest of efficiency, the Secretary may pause consideration of any application or request for an immigration benefit pending adjudication so as to prioritize an application for adjustment of status to an alien lawfully admitted for permanent residence under this section.

(t) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General, the Secretary of Health and Human Services, the Secretary, and the Secretary of State such sums as are necessary to carry out this section.

SEC. 4314. REFUGEE PROCESSES FOR CERTAIN AT-RISK AFGHAN ALLIES.

(a) DEFINITION OF AFGHAN ALLY.—

(1) IN GENERAL.—In this section, the term ''Afghan ally'' means an alien who is a citizen or national of Afghanistan, or in the case of an alien having no nationality, an alien who last habitually resided in Afghanistan, who—

(A) was—

(i) a member of—

(I) the special operations forces of the Afghanistan National Defense and Security Forces;

(II) the Afghanistan National Army Special Operations Command;

(III) the Afghan Air Force; or

(IV) the Special Mission Wing of Afghanistan;

(ii) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(I) a cadet or instructor at the Afghanistan National Defense University; and

(II) a civilian employee of the Ministry of Defense or the Ministry of Interior Affairs;

(iii) an individual associated with former Afghan military and police human intelligence activities, including operators and Department of Defense sources;

(iv) an individual associated with former Afghan military counterintelligence, counterterrorism, or counternarcotics;

(v) an individual associated with the former Afghan Ministry of Defense, Ministry of Interior Affairs, or court system, and who was involved in the investigation, prosecution or detention of combatants or members of the Taliban or criminal networks affiliated with the Taliban; or

(vi) a senior military officer, senior enlisted personnel, or civilian official who served on the staff of the former Ministry of Defense or the former Ministry of Interior Affairs of Afghanistan; or

(B) provided service to an entity or organization described in subparagraph (A) for not less than 1 year during the period beginning on December 22, 2001, and ending on September 1, 2021, and did so in support of the United States mission in Afghanistan.

(2) INCLUSIONS.—For purposes of this section, the Afghanistan National Defense and Security Forces includes members of the security forces under the Ministry of Defense and the Ministry of Interior Affairs of the Islamic Republic of Afghanistan, including the Afghanistan National Army, the Afghan Air Force, the Afghanistan National Police, and any other entity designated by the Secretary of Defense as part of the Afghanistan National Defense and Security Forces during the relevant period of service of the applicant concerned.

(b) REFUGEE STATUS FOR AFGHAN ALLIES.—

(1) DESIGNATION AS REFUGEES OF SPECIAL HUMANITARIAN CONCERN.—Afghan allies shall be considered refugees of special humanitarian concern under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), until the later of 10 years after the date of enactment of this Act or upon determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that such designation is no longer in the interest of the United States.

(2) THIRD COUNTRY PRESENCE NOT REQUIRED.—Notwithstanding section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), the Secretary of State and the Secretary shall, to the greatest extent possible, conduct remote refugee processing for an Afghan ally located in Afghanistan.

(c) AFGHAN ALLIES REFERRAL PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Secretary of Defense, in consultation with the Secretary of State, shall establish a process by which an individual may apply to the Secretary of Defense for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program; and

(B) the head of any appropriate department or agency that conducted operations in Afghanistan during the period beginning on December 22, 2001, and ending on September 1, 2021, in consultation with the Secretary of State, may establish a process by which an individual may apply to the head of the appropriate department or agency for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program.

(2) APPLICATION SYSTEM.—

(A) IN GENERAL.—The process established under paragraph (1) shall—

(i) include the development and maintenance of a secure online portal through which applicants may provide information verifying their status as Afghan allies and upload supporting documentation; and

(ii) allow—

(I) an applicant to submit his or her own application;

(II) a designee of an applicant to submit an application on behalf of the applicant; and

(III) in the case of an applicant who is outside the United States, the submission of an application regardless of where the applicant is located.

(B) USE BY OTHER AGENCIES.—The Secretary of Defense may enter into arrangements with the head of any other appropriate department or agency so as to allow the application system established under subparagraph (A) to be used by such department or agency.

(3) REVIEW PROCESS.—As soon as practicable after receiving a request for classification and referral described in paragraph (1), the head of the appropriate department or agency shall—

(A) review—

(i) the service record of the applicant, if available;

(ii) if the applicant provides a service record or other supporting documentation, any information that helps verify the service record concerned, including information or an attestation provided by any current or former official of the department or agency who has personal knowledge of the eligibility of the applicant for such classification and referral; and

(iii) the data holdings of the department or agency and other cooperating interagency partners, including biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, other identifiable information, and any other information related to the applicant, including relevant derogatory information; and

(B)(i) in a case in which the head of the department or agency determines that the applicant is an Afghan ally without significant derogatory information, refer the Afghan ally to the United States Refugee Admissions Program as a refugee; and

(ii) include with such referral—

(I) any service record concerned, if available;

(II) if the applicant provides a service record, any information that helps verify the service record concerned; and

(III) any biometrics for the applicant.

(4) REVIEW PROCESS FOR DENIAL OF REQUEST FOR REFERRAL.—

(A) IN GENERAL.—In the case of an applicant with respect to whom the head of the appropriate department or agency denies a request for classification and referral based on a determination that the applicant is not an Afghan ally or based on derogatory information—

(i) the head of the department or agency shall provide the applicant with a written notice of the denial that provides, to the maximum extent practicable, a description of the basis for the denial, including the facts and inferences, or evidentiary gaps, underlying the individual determination; and

(ii) the applicant shall be provided an opportunity to submit not more than 1 written appeal to the head of the department or agency for each such denial.

(B) DEADLINE FOR APPEAL.—An appeal under clause (ii) of subparagraph (A) shall be submitted—

(i) not more than 120 days after the date on which the applicant concerned receives notice under clause (i) of that subparagraph; or

(ii) on any date thereafter, at the discretion of the head of the appropriate department or agency.

(C) REQUEST TO REOPEN.—

(i) IN GENERAL.—An applicant who receives a denial under subparagraph (A) may submit a request to reopen a request for classification and referral under the process established under paragraph (1) so that the applicant may provide additional information, clarify existing information, or explain any unfavorable information.

(ii) LIMITATION.—After considering 1 such request to reopen from an applicant, the head of the appropriate department or agency may deny subsequent requests to reopen submitted by the same applicant.

(5) FORM AND CONTENT OF REFERRAL.—To the extent practicable, the head of the appropriate department or agency shall ensure that referrals made under this subsection—

(A) conform to requirements established by the Secretary of State for form and content; and

(B) are complete and include sufficient contact information, supporting documentation, and any other material the Secretary of State or the Secretary consider necessary or helpful in determining whether an applicant is entitled to refugee status.

(6) TERMINATION.—The application process and referral system under this subsection shall terminate upon the later of 1 year before the termination of the designation under subsection (b)(1) or on the date of a joint determination by the Secretary of State and the Secretary of Defense, in consultation with the Secretary, that such termination is in the national interest of the United States.

(d) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with a request for a classification and referral as a refugee under this section.

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) REPRESENTATION.—An alien applying for admission to the United States under this section may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(4) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who has been classified as an Afghan ally and has been referred as a refugee under this section protection or to immediately remove such alien from Afghanistan, if possible.

(5) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for each of fiscal years 2024 through 2034 to carry out this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to inhibit the Secretary of State from accepting refugee referrals from any entity.

SEC. 4315. IMPROVING EFFICIENCY AND OVERSIGHT OF REFUGEE AND SPECIAL IMMIGRANT PROCESSING.

(a) ACCEPTANCE OF FINGERPRINT CARDS AND SUBMISSIONS OF BIOMETRICS.—In addition to the methods authorized under the heading relating to the Immigration and Naturalization Service under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Public Law 105–119, 111 Stat. 2448; 8 U.S.C. 1103 note), and other applicable law, and subject to such safeguards as the Secretary, in consultation with the Secretary of State or the Secretary of Defense, as appropriate, shall prescribe to ensure the integrity of the biometric collection (which shall include verification of identity by comparison of such fingerprints with fingerprints taken by or under the direct supervision of the Secretary prior to or at the time of the individual's application for admission to the United States), the Secretary may, in the case of any application for any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), accept fingerprint cards or any other submission of biometrics—

(1) prepared by international or nongovernmental organizations under an appropriate agreement with the Secretary or the Secretary of State;

(2) prepared by employees or contractors of the Department of Homeland Security or the Department of State; or

(3) provided by an agency (as defined under section 3502 of title 44, United States Code).

(b) STAFFING.—

(1) VETTING.—The Secretary of State, the Secretary, the Secretary of Defense, and any other agency authorized to carry out the vetting process under this subtitle, shall each ensure sufficient staffing, and request the resources necessary, to efficiently and adequately carry out the vetting of applicants for—

(A) referral to the United States Refugee Admissions Program, consistent with the determinations established under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) special immigrant status.

(2) REFUGEE RESETTLEMENT.—The Secretary of Health and Human Services shall ensure sufficient staffing to efficiently provide assistance under chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) to refugees resettled in the United States.

(c) REMOTE PROCESSING.—Notwithstanding any other provision of law, the Secretary of State and the Secretary shall employ remote processing capabilities for refugee processing under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), including secure digital file transfers, videoconferencing and teleconferencing capabilities, remote review of applications, remote interviews, remote collection of signatures, waiver of the applicant's appearance or signature (other than a final appearance and verification by the oath of the applicant prior to or at the time of the individual's application for admission to the United States), waiver of signature for individuals under 5 years old, and any other capability the Secretary of State and the Secretary consider appropriate, secure, and likely to reduce processing wait times at particular facilities.

(d) MONTHLY ARRIVAL REPORTS.—With respect to monthly reports issued by the Secretary of State relating to United States Refugee Admissions Program arrivals, the Secretary of State shall report—

(1) the number of monthly admissions of refugees, disaggregated by priorities; and

(2) the number of Afghan allies admitted as refugees.

(e) INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(A) to develop and oversee the implementation of the strategy and contingency plan described in subparagraph (A)(i) of paragraph (4); and

(B) to submit the report, and provide a briefing on the report, as described in subparagraphs (A) and (B) of paragraph (4).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall include—

(i) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(ii) any other Federal Government official designated by the President.

(B) RELEVANT FEDERAL AGENCY DEFINED.—In this paragraph, the term ''relevant Federal agency'' means—

(i) the Department of State;

(ii) the Department Homeland Security;

(iii) the Department of Defense;

(iv) the Department of Health and Human Services;

(v) the Federal Bureau of Investigation; and

(vi) the Office of the Director of National Intelligence.

(3) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(4) DUTIES.—

(A) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date on which the Task Force is established, the Task Force, acting through the chair of the Task Force, shall submit a report to the appropriate committees of Congress that includes—

(I) a strategy for facilitating the resettlement of nationals of Afghanistan outside the United States who, during the period beginning on October 1, 2001, and ending on September 1, 2021, directly and personally supported the United States mission in Afghanistan, as determined by the Secretary of State in consultation with the Secretary of Defense; and

(II) a contingency plan for future emergency operations in foreign countries involving foreign nationals who have worked directly with the United States Government, including the Armed Forces of the United States and United States intelligence agencies.

(ii) ELEMENTS.—The report required under clause (i) shall include—

(I) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(aa) such nationals in Afghanistan and such nationals in a third country;

(bb) type of specified application; and

(cc) applications that are documentarily complete and applications that are not documentarily complete;

(II) an estimate of the number of nationals of Afghanistan who may be eligible for special immigrant status;

(III) with respect to the strategy required under subparagraph (A)(i)(I)—

(aa) the estimated number of nationals of Afghanistan described in such subparagraph;

(bb) a description of the process for safely resettling such nationals of Afghanistan;

(cc) a plan for processing such nationals of Afghanistan for admission to the United States that—

(AA) discusses the feasibility of remote processing for such nationals of Afghanistan residing in Afghanistan;

(BB) includes any strategy for facilitating refugee and consular processing for such nationals of Afghanistan in third countries, and the timelines for such processing;

(CC) includes a plan for conducting rigorous and efficient vetting of all such nationals of Afghanistan for processing;

(DD) discusses the availability and capacity of sites in third countries to process applications and conduct any required vetting for such nationals of Afghanistan, including the potential to establish additional sites; and

(EE) includes a plan for providing updates and necessary information to affected individuals and relevant nongovernmental organizations;

(dd) a description of considerations, including resource constraints, security concerns, missing or inaccurate information, and diplomatic considerations, that limit the ability of the Secretary of State or the Secretary to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(ee) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(ff) an estimate of the cost to fully implement the strategy; and

(gg) any other matter the Task Force considers relevant to the implementation of the strategy;

(IV) with respect to the contingency plan required by clause (i)(II)—

(aa) a description of the standard practices for screening and vetting foreign nationals considered to be eligible for resettlement in the United States, including a strategy for vetting, and maintaining the records of, such foreign nationals who are unable to provide identification documents or biographic details due to emergency circumstances;

(bb) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(cc) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(dd) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund;

(ee) any other matter the Task Force considers relevant to the implementation of the contingency plan; and

(V) a strategy for the efficient processing of all Afghan special immigrant visa applications and appeals, including—

(aa) a review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process;

(bb) an analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this subtitle during the several years after the date of the enactment of this Act;

(cc) an assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas in appropriate circumstances and consistent with applicable laws; and

(dd) an assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

(iii) FORM.—The report required under clause (i) shall be submitted in unclassified form but may include a classified annex.

(B) BRIEFING.—Not later than 60 days after submitting the report required by clause (i), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(5) TERMINATION.—The Task Force shall remain in effect until the later of—

(A) the date on which the strategy required under paragraph (4)(A)(i)(I) has been fully implemented;

(B) the date of a determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that a task force is no longer necessary for the implementation of subparagraphs (A) and (B) of paragraph (1); or

(C) the date that is 10 years after the date of the enactment of this Act.

(f) IMPROVING CONSULTATION WITH CONGRESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a), by amending paragraph (4) to read as follows:

''(4)(A) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number of refugees so determined, the number of aliens who were granted asylum in the previous year.

''(B) In making a determination under paragraph (1), the President shall consider the information in the most recently published projected global resettlement needs report published by the United Nations High Commissioner for Refugees.'';

(2) in subsection (e), by amending paragraph (2) to read as follows:

''(2) A description of the number and allocation of the refugees to be admitted, including the expected allocation by region, and an analysis of the conditions within the countries from which they came.''; and

(3) by adding at the end the following—

''(g) QUARTERLY REPORTS ON ADMISSIONS.—Not later than 30 days after the last day of each quarter beginning the fourth quarter of fiscal year 2024, the President shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

''(1) REFUGEES ADMITTED.—

''(A) The number of refugees admitted to the United States during the preceding quarter.

''(B) The cumulative number of refugees admitted to the United States during the applicable fiscal year, as of the last day of the preceding quarter.

''(C) The number of refugees expected to be admitted to the United States during the remainder of the applicable fiscal year.

''(D) The number of refugees from each region admitted to the United States during the preceding quarter.

''(2) ALIENS WITH PENDING SECURITY CHECKS.—With respect only to aliens processed under section 101(a)(27)(N), subtitle B of title III of the Border Act, or section 602(b)(2)(A)(ii)(II) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8)—

''(A) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been requested during the preceding quarter, and the number of aliens, by nationality, for whom the check was pending beyond 30 days; and

''(B) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been pending for more than 180 days.

''(3) CIRCUIT RIDES.—

''(A) For the preceding quarter—

''(i) the number of Refugee Corps officers deployed on circuit rides and the overall number of Refugee Corps officers;

''(ii) the number of individuals interviewed—

''(I) on each circuit ride; and

''(II) at each circuit ride location;

''(iii) the number of circuit rides; and

''(iv) for each circuit ride, the duration of the circuit ride.

''(B) For the subsequent 2 quarters, the number of circuit rides planned.

''(4) PROCESSING.—

''(A) For refugees admitted to the United States during the preceding quarter, the average number of days between—

''(i) the date on which an individual referred to the United States Government as a refugee applicant is interviewed by the Secretary of Homeland Security; and

''(ii) the date on which such individual is admitted to the United States.

''(B) For refugee applicants interviewed by the Secretary of Homeland Security in the preceding quarter, the approval, denial, recommended approval, recommended denial, and hold rates for the applications for admission of such individuals, disaggregated by nationality.''.

SEC. 4316. SUPPORT FOR CERTAIN VULNERABLE AFGHANS RELATING TO EMPLOYMENT BY OR ON BEHALF OF THE UNITED STATES.

(a) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—

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

(A) in subparagraph (L)(iii), by adding a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the parent or brother or sister of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(2) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by paragraph (1), may not exceed 2,500 each fiscal year.

(B) CARRYOVER.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall not exceed 10,000.

(D) DURATION OF AUTHORITY.—The authority to issue visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall—

(i) commence on the date of the enactment of this Act; and

(ii) terminate on the date on which all such visas are exhausted.

(b) CERTAIN AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (2)(A)—

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

''(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

''(aa) by, or on behalf of, the United States Government; or

''(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

''(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

''(BB) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force); or

''(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;''; and

(B) in clause (iii), by striking ''clause (ii)'' and inserting ''clause (ii)(I)'';

(2) in paragraph (13)(A)(i), by striking ''subclause (I) or (II)(bb) of paragraph (2)(A)(ii)'' and inserting ''item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)'';

(3) in paragraph (14)(C), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''; and

(4) in paragraph (15), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''.

(c) EXTENSION OF SPECIAL IMMIGRANT VISA PROGRAM UNDER AFGHAN ALLIES PROTECTION ACT OF 2009.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking ''FISCAL YEARS 2015 THROUGH 2022'' and inserting ''FISCAL YEARS 2015 THROUGH 2029''; and

(B) in clause (i), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(C) in clause (ii), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(2) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2024'' and inserting ''January 31, 2030''.

(d) AUTHORIZATION OF VIRTUAL INTERVIEWS.—Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8;) is amended by adding at the end the following:

''(D) VIRTUAL INTERVIEWS.—Notwithstanding section 222(e) of the Immigration and Nationality Act (8 U.S.C. 1202(e)), an application for an immigrant visa under this section may be signed by the applicant through a virtual video meeting before a consular officer and verified by the oath of the applicant administered by the consular officer during a virtual video meeting.''.

(e) QUARTERLY REPORTS.—Paragraph (12) of section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended is amended to read as follows:

''(12) QUARTERLY REPORTS.—

''(A) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Border Act and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes the following:

''(i) For the preceding quarter—

''(I) a description of improvements made to the processing of special immigrant visas and refugee processing for citizens and nationals of Afghanistan;

''(II) the number of new Afghan referrals to the United States Refugee Admissions Program, disaggregated by referring entity;

''(III) the number of interviews of Afghans conducted by U.S. Citizenship and Immigration Services, disaggregated by the country in which such interviews took place;

''(IV) the number of approvals and the number of denials of refugee status requests for Afghans;

''(V) the number of total admissions to the United States of Afghan refugees;

''(VI) number of such admissions, disaggregated by whether the refugees come from within, or outside of, Afghanistan;

''(VII) the average processing time for citizens and nationals of Afghanistan who are applicants for referral under section 4314 of the Border Act;

''(VIII) the number of such cases processed within such average processing time; and

''(IX) the number of denials issued with respect to applications by citizens and nationals of Afghanistan for referrals under section 4314 of the Border Act.

''(ii) The number of applications by citizens and nationals of Afghanistan for refugee referrals pending as of the date of submission of the report.

''(iii) A description of the efficiency improvements made in the process by which applications for special immigrant visas under this subsection are processed, including information described in clauses (iii) through (viii) of paragraph (11)(B).

''(B) FORM OF REPORT.—Each report required by subparagraph (A) shall be submitted in unclassified form but may contain a classified annex.

''(C) PUBLIC POSTING.—The Secretary of State shall publish on the website of the Department of State the unclassified portion of each report submitted under subparagraph (A).''.

(f) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa or special immigrant status under—

(A) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1).

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who is seeking status as a special immigrant under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1), protection or to immediately remove such alien from Afghanistan, if possible.

(4) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States under this section or an amendment made by this section shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

SEC. 4317. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date that is 10 years thereafter, the Secretary and the Secretary of State may waive any fee or surcharge or exempt individuals from the payment of any fee or surcharge collected by the Department of Homeland Security and the Department of State, respectively, in connection with a petition or application for, or issuance of, an immigrant visa to a national of Afghanistan under section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a)), respectively.

SEC. 4318. REPORTING.

(a) QUARTERLY REPORTS.—Beginning on January 1, 2028, not less frequently than quarterly, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for the preceding quarter—

(1) the number of individuals granted conditional permanent resident status under section 4313, disaggregated by the number of such individuals for whom conditions have been removed;

(2) the number of individuals granted conditional permanent resident status under section 4313 who have been determined to be ineligible for removal of conditions (and the reasons for such determination); and

(3) the number of individuals granted conditional permanent resident status under section 4313 for whom no such determination has been made (and the reasons for the lack of such determination).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Secretary, in consultation with the Attorney General, shall submit to the appropriate committees of Congress a report that includes for the preceding year, with respect to individuals granted conditional permanent resident status under section 4313—

(1) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(2) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(2) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(3) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(3) the number of final orders of removal issued pursuant to proceedings described in paragraphs (1) and (2), disaggregated by each applicable ground of deportability;

(4) the number of such individuals for whom such proceedings are pending, disaggregated by each applicable ground of deportability; and

(5) a review of the available options for removal from the United States, including any changes in the feasibility of such options during the preceding year.

TITLE IV—PROMOTING LEGAL IMMIGRATION

SEC. 4401. EMPLOYMENT AUTHORIZATION FOR FIANCÉS, FIANCÉES, SPOUSES, AND CHILDREN OF UNITED STATES CITIZENS AND SPECIALTY WORKERS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) The Secretary of Homeland Security shall authorize an alien fiancé, fiancée, or spouse admitted pursuant to clause (i) or (ii) of section 101(a)(15)(K), or any child admitted pursuant to section 101(a)(15)(K)(iii) to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.

''(16) Upon the receipt of a completed petition described in subparagraph (E) or (F) of section 204(a)(1) for a principal alien who has been admitted pursuant to section 101(a)(15)(H)(i)(b), the Secretary of Homeland Security shall authorize the alien spouse or child of such principal alien who has been admitted under section 101(a)(15)(H) to accompany or follow to join a principal alien admitted under such section, to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.''.

SEC. 4402. ADDITIONAL VISAS.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (c)—

(A) by adding at the end the following:

''(6)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029—

''(i) 512,000 shall be substituted for 480,000 in paragraph (1)(A)(i); and

''(ii) 258,000 shall be substituted for 226,000 in paragraph (1)(B)(i)(i) of that paragraph.

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with this section and sections 202 and 203.''; and

(2) in subsection (d), by adding at the end the following:

''(3)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029, 158,000 shall be substituted for 140,000 in paragraph (1)(A).

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with this section and sections 202 and 203.''.

SEC. 4403. CHILDREN OF LONG-TERM VISA HOLDERS.

(a) MAINTAINING FAMILY UNITY FOR CHILDREN OF LONG-TERM H–1B NONIMMIGRANTS AFFECTED BY DELAYS IN VISA AVAILABILITY.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(6) CHILD STATUS DETERMINATION FOR CERTAIN DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—

''(A) DETERMINATIVE FACTORS.—For purposes of subsection (d), the determination of whether an alien described in subparagraph (B) satisfies the age and marital status requirements set forth in section 101(b)(1) shall be made using the alien's age and marital status on the date on which an initial petition as a nonimmigrant described in section 101(a)(15)(H)(i)(b) was filed on behalf of the alien's parent, if such petition was approved.

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if such alien—

''(i) maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission; and

''(ii)(I) sought to acquire the status of an alien lawfully admitted for permanent residence during the 2-year period beginning on the date on which an immigrant visa became available to such alien; or

''(II) demonstrates, by clear and convincing evidence, that the alien's failure to seek such status during such 2-year period was due to extraordinary circumstances.''.

(b) NONIMMIGRANT DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) CHILD DERIVATIVE BENEFICIARIES OF H-1B NONIMMIGRANTS.—

''(1) AGE DETERMINATION.—In the case of an alien who maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission, such alien's age shall be determined based on the date on which an initial petition for classification under such section was filed on behalf of the alien's parent, if such petition is approved.

''(2) LONG-TERM DEPENDENTS.—Notwithstanding the alien's actual age or marital status, an alien who is determined to be a child under paragraph (1) and is otherwise eligible may change status to, or extend status as, a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) if the alien's parent—

''(A) maintains lawful status under such section;

''(B) has an employment-based immigrant visa petition that has been approved pursuant to section 203(b); and

''(C) has not yet had an opportunity to seek an immigrant visa or adjust status under section 245.

''(3) EMPLOYMENT AUTHORIZATION.—An alien who is determined to be a child under paragraph (1) is authorized to engage in employment in the United States incident to the status of his or her nonimmigrant parent.

''(4) SURVIVING RELATIVE CONSIDERATION.—Notwithstanding the death of the qualifying relative, an alien who is determined to be a child under paragraph (1) is authorized to extend status as a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b).''.

(c) MOTION TO REOPEN OR RECONSIDER.—

(1) IN GENERAL.—A motion to reopen or reconsider the denial of a petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) and a subsequent application for an immigrant visa or adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), may be granted if—

(A) such petition or application would have been approved if—

(i) section 203(h)(6) of the Immigration and Nationality Act, as added by subsection (a), had been in effect when the petition or application was adjudicated; and

(ii) the person concerned remains eligible for the requested benefit;

(B) the individual seeking relief pursuant to such motion was in the United States at the time the underlying petition or application was filed; and

(C) such motion is filed with the Secretary or the Attorney General not later than the date that is 2 years after the date of the enactment of this Act.

(2) PROTECTION FROM REMOVAL.—Notwithstanding any other provision of the law, the Attorney General and the Secretary—

(A) may not initiate removal proceedings against or remove any alien who has a pending nonfrivolous motion under paragraph (1) or is seeking to file such a motion unless—

(i) the alien is a danger to the community or a national security risk; or

(ii) initiating a removal proceeding with respect to such alien is in the public interest; and

(B) shall provide aliens with a reasonable opportunity to file such a motion.

(3) EMPLOYMENT AUTHORIZATION.—An alien with a pending, nonfrivolous motion under this subsection shall be authorized to engage in employment through the date on which a final administrative decision regarding such motion has been made.

SEC. 4404. MILITARY NATURALIZATION MODERNIZATION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended—

(1) by striking section 328 (8 U.S.C. 1439); and

(2) in section 329 (8 U.S.C. 1440)—

(A) by amending the section heading to read as follows: ''**NATURALIZATION THROUGH SERVICE IN THE SELECTED RESERVE OR IN ACTIVE-DUTY STATUS.**—'';

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''during either'' and all that follows through ''foreign force'';

(ii) in paragraph (1)—

(I) by striking ''America Samoa, or Swains Island'' and inserting ''American Samoa, Swains Island, or any of the freely associated States (as defined in section 611(b)(1)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(b)(1)(C)),''; and

(II) by striking ''he'' and inserting ''such person''; and

(iii) in paragraph (2), by striking ''in an active-duty status, and whether separation from such service was under honorable conditions'' and inserting ''in accordance with subsection (b)(3)''; and

(C) in subsection (b)—

(i) in paragraph (1), by striking ''he'' and inserting ''such person''; and

(ii) in paragraph (3), by striking ''an active-duty status'' and all that follows through ''foreign force, and'' and inserting ''in an active status (as defined in section 101(d) of title 10, United States Code), in the Selected Reserve of the Ready Reserve, or on active duty (as defined in such section) and, if separated''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the items relating to sections 328 and 329 and inserting the following:

''Sec. 329. Naturalization through service in the Selected Reserve or in active-duty status.''.

SEC. 4405. TEMPORARY FAMILY VISITS.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT VISA SUBCATEGORY.—Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by striking ''temporarily for business or temporarily for pleasure;'' and inserting ''temporarily for—

''(i) business;

''(ii) pleasure; or

''(iii) family purposes;''.

(b) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by section 4403(b), is further amended by adding at the end the following:

''(t) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—

''(1) DEFINED TERM.—In this subsection and in section 101(a)(15)(B)(iii), the term 'family purposes' means any visit by a relative for a social, occasional, major life, or religious event, or for any other purpose.

''(2) FAMILY PURPOSES VISA.—Except as provided in paragraph (3), family travel for pleasure is authorized pursuant to the policies, terms, and conditions in effect on the day before the date of the enactment of the Border Act.

''(3) SPECIAL RULES FOR FAMILY PURPOSES VISAS FOR ALIENS AWAITING IMMIGRANT VISAS.—

''(A) NOTIFICATION OF APPROVED PETITION.—A visa may not be issued to a relative under section 101(a)(15)(B)(iii) until after the consular officer is notified that the Secretary of Homeland Security has approved a petition filed in the United States by a family member of the relative who is a United States citizen or lawful permanent resident.

''(B) PETITION.—A petition referred to in subparagraph (A) shall—

''(i) be in such form and contain such information as the Secretary may prescribe by regulation; and

''(ii) shall include—

''(I) a declaration of financial support, affirming that the petitioner will provide financial support to the relative for the duration of his or her temporary stay in the United States;

''(II) evidence that the relative has—

''(aa) obtained, for the duration of his or her stay in the United States, a short-term travel medical insurance policy; or

''(bb) an existing health insurance policy that provides coverage for international medical expenses; and

''(III) a declaration from the relative, under penalty of perjury, affirming the relative's—

''(aa) intent to depart the United States at the conclusion of the relative's period of authorized admission; and

''(bb) awareness of the penalties for overstaying such period of authorized admission.

''(4) PETITIONER ELIGIBILITY.—

''(A) IN GENERAL.—Absent extraordinary circumstances, an individual may not petition for the admission of a relative as a nonimmigrant described in section 101(a)(15)(B)(iii) if such individual previously petitioned for the admission of such a relative who—

''(i) was admitted to the United States pursuant to a visa issued under such section as a result of such petition; and

''(ii) overstayed his or her period of authorized admission.

''(B) PREVIOUS PETITIONERS.—

''(i) IN GENERAL.—An individual filing a declaration of financial support on behalf of a relative seeking admission as a nonimmigrant described in section 101(a)(15)(B)(iii) who has previously provided a declaration of financial support for such a relative shall—

''(I) certify to the Secretary of Homeland Security that the relative whose admission the individual previously supported did not overstay his or her period of authorized admission; or

''(II) explain why the relative's overstay was due to extraordinary circumstances beyond the control of the relative.

''(ii) CRIMINAL PENALTY FOR FALSE STATEMENT.—A certification under clause (i)(I) shall be subject to the requirements under section 1001 of title 18, United States Code.

''(C) WAIVER.—The Secretary of Homeland Security may waive the application of section 212(a)(9)(B) in the case of a nonimmigrant described in section 101(a)(15)(B)(iii) who overstayed his or her period of authorized admission due to extraordinary circumstances beyond the control of the nonimmigrant.''.

(c) RESTRICTION ON CHANGE OF STATUS.—Section 248(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1258(a)(1)) is amended by inserting ''(B)(iii),'' after ''subparagraph''.

(d) FAMILY PURPOSE VISA ELIGIBILITY WHILE AWAITING IMMIGRANT VISA.—

(1) IN GENERAL.—Notwithstanding section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)), a nonimmigrant described in section 101(a)(15)(B)(iii) of such Act, as added by subsection (a), who has been classified as an immigrant under section 201 of such Act (8 U.S.C. 1151) and is awaiting the availability of an immigrant visa subject to the numerical limitations under section 203 of such Act (8 U.S.C. 1153) may be admitted pursuant to a family purposes visa, in accordance with section 214(t) of such Act, as added by subsection (b), if the individual is otherwise eligible for admission.

(2) LIMITATION.—An alien admitted under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, pursuant to section 214(t)(3) of such Act, as added by subsection (b), may not be considered to have been admitted to the United States for purposes of section 245(a) of such Act (8 U.S.C. 1255(a)).

(e) RULE OF CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, may be construed as—

(1) limiting the authority of immigration officers to refuse to admit to the United States an applicant under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, as added by subsection (a), who fails to meet 1 or more of the criteria under section 214(t) of such Act, as added by subsection (b), or who is inadmissible under section 212(a) of such Act (8 U.S.C. 1182(a)); or

(2) precluding the use of section 101(a)(15)(B)(ii) of the Immigration and Nationality Act, as added by subsection (a), for family travel for pleasure in accordance with the policies and procedures in effect on the day before the date of the enactment of this Act.

TITLE V—SELF-SUFFICIENCY AND DUE PROCESS

Subtitle A—Work Authorizations

SEC. 4501. WORK AUTHORIZATION.

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

''(2) EMPLOYMENT ELIGIBILITY.—Except as provided in section 235C—

''(A) an applicant for asylum is not entitled to employment authorization, but such authorization may be provided by the Secretary of Homeland Security by regulation; and

''(B) an applicant who is not otherwise eligible for employment authorization may not be granted employment authorization under this section before the date that is 180 days after the date on which the applicant files an application for asylum.''.

SEC. 4502. EMPLOYMENT ELIGIBILITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4141(a), is further amended by adding at the end the following:

''SEC. 235C. EMPLOYMENT ELIGIBILITY.

''(a) EXPEDITED EMPLOYMENT ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall authorize employment for any alien who—

''(A)(i) is processed under the procedures described in section 235(b)(1) and receives a positive protection determination pursuant to such procedures; or

''(ii)(I) is processed under the procedures described in section 235B; and

''(II)(aa) receives a positive protection determination and is subsequently referred under section 235B(c)(2)(B)(i) for a protection merits interview; or

''(bb) is referred under section 235B(f)(1) for a protection merits interview; and

''(B) is released from the physical custody of the Secretary of Homeland Security.

''(2) APPLICATION.—The Secretary of Homeland Security shall grant employment authorization to—

''(A) an alien described in paragraph (1)(A)(i) immediately upon such alien's release from physical custody;

''(B) an alien described in paragraph (1)(A)(ii)(II)(aa) at the time such alien receives a positive protection determination or

is referred for a protection merits interview; and

''(C) an alien described in paragraph (1)(A)(ii)(II)(bb) on the date that is 30 days after the date on which such alien files an application pursuant to section 235B(f).

''(b) TERM.—Employment authorization under this section—

''(1) shall be for an initial period of 2 years; and

''(2) shall be renewable, as applicable—

''(A) for additional 2-year periods while the alien is in protection merits removal proceedings, including while the outcome of the protection merits interview is under administrative or judicial review; or

''(B) until the date on which—

''(i) the alien receives a negative protection merits determination; or

''(ii) the alien otherwise receives employment authorization under any other provision of this Act.

''(c) RULES OF CONSTRUCTION.—

''(1) DETENTION.—Nothing in this section may be construed to expand or restrict the authority of the Secretary of Homeland Security to detain or release from detention an alien, if such detention or release from detention is authorized by law.

''(2) LIMITATION ON AUTHORITY.—The Secretary of Homeland Security may not authorize for employment in the United States an alien being processed under section 235(b)(1) or 235B in any circumstance not explicitly described in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 235B, as added by section 4141(b), the following:

''Sec. 235C. Employment eligibility.''.

Subtitle B—Protecting Due Process

SEC. 4511. ACCESS TO COUNSEL.

(a) IN GENERAL.—Section 235(b)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(iv)) is amended to read as follows:

''(iv) INFORMATION ABOUT PROTECTION DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary of Homeland Security shall provide an alien with information in plain language regarding protection determinations conducted under this section, including the information described in subclause (II)—

''(aa) at the time of the initial processing of the alien; and

''(bb) to the maximum extent practicable, in the alien's native language or in a language the alien understands.

''(II) INFORMATION DESCRIBED.—The information described in this subclause is information relating to—

''(aa) the rights and obligations of the alien during a protection determination;

''(bb) the process by which a protection determination is conducted;

''(cc) the procedures to be followed by the alien in a protection determination; and

''(dd) the possible consequences of—

''(AA) not complying with the obligations referred to in item (aa); and

''(BB) not cooperating with Federal authorities.

''(III) ACCESSIBILITY.—An alien who has a limitation that renders the alien unable to read written materials provided under subclause (I) shall receive an interpretation of such materials in the alien's native language, to the maximum extent practicable, or in a language and format the alien understands.

''(IV) TIMING OF PROTECTION DETERMINATION.—

''(aa) IN GENERAL.—The protection determination of an alien shall not occur earlier than 72 hours after the provision of the information described in subclauses (I) and (II).

''(bb) WAIVER.—An alien may—

''(AA) waive the 72-hour requirement under item (aa) only if the alien knowingly and voluntarily does so, only in a written format or in an alternative record if the alien is unable to write, and only after the alien receives the information required to be provided under subclause (I); and

''(BB) consult with an individual of the alien's choosing in accordance with subclause (V) before waiving such requirement.

''(V) CONSULTATION.—

''(aa) IN GENERAL.—An alien who is eligible for a protection determination may consult with one or more individuals of the alien's choosing before the screening or interview, or any review of such a screening or interview, in accordance with regulations prescribed by the Secretary of Homeland Security.

''(bb) LIMITATION.—Consultation described in item (aa) shall be at no expense to the Federal Government.

''(cc) PARTICIPATION IN INTERVIEW.—An individual chosen by the alien may participate in the protection determination of the alien conducted under this subparagraph.

''(dd) ACCESS.—The Secretary of Homeland Security shall ensure that a detained alien has effective access to the individuals chosen by the alien, which may include physical access, telephonic access, and access by electronic communication.

''(ee) INCLUSIONS.—Consultations under this subclause may include—

''(AA) consultation with an individual authorized by the Department of Justice through the Recognition and Accreditation Program; and

''(BB) consultation with an attorney licensed under applicable law.

''(ff) RULES OF CONSTRUCTION.—Nothing in this subclause may be construed—

''(AA) to require the Federal Government to pay for any consultation authorized under item (aa);

''(BB) to invalidate or limit the remedies, rights, and procedures of any Federal law that provides protection for the rights of individuals with disabilities; or

''(CC) to contravene or limit the obligations under the Vienna Convention on Consular Relations done at Vienna April 24, 1963.''.

(b) CONFORMING AMENDMENT.—Section 238(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(2)) is amended by striking ''make reasonable efforts to ensure that the alien's access to counsel'' and inserting ''ensure that the alien's access to counsel, pursuant to section 235(b)(1)(B)(iv),''.

SEC. 4512. COUNSEL FOR CERTAIN UNACCOMPANIED ALIEN CHILDREN.

Section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)) is amended to read as follows:

''(5) ACCESS TO COUNSEL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary of Health and Human Services or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

''(B) EXCEPTION FOR CERTAIN CHILDREN.—

''(i) IN GENERAL.—An unaccompanied alien child who is 13 years of age or younger, and who is placed in or referred to removal proceedings pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a), shall be represented by counsel subject to clause (v).

''(ii) AGE DETERMINATIONS.—The Secretary of Health and Human Services shall ensure that age determinations of unaccompanied alien children are conducted in accordance with the procedures developed pursuant to subsection (b)(4).

''(iii) APPEALS.—The rights and privileges under this subparagraph—

''(I) shall not attach to—

''(aa) an unaccompanied alien child after the date on which—

''(AA) the removal proceedings of the child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) terminate;

''(BB) an order of removal with respect to the child becomes final; or

''(CC) an immigration benefit is granted to the child; or

''(bb) an appeal to a district court or court of appeals of the United States, unless certified by the Secretary as a case of extraordinary importance; and

''(II) shall attach to administrative reviews and appeals.

''(iv) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of the Border Act, the Secretary of Health and Human Services shall implement this subparagraph

''(v) REMEDIES.—

''(I) IN GENERAL.—For the population described in clause (i) of this subparagraph and subsection (b)(1) of section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), declaratory judgment that the unaccompanied alien child has a right to be referred to counsel, including pro-bono counsel, or a continuance of immigration proceedings, shall be the exclusive remedies available, other than for those funds subject to appropriations.

''(II) SETTLEMENTS.—Any settlement under this subparagraph shall be subject to appropriations.''.

SEC. 4513. COUNSEL FOR CERTAIN INCOMPETENT INDIVIDUALS.

Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) REPRESENTATION FOR CERTAIN INCOMPETENT ALIENS.—

''(1) IN GENERAL.—The immigration judge is authorized to appoint legal counsel or a certified representative accredited through the Department of Justice to represent an alien in removal proceedings if—

''(A) pro bono counsel is not available; and

''(B) the alien—

''(i) is unrepresented;

''(ii) was found by an immigration judge to be incompetent to represent themselves; and

''(iii) has been placed in or referred to removal proceedings pursuant to this section.

''(2) DETERMINATION ON COMPETENCE.—

''(A) PRESUMPTION OF COMPETENCE.—An alien is presumed to be competent to participate in removal proceedings and has the duty to raise the issue of competency. If there are no indicia of incompetency in an alien's case, no further inquiry regarding competency is required.

''(B) DECISION OF THE IMMIGRATION JUDGE.—

''(i) IN GENERAL.—If there are indicia of incompetency, the immigration judge shall

consider whether there is good cause to believe that the alien lacks sufficient competency to proceed without additional safeguards.

''(ii) INCOMPETENCY TEST.—The test for determining whether an alien is incompetent to participate in immigration proceedings, is not malingering, and consequently lacks sufficient capacity to proceed, is whether the alien, not solely on account of illiteracy or language barriers—

''(I) lacks a rational and factual understanding of the nature and object of the proceedings;

''(II) cannot consult with an available attorney or representative; and

''(III) does not have a reasonable opportunity to examine and present evidence and cross-examine witnesses.

''(iii) NO APPEAL.—A decision of an immigration judge under this subparagraph may not be appealed administratively and is not subject to judicial review.

''(C) EFFECT OF FINDING OF INCOMPETENCE.—A finding by an immigration judge that an alien is incompetent to represent himself or herself in removal proceedings shall not prejudice the outcome of any proceeding under this section or any finding by the immigration judge with respect to whether the alien is inadmissible under section 212 or removable under section 237.

''(3) QUARTERLY REPORT.—Not later than 90 days after the effective date of a final rule implementing this subsection, and quarterly thereafter, the Director of the Executive Office for Immigration Review shall submit to the appropriate committees of Congress a report that includes—

''(A)(i) the number of aliens in proceedings under this section who claimed during the reporting period to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason given for such claims, such as mental disease or mental defect; and

''(B)(i) the number of aliens in proceedings under this section found during the reporting period by an immigration judge to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason upon which such findings were based, such as mental disease or mental defect.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to require the Secretary of Homeland Security or the Attorney General to analyze whether an alien is incompetent to represent themselves, absent an indicia of incompetency;

''(B) to establish a substantive due process right;

''(C) to automatically equate a diagnosis of a mental illness to a lack of competency;

''(D) to limit the ability of the Attorney General or the immigration judge to prescribe safeguards to protect the rights and privileges of the alien;

''(E) to limit any authorized representation program by a State, local, or Tribal government;

''(F) to provide any statutory right to representation in any proceeding authorized under this Act, unless such right is already authorized by law; or

''(G) to interfere with, create, or expand any right or responsibility established through a court order or settlement agreement in effect before the date of the enactment of the Border Act.

''(5) RULEMAKING.—The Attorney General is authorized to prescribe regulations to carry out this subsection.''.

SEC. 4514. CONFORMING AMENDMENT.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

''SEC. 292. RIGHT TO COUNSEL.

''(a) IN GENERAL.—In any removal proceeding before an immigration judge and in any appeal proceeding before the Attorney General from an order issued through such removal proceeding, the person concerned shall have the privilege of being represented (at no expense to the Federal Government) by any counsel who is authorized to practice in such proceedings.

''(b) EXCEPTIONS FOR CERTAIN POPULATIONS.—The Federal Government is authorized to provide counsel, at its own expense, in proceedings described in subsection (a) for—

''(1) unaccompanied alien children described in paragraph (5)(B) of section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)); and

''(2) subject to appropriations, certain incompetent aliens described in section 240(e).''.

TITLE VI—ACCOUNTABILITY AND METRICS

SEC. 4601. EMPLOYMENT AUTHORIZATION COMPLIANCE.

Not later than 1 year and 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public that describes the actions taken by Secretary pursuant to section 235C of the Immigration and Nationality Act, as added by section 4502, including—

(1) the number of employment authorization applications granted or denied pursuant to subsection (a)(1) of such section 235C, disaggregated by whether the alien concerned was processed under the procedures described in section 235(b)(1) or 235B of such Act;

(2) the ability of the Secretary to comply with the timelines for provision of work authorization prescribed in subparagraphs (A) through (C) of section 235C(a)(2) of such Act, including whether complying with subparagraphs (A) and (B) of such section 235C(a)(2) has caused delays in the processing of such aliens;

(3) the number of employment authorizations revoked due to an alien's failure to comply with the requirements under section 235B(f)(5)(B) of the Immigration and Nationality Act, as added by section 4141, or for any other reason, along with the articulated basis; and

(4) the average time for the revocation of an employment authorization if an alien is authorized to work under section 235C of the Immigration and Nationality Act and is subsequently ordered removed.

SEC. 4602. LEGAL ACCESS IN CUSTODIAL SETTINGS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public regarding alien access to legal representation and consultation in custodial settings, including—

(1) the total number of aliens who secured or failed to secure legal representation pursuant to section 235(b)(1)(B)(iv)(V) of the Immigration and Nationality Act, as added by section 4511, before the protection determination under section 235(b)(1)(B)(i) of such Act, including the disposition of such alien's interview;

(2) the total number of aliens who waived the 72-hour period pursuant to section 235(b)(1)(B)(iv)(IV)(bb) of such Act, including the disposition of the alien's protection determination pursuant to section 235(b)(1)(B)(i) of such Act;

(3) the total number of aliens who required a verbal interpretation of the information about screenings and interviews pursuant to section 235(b)(1)(B)(iv) of such Act, disaggregated by the number of aliens who received or did not receive such an interpretation, respectively, pursuant to section 235(b)(1)(B)(iv)(III) of such Act, including the disposition of their respective protection determinations pursuant to section 235(b)(1)(B)(i) of such Act;

(4) the total number of aliens who received information, either verbally or in writing, in their native language; and

(5) whether such policies and procedures with respect to access provided in section 235(b)(1)(B)(iv) have been made available publicly.

SEC. 4603. CREDIBLE FEAR AND PROTECTION DETERMINATIONS.

Not later than 1 year and 60 days after the date of the enactment of this Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall submit a report to the appropriate committees of Congress and to the public that sets forth—

(1) the number of aliens who requested or received a protection determination pursuant to section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B));

(2) the number of aliens who requested or received a protection determination pursuant to section 235B(b) of such Act, as added by section 4141;

(3) the number of aliens described in paragraphs (1) and (2) who are subject to an asylum exception under section 235(b)(1)(B)(vi) of such Act, disaggregated by specific asylum exception;

(4) the number of aliens for whom an asylum officer determined that an alien may be eligible for a waiver under section 235(b)(1)(B)(vi) of such Act and did not apply such asylum exception to such alien;

(5) the number of aliens described in paragraph (1) or (2) who—

(A) received a positive screening or determination; or

(B) received a negative screening or determination;

(6) the number of aliens described in paragraph (5)(B) who requested reconsideration or appeal of a negative screening and the disposition of such requests;

(7) the number of aliens described in paragraph (6) who, upon reconsideration—

(A) received a positive screening or determination, as applicable; or

(B) received a negative screening or determination, as applicable;

(8) the number of aliens described in paragraph (5)(B) who appealed a decision subsequent to a request for reconsideration;

(9) the number of aliens described in paragraph (5)(B) who, upon appeal of a decision, disaggregated by whether or not such alien requested reconsideration of a negative screening—

(A) received a positive screening or determination, as applicable; or

(B) received negative screening or determination, as applicable; and

(10) the number of aliens who withdraw their application for admission, including—

(A) whether such alien could read or write;

(B) whether the withdrawal occurred in the alien's native language;

(C) the age of such alien; and

(D) the Federal agency or component that processed such withdrawal.

SEC. 4604. PUBLICATION OF OPERATIONAL STATISTICS BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Beginning in the second calendar month beginning after the date of the enactment of this Act, the Commissioner

for U.S. Customs and Border Protection shall publish, not later than the seventh day of each month, on a publicly available website of the Department, information from the previous month relating to—

(1) the number of alien encounters, disaggregated by—

(A) whether such aliens are admissible or inadmissible, including the basis for such determinations;

(B) the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter;

(C) any outcomes recorded 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)), including—

(i) whether the alien is found to be inadmissible or removeable due to a specific ground relating to terrorism;

(ii) the alien's country of nationality, race or ethnic identification, and age; and

(iii) whether the alien's alleged terrorism is related to domestic or international actors, if available;

(D) aliens with active Federal or State warrants for arrest in the United States and the nature of the crimes justifying such warrants;

(E) the nationality of the alien;

(F) whether the alien encountered is a single adult, an individual in a family unit, an unaccompanied child, or an accompanied child;

(G) the average time the alien remained in custody, disaggregated by demographic information;

(H) the processing disposition of each alien described in this paragraph upon such alien's release from the custody of U.S. Customs and Border Protection, disaggregated by nationality;

(I) the number of aliens who are paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), disaggregated by geographic region or sector;

(J) the recidivism rate of aliens described in this paragraph, including the definition of ''recidivism'' and notice of any changes to such definition; and

(K) aliens who have a confirmed gang affiliation, including—

(i) whether such alien was determined to be inadmissible or removable due to such affiliation;

(ii) the specific gang affiliation alleged;

(iii) the basis of such allegation; and

(iv) the Federal agency or component that made such allegation or determination;

(2) seizures, disaggregated by the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter, of—

(A) narcotics;

(B) firearms, whether inbound or outbound, including whether such firearms were manufactured in the United States, if known;

(C) monetary instruments, whether inbound and outbound; and

(D) other specifically identified contraband;

(3) with respect to border emergency authority described in section 244A of the Immigration and Nationality Act, as added by section 4301—

(A) the number of days such authority was in effect;

(B) the number of encounters (as defined in section 244A(i)(3)) of such Act, disaggregated by U.S. Border Patrol sector and U.S. Customs and Border Patrol field office;

(C) the number of summary removals made under such authority;

(D) the number of aliens who manifested a fear of persecution or torture and were screened for withholding of removal or for protection under the Convention Against Torture, and the disposition of each such screening, including the processing disposition or outcome;

(E) the number of aliens who were screened at a port of entry in a safe and orderly manner each day such authority was in effect, including the processing disposition or outcome;

(F) whether such authority was exercised under subparagraph (A), (B)(i), or (B)(ii) of section 244A(b)(3) of such Act;

(G) a public description of all the methods by which the Secretary determines if an alien may be screened in a safe and orderly manner;

(H) the total number of languages that are available for such safe and orderly process;

(I) the number of aliens who were returned to a country that is not their country of nationality;

(J) the number of aliens who were returned to any country without a humanitarian or protection determination during the use of such authority;

(K) the number of United States citizens who were inadvertently detained, removed, or affected by such border emergency authority;

(L) the number of individuals who have lawful permission to enter the United States and were inadvertently detained, removed, or affected by such border emergency authority;

(M) a summary of the impact to lawful trade and travel during the use of such border emergency authority, disaggregated by port of entry;

(N) the disaggregation of the information described in subparagraphs (C), (D), (E), (I), (J), (K), and (L) by the time the alien remained in custody and by citizenship and family status, including—

(i) single adults;

(ii) aliens traveling in a family unit;

(iii) unaccompanied children;

(iv) accompanied children;

(4) information pertaining to agricultural inspections;

(5) border rescues and mortality data;

(6) information regarding trade and travel; and

(7) with respect to aliens who were transferred from the physical custody of a State or Federal law enforcement agency or other State agency to the physical custody of a Federal agency or component—

(A) the specific States concerned;

(B) whether such alien had initially been charged with a State crime before the State transferred such alien to such Federal agency or component; and

(C) the underlying State crime with which the alien was charged.

(b) TOTALS.—The information described in subsection (a) shall include the total amount of each element described in each such paragraph in the relevant unit of measurement for reporting month.

(c) DEFINITIONS.—The monthly publication required under subsection (a) shall—

(1) include the definition of all terms used by the Commissioner; and

(2) specifically note whether the definition of any term has been changed.

(d) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each publication pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4605. UTILIZATION OF PAROLE AUTHORITIES.

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1182 note) is amended to read as follows:

''(b) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the public that identifies the number of aliens paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)).

''(2) CONTENTS.—Each report required under paragraph (1) shall include—

''(A) the total number of aliens—

''(i) who submitted applications for parole;

''(ii) whose parole applications were approved; or

''(iii) who were granted parole into the United States during the fiscal year immediately preceding the fiscal year during which such report is submitted;

''(B) the elements described in subparagraph (A), disaggregated by—

''(i) citizenship or nationality;

''(ii) demographic categories;

''(iii) the component or subcomponent of the Department of Homeland Security that granted such parole;

''(iv) the parole rationale or class of admission, if applicable; and

''(v) the sector, field office, area of responsibility, or port of entry where such parole was requested, approved, or granted;

''(C) the number of aliens who requested re-parole, disaggregated by the elements described in subparagraph (B), and the number of denials of re-parole requests;

''(D) the number of aliens whose parole was terminated for failing to abide by the terms of parole, disaggregated by the elements described in subparagraph (B);

''(E) for any parole rationale or class of admission which requires sponsorship, the number of sponsor petitions which were—

''(i) confirmed;

''(ii) confirmed subsequent to a nonconfirmation; or

''(iii) denied;

''(F) for any parole rationale or class of admission in which a foreign government has agreed to accept returns of third country nationals, the number of returns of such third country nationals such foreign government has accepted;

''(G) the number of aliens who filed for asylum after being paroled into the United States; and

''(H) the number of aliens described in subparagraph (G) who were granted employment authorization based solely on a grant of parole.

''(3) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to paragraph (1), the Secretary shall—

''(A) protect any personally identifiable information associated with aliens described in paragraph (1); and

''(B) comply with all applicable privacy laws.''.

SEC. 4606. ACCOUNTABILITY IN PROVISIONAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress and the public regarding the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142 during the previous 12-month period.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) the number of aliens processed pursuant to section 235B(b) of the Immigration and Nationality Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who—

(i) were provided proper service and notice upon release from custody pursuant to section 235B(b)(2) of such Act; or

(ii) were not given such proper service and notice;

(C) the number of aliens who received a protection determination interview pursuant to section 235B(c) of such Act within the 90-day period required under section 235B(b)(3)(A) of such Act;

(D) the number of aliens described in subparagraph (C)—

(i) who retained legal counsel;

(ii) who received a positive protection determination;

(iii) who received a negative protection determination;

(iv) for those aliens described in clause (iii), the number who—

(I) requested reconsideration;

(II) whether such reconsideration resulted in approval or denial;

(III) whether an alien upon receiving a negative motion for reconsideration filed an appeal;

(IV) who appealed a negative decision without filing for reconsideration;

(V) whether the appeal resulted in approval or denial, disaggregated by the elements in subclauses (III) and (IV); and

(VI) whether the alien, upon receiving a negative decision as described in subclauses (III) and (V), was removed from the United States upon receiving such negative decision;

(v) who absconded during such proceedings; and

(vi) who failed to receive proper service;

(E) the number of aliens who were processed pursuant to section 235B(f) of such Act; and

(F) the number of aliens described in subparagraph (E) who submitted their application pursuant to section 235B(f)(2)(B)(i) of such Act;

(2) the average time taken by the Department of Homeland Security—

(A) to perform a protection determination interview pursuant to section 235B(b) of such Act;

(B) to serve notice of a protection determination pursuant to section 235B(e) of such Act after a determination has been made pursuant to section 235B(b) of such Act;

(C) to provide an alien with a work authorization pursuant to section 235C of such Act, as added by section 4501, disaggregated by the requirements under subparagraphs (A), (B), and (C) of section 235C(a)(2) of such Act; and

(D) the utilization of the Alternatives to Detention program authorized under section 235B(a)(3) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody;

(ii) the level of compliance by the alien with the rules of the Alternatives to Detention program; and

(iii) the total cost of each Alternatives to Detention type;

(3) the number of aliens processed pursuant to section 240D(d) of such Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who were provided proper service and notice of a protection determination pursuant to section 235B(e) of such Act;

(C) the number of aliens who received a protection merits interview pursuant to section 240D(c)(3) of such Act within the 90-day period required under section 240D(b) of such Act;

(D) the number of aliens who received a positive protection merits determination pursuant to section 240D(d)(2) of such Act;

(E) the number of aliens who received a negative protection merits determination pursuant to section 240D(d)(3) of such Act, disaggregated by the number of aliens who appealed the determination pursuant to section 240D(e) of such Act and who received a result pursuant to section 240D(e)(7) of such Act;

(F) the number of aliens who were processed pursuant to section 240D of such Act who retained legal counsel;

(G) the number of aliens who appeared at such proceedings; and

(H) the number of aliens who absconded during such proceedings; and

(4) the average time taken by the Department of Homeland Security—

(A) to perform a protection merits interview pursuant to section 240D(d) of such Act;

(B) to serve notice of a protection merits determination pursuant to section 240D(d) of such Act; and

(C) the utilization of Alternatives to Detention program authorized under section 240D(c)(2) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody; and

(ii) the level of compliance by the aliens with rules of the Alternatives to Detention program.

(c) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4607. ACCOUNTABILITY IN VOLUNTARY REPATRIATION, WITHDRAWAL, AND DEPARTURE.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress regarding the implementation of section 240G of the Immigration and Nationality Act, as added by section 4144.

(b) CONTENTS.—The report required under subsection (a) shall include the number of aliens who utilized the provisions of such section 240G, disaggregated by—

(1) demographic information;

(2) the period in which the election took place;

(3) the total costs of repatriation flight when compared to the cost to charter a private, commercial flight for such return;

(4) alien use of reintegration or reception programs in the alien's country of nationality after removal from the United States;

(5) the number of aliens who failed to depart in compliance with section 240G(i)(2) of such Act;

(6) the number of aliens to which a civil penalty and a period of ineligibility was applied; and

(7) the number of aliens who did depart.

SEC. 4608. GAO ANALYSIS OF IMMIGRATION JUDGE AND ASYLUM OFFICER DECISION-MAKING REGARDING ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE.

(a) IN GENERAL.—Not later than 2 years after the Comptroller General of the United States submits the certification described in section 4146(d)(3), the Comptroller General shall analyze the decision rates of immigration judges and asylum officers regarding aliens who have received a positive protection determination and have been referred to proceedings under section 240 or 240D of the Immigration and Nationality Act, as applicable, to determine—

(1) whether the Executive Office for Immigration Review and U.S. Citizenship and Immigration Services have any differential in rate of decisions for cases involving asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984; and

(2) the causes for any such differential, including any policies, procedures, or other administrative measures.

(b) RECOMMENDATIONS.—Upon completing the analysis required under subsection (a), the Comptroller General shall submit recommendations to the Director of the Executive Office for Immigration Review and the Director of U.S. Citizenship and Immigration Services regarding any administrative or procedural changes necessary to ensure uniformity in decision-making between those agencies, which may not include quotas.

SEC. 4609. REPORT ON COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress with respect to unaccompanied alien children who received appointed counsel pursuant to section 235(c)(5)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, as added by section 4512, including—

(1) the number of unaccompanied alien children who obtained such counsel compared to the number of such children who did not obtain such counsel;

(2) the sponsorship category of unaccompanied alien children who obtained counsel;

(3) the age ranges of unaccompanied alien children who obtained counsel;

(4) the administrative appeals, if any, of unaccompanied alien children who obtained counsel; and

(5) the case outcomes of unaccompanied alien children who obtained counsel.

(b) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary of Health and Human Services shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4610. RECALCITRANT COUNTRIES.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended—

(1) by striking ''On being notified'' and inserting the following:

''(1) IN GENERAL.—On being notified''; and

(2) by adding at the end the following:

''(2) REPORT ON RECALCITRANT COUNTRIES.—

''(A) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security and the Secretary of State shall jointly—

''(i) prepare an unclassified annual report, which may include a classified annex, that includes the information described in subparagraph (C); and

''(ii) submit such report to Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

''(B) BRIEFING.—Not later than 30 days after the date on which a report is submitted

pursuant to subparagraph (A), designees of the Secretary of Homeland Security and of the Secretary of State shall brief the committees referred to in subparagraph (A)(ii) regarding any measures taken to encourage countries to accept the return of their citizens, subjects, or nationals, or aliens whose last habitual residence was within each such country, who have been ordered removed from the United States.

''(C) CONTENTS.—Each report prepared pursuant to subparagraph (A)(i) shall include—

''(i) a list of all countries that—

''(I) deny the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States; or

''(II) unreasonably delay the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(ii) for each country described in clause (i)(II), the average length of delay of such citizens, subjects, nationals, or aliens acceptance into such country;

''(iii) a list of the foreign countries that have placed unreasonable limitations upon the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(iv) a description of the criteria used to determine that a country described under clause (iii) has placed such unreasonable limitations;

''(v) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year, including—

''(I) the number of aliens who—

''(aa) received a denial of a work authorization; and

''(bb) are not eligible to request work authorization;

''(vi) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year and who are being detained, disaggregated by—

''(I) the length of such detention;

''(II) the aliens who requested a review of the significant likelihood of their removal in the reasonably foreseeable future;

''(III) the aliens for whom the request for release under such review was denied;

''(IV) the aliens who remain detained on account of special circumstances despite no significant likelihood that such aliens will be removed in the foreseeable future, disaggregated by the specific circumstance;

''(V) the aliens described in subclause (IV) who are being detained based on a determination that they are specially dangerous;

''(VI) the aliens described in subclause (V) whose request to review the basis for their continued detention was denied;

''(VII) demographic categories, including part of a family unit, single adults, and unaccompanied alien children;

''(vii) the number of aliens referred to in clauses (i) through (iii) who—

''(I) have criminal convictions, disaggregated by National Crime Information Center code, whether misdemeanors or felonies;

''(II) are considered national security threats to the United States;

''(III) are members of a criminal gang or another organized criminal organization, if found to be inadmissible or removable on such grounds; or

''(IV) have been released from U.S. Immigration and Customs Enforcement custody on an order of supervision and the type of supervision and compliance with such supervision, if applicable;

''(viii) a description of the actions taken by the Department of Homeland Security and the Department of State to encourage foreign nations to accept the return of their nationals; and

''(ix) the total number of individuals that such jurisdiction has accepted who are not citizens, subjects, or nationals, or aliens who last habitually resided within such jurisdiction and have been removed from the United States, if any.''.

TITLE VII—OTHER MATTERS

SEC. 4701. SEVERABILITY.

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

SA 1573. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AGE-OUT PROTECTIONS AND PRIORITY DATE RETENTION.

(a) AGE-OUT PROTECTIONS.—

(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 101(b) (8 U.S.C. 1101(b)), by adding at the end the following:

''(6) DETERMINATION OF CHILD STATUS.—A determination as to whether an alien is a child shall be made as follows:

''(A) IN GENERAL.—For purposes of a petition under section 204 and any subsequent application for an immigrant visa or adjustment of status, such determination shall be made using the age of the alien on the earlier of—

''(i) the date on which the petition is filed with the Secretary of Homeland Security; or

''(ii) the date on which an application for a labor certification under section 212(a)(5)(A)(i) is filed with the Secretary of Labor.

''(B) CERTAIN DEPENDENTS OF NONIMMIGRANTS.—With respect to an alien who, for an aggregate period of 8 years before attaining the age of 21, was in the status of a dependent child of a nonimmigrant pursuant to a lawful admission as an alien eligible to be employed in the United States (other than a nonimmigrant described in subparagraph (A), (G), (N), or (S) of section 101(a)(15)), notwithstanding clause (i), the determination of the alien's age shall be based on the date on which such initial nonimmigrant employment-based petition or application was filed by the alien's nonimmigrant parent.

''(C) FAILURE TO ACQUIRE STATUS AS ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—With respect to an alien who has not sought to acquire status as an alien lawfully admitted for permanent residence during the 2 years beginning on the date on which an immigrant visa becomes available to such alien, the alien's age shall be determined based on the alien's biological age, unless the failure to seek to acquire such status was due to extraordinary circumstances.''; and

(B) in section 201(f) (8 U.S.C. 1151)—

(i) by striking the subsection heading and all that follows through ''TERMINATION DATE.—'' in paragraph (3) and inserting ''RULE FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—''; and

(ii) by striking paragraph (4).

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall be effective as if included in the Child Status Protection Act (Public Law 107–208; 116 Stat. 927).

(B) MOTION TO REOPEN OR RECONSIDER.—

(i) IN GENERAL.—A motion to reopen or reconsider the denial of a petition or application described in the amendment made by paragraph (1)(A) may be granted if—

(I) such petition or application would have been approved if the amendment described in such paragraph had been in effect at the time of adjudication of the petition or application;

(II) the individual seeking relief pursuant to such motion was in the United States at the time the underlying petition or application was filed; and

(III) such motion is filed with the Secretary of Homeland Security or the Attorney General not later than the date that is 2 years after the date of the enactment of this Act.

(ii) IN LIEU OF MOTION TO REOPEN.—If an alien who qualifies under section 101(b)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(6)(B)) has a parent who has been lawfully admitted for permanent residence or is a citizen of the United States, the alien shall not be required to file a motion to reopen and shall be immediately eligible to apply for adjustment of status or have a pending adjustment of status considered based upon any immigrant visa petition in which the alien is a beneficiary or derivative beneficiary if such adjustment of status is filed not later than the date that is 2 years after the date of the enactment of this Act.

(iii) EXEMPTION FROM NUMERICAL LIMITATIONS.—Notwithstanding any other provision of law, an individual granted relief under clause (i) or (ii) shall be exempt from the numerical limitations in sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(b) NONIMMIGRANT DEPENDENT CHILDREN.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) DERIVATIVE BENEFICIARIES.—

''(1) IN GENERAL.—Except as described in paragraph (2), the determination as to whether an alien who is the derivative beneficiary of a properly filed pending or approved immigrant petition under section 204 is eligible to be a dependent child shall be based on whether the alien is determined to be a child under section 101(b)(6).

''(2) LONG-TERM DEPENDENTS.—If otherwise eligible, an alien who is determined to be a child pursuant to section 101(b)(6)(B) may change status to, or extend status as, a dependent child of a nonimmigrant with an approved employment-based petition under this section or an approved application under section 101(a)(15)(E), notwithstanding such alien's marital status.

''(3) EMPLOYMENT AUTHORIZATION.—An alien admitted to the United States as a dependent child of a nonimmigrant who is described in this section is authorized to engage in employment in the United States incident to status.''.

(c) PRIORITY DATE RETENTION.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(1) by striking the subsection heading and inserting ''RETENTION OF PRIORITY DATES'';

(2) by striking paragraphs (1) through (4);

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

(4) by inserting before paragraph (3) the following:

''(1) IN GENERAL.—The priority date for an individual shall be the date on which a petition under section 204 is filed with the Secretary of Homeland Security or the Secretary of State, as applicable, unless such petition was preceded by the filing of a labor certification with the Secretary of Labor, in which case the date on which the labor certification is filed shall be the priority date.

''(2) APPLICABILITY.—The principal beneficiary and all derivative beneficiaries shall retain the priority date associated with the earliest of any approved petition or labor certification, and such priority date shall be applicable to any subsequently approved petition.''.

SA 1574. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle _____—Immigration Age-out Protections

SEC. _____. AGE-OUT PROTECTIONS AND PRIORITY DATE RETENTION.

(a) AGE-OUT PROTECTIONS.—

(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 101(b) (8 U.S.C. 1101(b)), by adding at the end the following:

''(6) DETERMINATION OF CHILD STATUS.—A determination as to whether an alien is a child shall be made as follows:

''(A) IN GENERAL.—For purposes of a petition under section 204 and any subsequent application for an immigrant visa or adjustment of status, such determination shall be made using the age of the alien on the earlier of—

''(i) the date on which the petition is filed with the Secretary of Homeland Security; or

''(ii) the date on which an application for a labor certification under section 212(a)(5)(A)(i) is filed with the Secretary of Labor.

''(B) CERTAIN DEPENDENTS OF NONIMMIGRANTS.—With respect to an alien who, for an aggregate period of 8 years before attaining the age of 21, was in the status of a dependent child of a nonimmigrant pursuant to a lawful admission as an alien eligible to be employed in the United States (other than a nonimmigrant described in subparagraph (A), (G), (N), or (S) of section 101(a)(15)), notwithstanding clause (i), the determination of the alien's age shall be based on the date on which such initial nonimmigrant employment-based petition or application was filed by the alien's nonimmigrant parent.

''(C) FAILURE TO ACQUIRE STATUS AS ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—With respect to an alien who has not sought to acquire status as an alien lawfully admitted for permanent residence during the 2 years beginning on the date on which an immigrant visa becomes available to such alien, the alien's age shall be determined based on the alien's biological age, unless the failure to seek to acquire such status was due to extraordinary circumstances.''; and

(B) in section 201(f) (8 U.S.C. 1151)—

(i) by striking the subsection heading and all that follows through ''TERMINATION DATE.—'' in paragraph (3) and inserting ''RULE FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—''; and

(ii) by striking paragraph (4).

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall be effective as if included in the Child Status Protection Act (Public Law 107–208; 116 Stat. 927).

(B) MOTION TO REOPEN OR RECONSIDER.—

(i) IN GENERAL.—A motion to reopen or reconsider the denial of a petition or application described in the amendment made by paragraph (1)(A) may be granted if—

(I) such petition or application would have been approved if the amendment described in such paragraph had been in effect at the time of adjudication of the petition or application;

(II) the individual seeking relief pursuant to such motion was in the United States at the time the underlying petition or application was filed; and

(III) such motion is filed with the Secretary of Homeland Security or the Attorney General not later than the date that is 2 years after the date of the enactment of this Act.

(ii) IN LIEU OF MOTION TO REOPEN.—If an alien who qualifies under section 101(b)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(6)(B)) has a parent who has been lawfully admitted for permanent residence or is a citizen of the United States, the alien shall not be required to file a motion to reopen and shall be immediately eligible to apply for adjustment of status or have a pending adjustment of status considered based upon any immigrant visa petition in which the alien is a beneficiary or derivative beneficiary if such adjustment of status is filed not later than the date that is 2 years after the date of the enactment of this Act.

(iii) EXEMPTION FROM NUMERICAL LIMITATIONS.—Notwithstanding any other provision of law, an individual granted relief under clause (i) or (ii) shall be exempt from the numerical limitations in sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(b) NONIMMIGRANT DEPENDENT CHILDREN.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) DERIVATIVE BENEFICIARIES.—

''(1) IN GENERAL.—Except as described in paragraph (2), the determination as to whether an alien who is the derivative beneficiary of a properly filed pending or approved immigrant petition under section 204 is eligible to be a dependent child shall be based on whether the alien is determined to be a child under section 101(b)(6).

''(2) LONG-TERM DEPENDENTS.—If otherwise eligible, an alien who is determined to be a child pursuant to section 101(b)(6)(B) may change status to, or extend status as, a dependent child of a nonimmigrant with an approved employment-based petition under this section or an approved application under section 101(a)(15)(E), notwithstanding such alien's marital status.

''(3) EMPLOYMENT AUTHORIZATION.—An alien admitted to the United States as a dependent child of a nonimmigrant who is described in this section is authorized to engage in employment in the United States incident to status.''.

(c) PRIORITY DATE RETENTION.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(1) by striking the subsection heading and inserting ''RETENTION OF PRIORITY DATES'';

(2) by striking paragraphs (1) through (4);

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

(4) by inserting before paragraph (3) the following:

''(1) IN GENERAL.—The priority date for an individual shall be the date on which a petition under section 204 is filed with the Secretary of Homeland Security or the Secretary of State, as applicable, unless such petition was preceded by the filing of a labor certification with the Secretary of Labor, in which case the date on which the labor certification is filed shall be the priority date.

''(2) APPLICABILITY.—The principal beneficiary and all derivative beneficiaries shall retain the priority date associated with the earliest of any approved petition or labor certification, and such priority date shall be applicable to any subsequently approved petition.''.

Subtitle _____—VETERAN DEPORTATION PREVENTION AND REFORM ACT

SEC. _____. SHORT TITLE.

This subtitle may be cited as the ''Veteran Deportation Prevention and Reform Act''.

SEC. _____. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) military service to the United States is a sacrifice that demonstrates loyalty to our Nation;

(2) a noncitizen who takes an oath of enlistment or an oath of office to join the United States Armed Forces, by promising to support and defend the Constitution of the United States against all enemies, foreign and domestic, deserves facilitated access to naturalization;

(3) each noncitizen described in paragraph (2) and his or her immediate family members deserve consideration for the exercise of prosecutorial discretion in immigration removal proceedings; and

(4) a noncitizen veteran who is deported after consideration under this subtitle should be provided the same veterans' benefits to which a similarly situated United States citizen veteran would be entitled.

SEC. _____. DEFINITIONS.

In this subtitle:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Military Family Immigration Advisory Committee established under this subtitle.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services of the Senate;

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

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Veterans' Affairs of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives; and

(H) the Committee on Veterans' Affairs of the House of Representatives.

(3) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101(a)(4) of title 10, United States Code, and includes the reserve components of the Armed Forces.

(4) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Military Family Immigration Advisory Committee established under this subtitle.

(5) COVERED FAMILY MEMBER.—The term ''covered family member'' means the noncitizen spouse, noncitizen parent, or noncitizen minor child of—

(A) a member of the Armed Forces serving on active duty or in a reserve component; or

(B) a veteran.

(6) CRIME OF VIOLENCE.—The term ''crime of violence'' means an offense defined in section 16(a) of title 18, United States Code—

(A) that is not a purely political offense; and

(B) for which a noncitizen has served a term of imprisonment of at least 5 years.

(7) ELIGIBLE VETERAN.—

(A) IN GENERAL.—The term ''eligible veteran'' means a veteran who—

(i) is a noncitizen; and

(ii) meets the criteria described in section [_____](e) of this subtitle.

(B) INCLUSION.—The term ''eligible veteran'' includes a veteran who—

(i) was removed from the United States; or

(ii) is abroad and is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(8) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(9) NONCITIZEN.—The term ''noncitizen'' means an individual who is not a citizen or national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

(10) VETERAN.—The term ''veteran'' means a person who served as a member of the Armed Forces on active duty or in a reserve component and who was discharged or released from such service under conditions other than dishonorable.

SEC. _____. IDENTIFICATION OF MEMBERS OF THE ARMED FORCES, VETERANS, AND COVERED FAMILY MEMBERS IN REMOVAL PROCEEDINGS.

(a) IN GENERAL.—No Federal agency may initiate removal proceedings or reinstatement of a removal order without first asking the individual, and recording the answer in a searchable electronic database, whether such individual is—

(1) a member of the Armed Forces serving on active duty or in a reserve component;

(2) a veteran; or

(3) a covered family member.

(b) TRANSFER OF CASE FILES.—The Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Citizenship and Immigration Services, and the Commissioner of U.S. Customs and Border Patrol, as applicable, shall transfer a copy of the complete case file of any individual identified under subsection (a), immediately after such identification, to the Advisory Committee.

(c) LIMITATION ON REMOVAL.—Notwithstanding any other provision of law, an individual described in subsection (a) may not be ordered removed or removed until the Military Family Immigration Advisory Committee has provided recommendations with respect to such individual to the Secretary of Homeland Security and to the Attorney General in accordance with section [_____].

(d) PROHIBITION OF DETENTION DURING ADVISORY COMMITTEE REVIEW.—Notwithstanding any other provision of law, no individual described in paragraph (1), (2), or (3) of subsection (a) may be detained by the Department of Homeland Security while the Advisory Committee is reviewing his or her case unless such individual poses a danger to public safety or national security.

SEC. _____. STUDY AND REPORT ON NONCITIZEN VETERANS REMOVED FROM THE UNITED STATES.

(a) STUDY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly carry out a study of noncitizen veterans of the Armed Forces who were removed from the United States during the period beginning on January 1, 1990, and ending on the date of the enactment of this Act, which shall include—

(1) the number of noncitizens removed by U.S. Immigration and Customs Enforcement or the Immigration and Naturalization Service during the period covered by the report who served on active duty in the Armed Forces or in a reserve component of the Armed Forces;

(2) for each noncitizen described in paragraph (1)—

(A) the country of origin of the noncitizen;

(B) the length of time the noncitizen served as a member of the Armed Forces;

(C) the number of covered family members of the noncitizen, as applicable;

(D) the grounds for removal under section 212(a) or 237(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a) and 1227(a)), as applicable;

(E) whether the noncitizen appealed the removal order;

(F) whether the noncitizen was detained; and

(G) whether the noncitizen was represented by a lawyer;

(3) the number of noncitizens described in paragraph (1) who—

(A) were discharged or released from service under honorable conditions;

(B) were deployed overseas;

(C) served on active duty in the Armed Forces in an overseas contingency operation;

(D) were awarded military decorations, campaign medals, or service medals;

(E) applied for benefits under laws administered by the Secretary of Veterans Affairs; or

(F) are receiving benefits described in subparagraph (E);

(4) a description of the reasons preventing any of the noncitizens who applied for benefits described in paragraph (3)(E) from receiving such benefits;

(5) the number of noncitizens who—

(A) currently serve or previously served as a member of the Armed Forces; and

(B) are currently in removal proceedings; and

(6) for each noncitizen described in paragraph (5), the grounds for inadmissibility or deportability under section 212(a) or 237(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a) and 1227(a)), as applicable.

(b) REPORT.—Not later than 90 days after the date of the completion of the study required under subsection (a), the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit a report containing the results of such study to the appropriate congressional committees.

SEC. _____. INFORMATION REGARDING VETERANS SUBJECT TO REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall create a system to maintain information, that is shared across the Department of Homeland Security (including Enforcement and Removal Operations, the Office of the Principal Legal Advisor, and Homeland Security Investigations), regarding potentially removable noncitizen veterans (including the names and last known addresses of such individuals) and removal proceedings with respect to any such individual, for the purpose of ensuring that service in the Armed Forces of any such individual is taken into consideration during any adjudication under the immigration laws with respect to such individual, including—

(1) information collected pursuant to the protocol established under section [_____(a)];

(2) information regarding the covered family members of the noncitizens described in section [_____(a)(1)]; and

(3) information provided by the Secretary of Defense pursuant subsection (b).

(b) PROVISION OF INFORMATION BY DEPARTMENT OF DEFENSE.—Not later than 30 days after a noncitizen veteran is honorably discharged from the Armed Forces, the Secretary of Defense shall provide to the Secretary of Homeland Security a copy of the Certificate of Release or Discharge from Active Duty form, or other discharge documents from a Reserve Component, for inclusion in the system established pursuant to subsection (a).

(c) CONFIDENTIALITY.—Information collected under this section or under section [_____] may not be disclosed for purposes of immigration enforcement.

SEC. _____. PROTOCOL FOR IDENTIFYING NONCITIZEN VETERANS.

(a) IN GENERAL.—Not later than the last day of the first fiscal year beginning after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(1) a protocol, which shall be known as the ''Immigrant Veterans Eligibility Tracking System'' or ''I–VETS'', for—

(A) identifying noncitizens who are or may be veterans and the covered family members of such veterans; and

(B) collecting and maintaining data, for use by U.S. Immigration and Customs Enforcement, with respect to such veterans and covered family members who are—

(i) are in removal proceedings; or

(ii) have been removed;

(2) best practices with respect to addressing issues related to the removal of any noncitizen or covered family member described in paragraph (1); and

(3) an annual training program with respect to the protocol and best practices established under paragraphs (1) and (2).

(b) TRAINING.—Beginning in the first fiscal year that begins after the Secretary of Homeland Security completes the requirements under subsection (a), personnel of U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services shall annually participate in the training program on the protocol and best practices developed pursuant to subsection (a).

SEC. _____. MILITARY FAMILY IMMIGRATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and in cooperation with the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and the Commandant of the Coast Guard, shall establish the Military Family Immigration Advisory Committee to provide recommendations to the Secretary of Homeland Security and the Attorney General regarding the exercise of prosecutorial discretion in cases involving removal proceedings of individuals described in section [_____](a).

(b) MEMBERSHIP.—The Advisory Committee shall be composed of the following officers of the Armed Forces:

(1) The Deputy Commanding General of Army Human Resources Command, or designee.

(2) The Judge Advocate of the Army, or designee.

(3) The Deputy Commander of Navy Personnel Command, or designee.

(4) The Judge Advocate of the Navy, or designee.

(5) The Vice Chief of Staff of the Air Force.

(6) The Judge Advocate of the Air Force, or designee.

(7) The Deputy Commandant for Mission Support of the Coast Guard.

(8) The Judge Advocate of the Coast Guard, or designee.

(9) The Deputy Commandant of Manpower and Reserve Affairs of the Marine Corps, or designee.

(10) The Chief of Space Operations.

(c) CASE REVIEWS.—

(1) IN GENERAL.—Not later than 30 days after the Director of U.S. Immigration and Customs Enforcement notifies the Advisory Committee of an individual described in section [_____](a), the Advisory Committee shall meet to review the case and to provide a written recommendation to the Secretary of Homeland Security and to such individual regarding whether the individual—

(A) notwithstanding the grounds for removal asserted by U.S. Immigration and Customs Enforcement, should be granted—

(i) a dismissal or termination of removal procedures;

(ii) a stay of removal or cancellation of removal and allowed to apply for asylum;

(iii) an adjustment of status to that of an alien lawfully admitted for permanent residence;

(iv) deferred action;

(v) parole; or

(vi) other applicable immigration relief; or

(B) should be removed from the United States.

(2) SUBMISSION OF INFORMATION.—An individual who is the subject of a case review under paragraph (1) may submit information to the Advisory Committee, which shall be considered by the Advisory Committee before making a recommendation pursuant to paragraph (1).

(3) PROCEDURES.—In conducting each case review under paragraph (1), the Advisory Committee shall consider, as factors weighing in favor of a recommendation under paragraph (1)(A)—

(A) with respect to a member of the Armed Forces serving on active duty or in a reserve component, whether the individual—

(i) took an oath of enlistment or an oath of office;

(ii) received military decorations, campaign medals, or service medals, was deployed, or was otherwise evaluated for merit in service during his or her service in the Armed Forces;

(iii) is a national of a country that prohibits repatriation of an individual after any service in the Armed Forces;

(iv) contributed to his or her local community during his or her service in the Armed Forces; and

(v) is a national of a country that—

(I) persecutes members or veterans of the United States military;

(II) is home to criminal organizations that target and recruit veterans of the United States military; or

(III) has hostile relations with the United States; or

(B) with respect to a veteran, whether the individual—

(i) took an oath of enlistment or an oath of office;

(ii) completed a term of service in the Armed Forces and was discharged under conditions other than dishonorable;

(iii) received military decorations, campaign medals, or service medals, was deployed, or was otherwise evaluated for merit in service during his or her service in the Armed Forces;

(iv) is a national of a country that prohibits repatriation of an individual after any service in the Armed Forces;

(v) contributed to his or her local community during or after his or her service in the Armed Forces; or

(vi) is a national of a country that—

(I) persecutes members or veterans of the United States military;

(II) is home to criminal organizations that target and recruit veterans of the Unites States military; or

(III) has hostile relations with the United States; and

(C) with respect to a covered family member, whether the individual—

(i) supported a member of the Armed Forces serving on active duty or a veteran, including through financial support, emotional support, or caregiving; or

(ii) contributed to his or her local community during or after the military service of the member or of the veteran.

(4) PRESUMPTION IN FAVOR OF FOLLOWING ADVISORY COMMITTEE RECOMMENDATION.—The Secretary of Homeland Security shall follow the recommendations received from the Advisory Committee pursuant to paragraph (1) with respect to individuals in removal proceedings unless the Secretary, on a case-by-case basis—

(A) issues a written determination that a recommendation regarding an individual described in section 4(a) is unjustified; and

(B) provides such written determination to such individual.

(d) CONSULTATION WITH PRINCIPAL LEGAL ADVISOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.—The Principal Legal Advisor of U.S. Immigration and Customs Enforcement, or designee, shall consult with the Advisory Committee at the request of members of the Advisory Committee.

(e) BRIEFINGS ON UNSUITABILITY OF NONCITIZEN MEMBERS OF THE ARMED FORCES.—The Under Secretary of Defense for Personnel and Readiness shall provide detailed briefings to the Advisory Committee regarding the reasons for determining the unsuitability of noncitizen members of the Armed Forces whose cases are being considered by the Advisory Committee.

(f) BRIEFINGS ON ACTIONS IN RESPONSE TO RECOMMENDATIONS.—Not less frequently than quarterly, the Secretary of Homeland Security shall provide detailed briefings to the Advisory Committee regarding actions taken in response to the recommendations of the Advisory Committee, including detailed explanations for any cases in which a recommendation of the Advisory Committee was not followed.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. _____. LIST OF COUNTRIES UNWILLING TO REPATRIATE UNITED STATES VETERANS.

The Secretary of Homeland Security, in consultation with the Secretary of State, shall compile, and annually update, a list of countries that refuse to repatriate nationals of such country who have enlisted or been appointed in the United States Armed Forces.

SEC. _____. PROGRAM OF CITIZENSHIP THROUGH MILITARY SERVICE.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Director of U.S. Citizenship and Immigration Services, and the Secretary of Defense shall jointly carry out a program under which any individual noncitizen who serves in the Armed Forces, and the covered family members of such noncitizen, shall be naturalized as a United States citizen if such individual, and such covered family members, submit an application for naturalization and are not otherwise ineligible for citizenship under the immigration laws.

(b) JAG TRAINING.—The Secretary of Defense shall ensure that appropriate members of the Judge Advocate General Corps of the Armed Forces shall receive training to function as liaisons with U.S. Citizenship and Immigration Services with respect to applications for citizenship of noncitizen members of the Armed Forces assigned to units in such areas.

(c) TRAINING FOR RECRUITERS.—The Secretary of Defense shall ensure that all recruiters in the Armed Forces receive training regarding—

(1) the steps required for a noncitizen member of the Armed Forces to become a naturalized United States citizen;

(2) limitations on the path to citizenship for family members of such noncitizens; and

(3) points of contact at the Department of Homeland Security to resolve emergency immigration-related situations with respect to such noncitizens and family members.

(d) APPLICATION FOR NATURALIZATION.—

(1) BIOMETRICS.—

(A) SUBMISSION OF BIOMETRIC INFORMATION.—The Secretary of Defense shall ensure that, at the time of accession into the Armed Forces, biometric information of an individual who has applied, or who plans to apply, for naturalization is submitted to U.S. Citizenship and Immigration Services for the purposes of such application.

(B) ACCEPTANCE OF BIOMETRIC INFORMATION.—The Director of U.S. Citizenship and Immigration Services shall accept any biometric information submitted pursuant to subparagraph (A).

(2) FILING OF APPLICATION.—The Secretary of Homeland Security, in coordination with the Secretary of Defense, shall ensure that each noncitizen individual who accesses into the Armed Forces is permitted to file an application for naturalization as part of the accessions process.

(3) ADJUDICATION OF APPLICATION.—The Secretary of Homeland Security, in coordination with the Secretary of Defense, shall ensure that the application for naturalization of any individual who applies for naturalization during the accessions process into the Armed Forces is adjudicated not later than the last day of active service of such individual in the Armed Forces.

(e) ANNUAL REPORTS.—The Secretary of each military department shall submit an annual report to the appropriate congressional committees regarding—

(1) the number of all noncitizens who enlisted or were appointed in their department;

(2) the number of members of the Armed Forces in their department who have become naturalized United States citizens; and

(3) the number of members of the Armed Forces in their department who were discharged or released without United States citizenship under the jurisdiction of such Secretary during the preceding year.

SEC. _____. INFORMATION FOR MILITARY RECRUITS REGARDING NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES.

The Secretary of Defense, in coordination with the Secretary of Homeland Security, shall ensure that at each Military Entrance Processing Station there is stationed or employed—

(1) an employee of U.S. Citizenship and Immigration Services; or

(2) in the case that the Secretary determines that it is impracticable station or employ a person described in paragraph (1) at a Military Entrance Processing Station, a member of the Armed Forces or employee of the Department of Defense—

(A) whom the Secretary determines is trained in the immigration laws; and

(B) who shall inform each military recruit who is not a citizen of the United States processed at such Military Entrance Processing Station regarding naturalization through service in the Armed Forces under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440).

SEC. _____. RETURN OF ELIGIBLE VETERANS REMOVED FROM THE UNITED STATES; ADJUSTMENT OF STATUS.

(a) PROGRAM FOR ADMISSION AND ADJUSTMENT OF STATUS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a program and an application procedure that allows—

(1) eligible veterans residing outside of the United States and their covered family members to be admitted to the United States as noncitizens lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))); and

(2) eligible veterans in the United States and their covered family members to adjust their status to that of noncitizens lawfully admitted for permanent residence.

(b) VETERANS ORDERED REMOVED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in the case of noncitizen veterans and their covered family members who are the subjects of final orders of removal, including noncitizen veterans and covered family members who are outside the United States, the Attorney General shall—

(A) reopen the removal proceedings of each such noncitizen veteran and covered family member; and

(B) make a determination with respect to whether each such noncitizen veteran is an eligible veteran.

(2) RESCISSION OF REMOVAL ORDER.—In the case of a determination under paragraph (1)(B) that a noncitizen veteran is an eligible veteran, the Attorney General shall—

(A) rescind the order of removal with respect to such noncitizen and his or her covered family members;

(B) adjust the status of the eligible veteran and his or her covered family members to that of noncitizens lawfully admitted for permanent residence; and

(C) terminate removal proceedings with respect to such noncitizen and covered family members.

(c) VETERANS IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in the case of noncitizen veterans, the removal proceedings of whom are pending as of the date of the enactment of this Act, the Attorney General shall make a determination with respect to whether each such noncitizen veteran is an eligible veteran.

(2) TERMINATION OF PROCEEDINGS.—In the case of a determination under paragraph (1) that a noncitizen veteran is an eligible veteran, the Attorney General shall—

(A) adjust the status of such eligible veteran and his or her covered family members to reinstate that of noncitizens lawfully admitted for permanent residence; and

(B) terminate removal proceedings with respect to such eligible veteran and covered family members.

(d) NO NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of veterans who may be eligible to receive a benefit under this section.

(e) ELIGIBILITY.—

(1) IN GENERAL.—Notwithstanding sections 212 and 237 of the Immigration and Nationality Act (8 U.S.C. 1182 and 1227) or any other provision of law, a noncitizen veteran and his or her covered family members shall be eligible to participate in the program established under subsection (a) or for adjustment of status under subsections (b) or (c), as applicable, if the Secretary or the Attorney General, as applicable, determines that the noncitizen veteran or covered family members—

(A) were not removed or ordered removed from the United States based on a conviction for—

(i) a crime of violence; or

(ii) a crime that endangers the national security of the United States for which the noncitizen veteran has served a term of imprisonment of at least 5 years; and

(B) are not inadmissible to, or deportable from, the United States based on a conviction for a crime described in subparagraph (A).

(2) WAIVER.—The Secretary may waive the application of paragraph (1)—

(A) for humanitarian purposes;

(B) to ensure family unity;

(C) based on exceptional service in the Armed Forces; or

(D) if a waiver otherwise is in the public interest.

SEC. _____. ESTABLISHING GOOD MORAL CHARACTER OF APPLICANTS FOR CITIZENSHIP WHO SERVED HONORABLY IN THE ARMED FORCES OF THE UNITED STATES.

Section 328(e) of the Immigration and Nationality Act (8 U.S.C. 1439(e)) is amended by adding at the end the following: ''Notwithstanding section 101(f), a finding that an applicant under this section or under section 329 is described in any of paragraphs (1) through (8) of section 101(f) (except in the case of an applicant who is described in any such paragraph because of having been convicted of an aggravated felony described in subparagraph (A), (I), (K), or (L) of section 101(a)(43)) shall not preclude a finding that the applicant is of good moral character.''.

SA 1575. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—VETERAN DEPORTATION PREVENTION AND REFORM ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Veteran Deportation Prevention and Reform Act''.

SEC. 4002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) military service to the United States is a sacrifice that demonstrates loyalty to our Nation;

(2) a noncitizen who takes an oath of enlistment or an oath of office to join the United States Armed Forces, by promising to support and defend the Constitution of the United States against all enemies, foreign and domestic, deserves facilitated access to naturalization;

(3) each noncitizen described in paragraph (2) and his or her immediate family members deserve consideration for the exercise of prosecutorial discretion in immigration removal proceedings; and

(4) a noncitizen veteran who is deported after consideration under this division should be provided the same veterans' benefits to which a similarly situated United States citizen veteran would be entitled.

SEC. 4003. DEFINITIONS.

In this division:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Military Family Immigration Advisory Committee established pursuant to section 4008.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services of the Senate;

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

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Veterans' Affairs of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives; and

(H) the Committee on Veterans' Affairs of the House of Representatives.

(3) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101(a)(4) of title 10, United States Code, and includes the reserve components of the Armed Forces.

(4) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Military Family Immigration Advisory Committee established pursuant to section 4008.

(5) COVERED FAMILY MEMBER.—The term ''covered family member'' means the noncitizen spouse, noncitizen parent, or noncitizen minor child of—

(A) a member of the Armed Forces serving on active duty or in a reserve component; or

(B) a veteran.

(6) CRIME OF VIOLENCE.—The term ''crime of violence'' means an offense defined in section 16(a) of title 18, United States Code—

(A) that is not a purely political offense; and

(B) for which a noncitizen has served a term of imprisonment of at least 5 years.

(7) ELIGIBLE VETERAN.—

(A) IN GENERAL.—The term ''eligible veteran'' means a veteran who—

(i) is a noncitizen; and

(ii) meets the criteria described in section 4012(e).

(B) INCLUSION.—The term ''eligible veteran'' includes a veteran who—

(i) was removed from the United States; or

(ii) is abroad and is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(8) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(9) NONCITIZEN.—The term ''noncitizen'' means an individual who is not a citizen or national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

(10) VETERAN.—The term ''veteran'' means a person who served as a member of the Armed Forces on active duty or in a reserve component and who was discharged or released from such service under conditions other than dishonorable.

SEC. 4004. IDENTIFICATION OF MEMBERS OF THE ARMED FORCES, VETERANS, AND COVERED FAMILY MEMBERS IN REMOVAL PROCEEDINGS.

(a) IN GENERAL.—No Federal agency may initiate removal proceedings or reinstatement of a removal order without first asking the individual, and recording the answer in a searchable electronic database, whether such individual is—

(1) a member of the Armed Forces serving on active duty or in a reserve component;

(2) a veteran; or

(3) a covered family member.

(b) TRANSFER OF CASE FILES.—The Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Citizenship and Immigration Services, and the Commissioner

of U.S. Customs and Border Patrol, as applicable, shall transfer a copy of the complete case file of any individual identified under subsection (a), immediately after such identification, to the Advisory Committee.

(c) LIMITATION ON REMOVAL.—Notwithstanding any other provision of law, an individual described in subsection (a) may not be ordered removed or removed until the Military Family Immigration Advisory Committee has provided recommendations with respect to such individual to the Secretary of Homeland Security and to the Attorney General in accordance with section 4008.

(d) PROHIBITION OF DETENTION DURING ADVISORY COMMITTEE REVIEW.—Notwithstanding any other provision of law, no individual described in paragraph (1), (2), or (3) of subsection (a) may be detained by the Department of Homeland Security while the Advisory Committee is reviewing his or her case unless such individual poses a danger to public safety or national security.

SEC. 4005. STUDY AND REPORT ON NONCITIZEN VETERANS REMOVED FROM THE UNITED STATES.

(a) STUDY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly carry out a study of noncitizen veterans of the Armed Forces who were removed from the United States during the period beginning on January 1, 1990, and ending on the date of the enactment of this Act, which shall include—

(1) the number of noncitizens removed by U.S. Immigration and Customs Enforcement or the Immigration and Naturalization Service during the period covered by the report who served on active duty in the Armed Forces or in a reserve component of the Armed Forces;

(2) for each noncitizen described in paragraph (1)—

(A) the country of origin of the noncitizen;

(B) the length of time the noncitizen served as a member of the Armed Forces;

(C) the number of covered family members of the noncitizen, as applicable;

(D) the grounds for removal under section 212(a) or 237(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a) and 1227(a)), as applicable;

(E) whether the noncitizen appealed the removal order;

(F) whether the noncitizen was detained; and

(G) whether the noncitizen was represented by a lawyer;

(3) the number of noncitizens described in paragraph (1) who—

(A) were discharged or released from service under honorable conditions;

(B) were deployed overseas;

(C) served on active duty in the Armed Forces in an overseas contingency operation;

(D) were awarded military decorations, campaign medals, or service medals;

(E) applied for benefits under laws administered by the Secretary of Veterans Affairs; or

(F) are receiving benefits described in subparagraph (E);

(4) a description of the reasons preventing any of the noncitizens who applied for benefits described in paragraph (3)(E) from receiving such benefits;

(5) the number of noncitizens who—

(A) currently serve or previously served as a member of the Armed Forces; and

(B) are currently in removal proceedings; and

(6) for each noncitizen described in paragraph (5), the grounds for inadmissibility or deportability under section 212(a) or 237(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a) and 1227(a)), as applicable.

(b) REPORT.—Not later than 90 days after the date of the completion of the study required under subsection (a), the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit a report containing the results of such study to the appropriate congressional committees.

SEC. 4006. INFORMATION REGARDING VETERANS SUBJECT TO REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall create a system to maintain information, that is shared across the Department of Homeland Security (including Enforcement and Removal Operations, the Office of the Principal Legal Advisor, and Homeland Security Investigations), regarding potentially removable noncitizen veterans (including the names and last known addresses of such individuals) and removal proceedings with respect to any such individual, for the purpose of ensuring that service in the Armed Forces of any such individual is taken into consideration during any adjudication under the immigration laws with respect to such individual, including—

(1) information collected pursuant to the protocol established under section 4007(a);

(2) information regarding the covered family members of the noncitizens described in section 4007(a)(1); and

(3) information provided by the Secretary of Defense pursuant subsection (b).

(b) PROVISION OF INFORMATION BY DEPARTMENT OF DEFENSE.—Not later than 30 days after a noncitizen veteran is honorably discharged from the Armed Forces, the Secretary of Defense shall provide to the Secretary of Homeland Security a copy of the Certificate of Release or Discharge from Active Duty form, or other discharge documents from a Reserve Component, for inclusion in the system established pursuant to subsection (a).

(c) CONFIDENTIALITY.—Information collected under this section or under section 4007 may not be disclosed for purposes of immigration enforcement.

SEC. 4007. PROTOCOL FOR IDENTIFYING NONCITIZEN VETERANS.

(a) IN GENERAL.—Not later than the last day of the first fiscal year beginning after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(1) a protocol, which shall be known as the ''Immigrant Veterans Eligibility Tracking System'' or ''I–VETS'', for—

(A) identifying noncitizens who are or may be veterans and the covered family members of such veterans; and

(B) collecting and maintaining data, for use by U.S. Immigration and Customs Enforcement, with respect to such veterans and covered family members who are—

(i) are in removal proceedings; or

(ii) have been removed;

(2) best practices with respect to addressing issues related to the removal of any noncitizen or covered family member described in paragraph (1); and

(3) an annual training program with respect to the protocol and best practices established under paragraphs (1) and (2).

(b) TRAINING.—Beginning in the first fiscal year that begins after the Secretary of Homeland Security completes the requirements under subsection (a), personnel of U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services shall annually participate in the training program on the protocol and best practices developed pursuant to subsection (a).

SEC. 4008. MILITARY FAMILY IMMIGRATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and in cooperation with the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and the Commandant of the Coast Guard, shall establish the Military Family Immigration Advisory Committee to provide recommendations to the Secretary of Homeland Security and the Attorney General regarding the exercise of prosecutorial discretion in cases involving removal proceedings of individuals described in section 4004(a).

(b) MEMBERSHIP.—The Advisory Committee shall be composed of the following officers of the Armed Forces:

(1) The Deputy Commanding General of Army Human Resources Command, or designee.

(2) The Judge Advocate of the Army, or designee.

(3) The Deputy Commander of Navy Personnel Command, or designee.

(4) The Judge Advocate of the Navy, or designee.

(5) The Vice Chief of Staff of the Air Force.

(6) The Judge Advocate of the Air Force, or designee.

(7) The Deputy Commandant for Mission Support of the Coast Guard.

(8) The Judge Advocate of the Coast Guard, or designee.

(9) The Deputy Commandant of Manpower and Reserve Affairs of the Marine Corps, or designee.

(10) The Chief of Space Operations.

(c) CASE REVIEWS.—

(1) IN GENERAL.—Not later than 30 days after the Director of U.S. Immigration and Customs Enforcement notifies the Advisory Committee of an individual described in section 4004(a), the Advisory Committee shall meet to review the case and to provide a written recommendation to the Secretary of Homeland Security and to such individual regarding whether the individual—

(A) notwithstanding the grounds for removal asserted by U.S. Immigration and Customs Enforcement, should be granted—

(i) a dismissal or termination of removal procedures;

(ii) a stay of removal or cancellation of removal and allowed to apply for asylum;

(iii) an adjustment of status to that of an alien lawfully admitted for permanent residence;

(iv) deferred action;

(v) parole; or

(vi) other applicable immigration relief; or

(B) should be removed from the United States.

(2) SUBMISSION OF INFORMATION.—An individual who is the subject of a case review under paragraph (1) may submit information to the Advisory Committee, which shall be considered by the Advisory Committee before making a recommendation pursuant to paragraph (1).

(3) PROCEDURES.—In conducting each case review under paragraph (1), the Advisory Committee shall consider, as factors weighing in favor of a recommendation under paragraph (1)(A)—

(A) with respect to a member of the Armed Forces serving on active duty or in a reserve component, whether the individual—

(i) took an oath of enlistment or an oath of office;

(ii) received military decorations, campaign medals, or service medals, was deployed, or was otherwise evaluated for merit in service during his or her service in the Armed Forces;

(iii) is a national of a country that prohibits repatriation of an individual after any service in the Armed Forces;

(iv) contributed to his or her local community during his or her service in the Armed Forces; and

(v) is a national of a country that—

(I) persecutes members or veterans of the United States military;

(II) is home to criminal organizations that target and recruit veterans of the United States military; or

(III) has hostile relations with the United States; or

(B) with respect to a veteran, whether the individual—

(i) took an oath of enlistment or an oath of office;

(ii) completed a term of service in the Armed Forces and was discharged under conditions other than dishonorable;

(iii) received military decorations, campaign medals, or service medals, was deployed, or was otherwise evaluated for merit in service during his or her service in the Armed Forces;

(iv) is a national of a country that prohibits repatriation of an individual after any service in the Armed Forces;

(v) contributed to his or her local community during or after his or her service in the Armed Forces; or

(vi) is a national of a country that—

(I) persecutes members or veterans of the United States military;

(II) is home to criminal organizations that target and recruit veterans of the Unites States military; or

(III) has hostile relations with the United States; and

(C) with respect to a covered family member, whether the individual—

(i) supported a member of the Armed Forces serving on active duty or a veteran, including through financial support, emotional support, or caregiving; or

(ii) contributed to his or her local community during or after the military service of the member or of the veteran.

(4) PRESUMPTION IN FAVOR OF FOLLOWING ADVISORY COMMITTEE RECOMMENDATION.—The Secretary of Homeland Security shall follow the recommendations received from the Advisory Committee pursuant to paragraph (1) with respect to individuals in removal proceedings unless the Secretary, on a case-by-case basis—

(A) issues a written determination that a recommendation regarding an individual described in section 4004(a) is unjustified; and

(B) provides such written determination to such individual.

(d) CONSULTATION WITH PRINCIPAL LEGAL ADVISOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.—The Principal Legal Advisor of U.S. Immigration and Customs Enforcement, or designee, shall consult with the Advisory Committee at the request of members of the Advisory Committee.

(e) BRIEFINGS ON UNSUITABILITY OF NONCITIZEN MEMBERS OF THE ARMED FORCES.—The Under Secretary of Defense for Personnel and Readiness shall provide detailed briefings to the Advisory Committee regarding the reasons for determining the unsuitability of noncitizen members of the Armed Forces whose cases are being considered by the Advisory Committee.

(f) BRIEFINGS ON ACTIONS IN RESPONSE TO RECOMMENDATIONS.—Not less frequently than quarterly, the Secretary of Homeland Security shall provide detailed briefings to the Advisory Committee regarding actions taken in response to the recommendations of the Advisory Committee, including detailed explanations for any cases in which a recommendation of the Advisory Committee was not followed.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4009. LIST OF COUNTRIES UNWILLING TO REPATRIATE UNITED STATES VETERANS.

The Secretary of Homeland Security, in consultation with the Secretary of State, shall compile, and annually update, a list of countries that refuse to repatriate nationals of such country who have enlisted or been appointed in the United States Armed Forces.

SEC. 4010. PROGRAM OF CITIZENSHIP THROUGH MILITARY SERVICE.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Director of U.S. Citizenship and Immigration Services, and the Secretary of Defense shall jointly carry out a program under which any individual noncitizen who serves in the Armed Forces, and the covered family members of such noncitizen, shall be naturalized as a United States citizen if such individual, and such covered family members, submit an application for naturalization and are not otherwise ineligible for citizenship under the immigration laws.

(b) JAG TRAINING.—The Secretary of Defense shall ensure that appropriate members of the Judge Advocate General Corps of the Armed Forces shall receive training to function as liaisons with U.S. Citizenship and Immigration Services with respect to applications for citizenship of noncitizen members of the Armed Forces assigned to units in such areas.

(c) TRAINING FOR RECRUITERS.—The Secretary of Defense shall ensure that all recruiters in the Armed Forces receive training regarding—

(1) the steps required for a noncitizen member of the Armed Forces to become a naturalized United States citizen;

(2) limitations on the path to citizenship for family members of such noncitizens; and

(3) points of contact at the Department of Homeland Security to resolve emergency immigration-related situations with respect to such noncitizens and family members.

(d) APPLICATION FOR NATURALIZATION.—

(1) BIOMETRICS.—

(A) SUBMISSION OF BIOMETRIC INFORMATION.—The Secretary of Defense shall ensure that, at the time of accession into the Armed Forces, biometric information of an individual who has applied, or who plans to apply, for naturalization is submitted to U.S. Citizenship and Immigration Services for the purposes of such application.

(B) ACCEPTANCE OF BIOMETRIC INFORMATION.—The Director of U.S. Citizenship and Immigration Services shall accept any biometric information submitted pursuant to subparagraph (A).

(2) FILING OF APPLICATION.—The Secretary of Homeland Security, in coordination with the Secretary of Defense, shall ensure that each noncitizen individual who accesses into the Armed Forces is permitted to file an application for naturalization as part of the accessions process.

(3) ADJUDICATION OF APPLICATION.—The Secretary of Homeland Security, in coordination with the Secretary of Defense, shall ensure that the application for naturalization of any individual who applies for naturalization during the accessions process into the Armed Forces is adjudicated not later than the last day of active service of such individual in the Armed Forces.

(e) ANNUAL REPORTS.—The Secretary of each military department shall submit an annual report to the appropriate congressional committees regarding—

(1) the number of all noncitizens who enlisted or were appointed in their department;

(2) the number of members of the Armed Forces in their department who have become naturalized United States citizens; and

(3) the number of members of the Armed Forces in their department who were discharged or released without United States citizenship under the jurisdiction of such Secretary during the preceding year.

SEC. 4011. INFORMATION FOR MILITARY RECRUITS REGARDING NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES.

The Secretary of Defense, in coordination with the Secretary of Homeland Security, shall ensure that at each Military Entrance Processing Station there is stationed or employed—

(1) an employee of U.S. Citizenship and Immigration Services; or

(2) in the case that the Secretary determines that it is impracticable station or employ a person described in paragraph (1) at a Military Entrance Processing Station, a member of the Armed Forces or employee of the Department of Defense—

(A) whom the Secretary determines is trained in the immigration laws; and

(B) who shall inform each military recruit who is not a citizen of the United States processed at such Military Entrance Processing Station regarding naturalization through service in the Armed Forces under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440).

SEC. 4012. RETURN OF ELIGIBLE VETERANS REMOVED FROM THE UNITED STATES; ADJUSTMENT OF STATUS.

(a) PROGRAM FOR ADMISSION AND ADJUSTMENT OF STATUS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a program and an application procedure that allows—

(1) eligible veterans residing outside of the United States and their covered family members to be admitted to the United States as noncitizens lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))); and

(2) eligible veterans in the United States and their covered family members to adjust their status to that of noncitizens lawfully admitted for permanent residence.

(b) VETERANS ORDERED REMOVED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in the case of noncitizen veterans and their covered family members who are the subjects of final orders of removal, including noncitizen veterans and covered family members who are outside the United States, the Attorney General shall—

(A) reopen the removal proceedings of each such noncitizen veteran and covered family member; and

(B) make a determination with respect to whether each such noncitizen veteran is an eligible veteran.

(2) RESCISSION OF REMOVAL ORDER.—In the case of a determination under paragraph (1)(B) that a noncitizen veteran is an eligible veteran, the Attorney General shall—

(A) rescind the order of removal with respect to such noncitizen and his or her covered family members;

(B) adjust the status of the eligible veteran and his or her covered family members to that of noncitizens lawfully admitted for permanent residence; and

(C) terminate removal proceedings with respect to such noncitizen and covered family members.

(c) VETERANS IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in the case of noncitizen veterans, the removal proceedings of whom are pending as of the date of the enactment of this Act, the Attorney General shall make a determination with respect to whether each such noncitizen veteran is an eligible veteran.

(2) TERMINATION OF PROCEEDINGS.—In the case of a determination under paragraph (1)

that a noncitizen veteran is an eligible veteran, the Attorney General shall—

(A) adjust the status of such eligible veteran and his or her covered family members to reinstate that of noncitizens lawfully admitted for permanent residence; and

(B) terminate removal proceedings with respect to such eligible veteran and covered family members.

(d) NO NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of veterans who may be eligible to receive a benefit under this section.

(e) ELIGIBILITY.—

(1) IN GENERAL.—Notwithstanding sections 212 and 237 of the Immigration and Nationality Act (8 U.S.C. 1182 and 1227) or any other provision of law, a noncitizen veteran and his or her covered family members shall be eligible to participate in the program established under subsection (a) or for adjustment of status under subsections (b) or (c), as applicable, if the Secretary or the Attorney General, as applicable, determines that the noncitizen veteran or covered family members—

(A) were not removed or ordered removed from the United States based on a conviction for—

(i) a crime of violence; or

(ii) a crime that endangers the national security of the United States for which the noncitizen veteran has served a term of imprisonment of at least 5 years; and

(B) are not inadmissible to, or deportable from, the United States based on a conviction for a crime described in subparagraph (A).

(2) WAIVER.—The Secretary may waive the application of paragraph (1)—

(A) for humanitarian purposes;

(B) to ensure family unity;

(C) based on exceptional service in the Armed Forces; or

(D) if a waiver otherwise is in the public interest.

SEC. 4013. ESTABLISHING GOOD MORAL CHARACTER OF APPLICANTS FOR CITIZENSHIP WHO SERVED HONORABLY IN THE ARMED FORCES OF THE UNITED STATES.

Section 328(e) of the Immigration and Nationality Act (8 U.S.C. 1439(e)) is amended by adding at the end the following: ''Notwithstanding section 101(f), a finding that an applicant under this section or under section 329 is described in any of paragraphs (1) through (8) of section 101(f) (except in the case of an applicant who is described in any such paragraph because of having been convicted of an aggravated felony described in subparagraph (A), (I), (K), or (L) of section 101(a)(43)) shall not preclude a finding that the applicant is of good moral character.''.

SA 1576. Mr. PADILLA (for himself, Mr. HEINRICH, Mrs. GILLIBRAND, Ms. WARREN, Mr. DURBIN, Mr. BOOKER, Mr. BENNET, Ms. DUCKWORTH, and Ms. BUTLER) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, add the following:

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''U.S. Customs and Border Protection—Operations and Support'', $5,000,000,000, to be transferred to ''Federal Emergency Management Agency—Federal Assistance'', to remain available until September 30, 2025, to support sheltering and related activities provided by non-Federal entities through the Shelter and Services Program of the Federal Emergency Management Agency: *Provided,* that eligibility to receive such amounts shall not be limited to entities that have previously received or applied for funding from the Shelter and Services Program or the Emergency Food and Shelter-Humanitarian Program of the Federal Emergency Management Agency: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 1577. Mr. SCHUMER proposed an amendment to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 1578. Mr. SCHUMER proposed an amendment to amendment SA 1577 proposed by Mr. SCHUMER to the amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 1579. Mr. SCHUMER proposed an amendment to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

SA 1580. Mr. SCHUMER proposed an amendment to amendment SA 1579 proposed by Mr. SCHUMER to the amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

On page 1, line 3, strike ''3 days'' and insert ''4 days''.

SA 1581. Mr. SCHUMER proposed an amendment to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

At the appropriate place add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

SA 1582. Mr. SCHUMER proposed an amendment to amendment SA 1581 proposed by Mr. SCHUMER to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

On page 1, line 3, strike ''5 days'' and insert ''6 days''.

SA 1583. Mr. SCHUMER proposed an amendment to amendment SA 1582 proposed by Mr. SCHUMER to the amendment SA 1581 proposed by Mr. SCHUMER to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

On page 1, line 1, strike ''6 days'' and insert ''7 days''.

SA 1584. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed by Mr. Lee to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—IMPROVING BORDER SECURITY

SEC. ___1. RESUMING CONSTRUCTION OF BARRIERS AND ROADS ALONG THE SOUTHWEST BORDER.

(a) DEFINITIONS.—In this section:

(1) PHYSICAL BARRIERS.—The term ''physical barriers'' includes reinforced fencing, border barrier system, and levee walls.

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

(3) TECHNOLOGY.—The term ''technology'' means border surveillance and detection technology, including—

(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; and

(H) other border detection, communication, and surveillance technology.

(b) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER BARRIER CONSTRUCTION.—Not later than 24 hours after the date of the enactment of this Act, the Secretary of Homeland Security shall resume any project relating to the construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico that were underway, or being planned, before January 20, 2021.

(2) NO CANCELLATIONS.—The Secretary may not cancel any contract for activities related to the construction of the border barrier system that was entered into on or before January 20, 2021.

(3) USE OF FUNDS.—To carry out this section, the Secretary shall expend all funds appropriated or explicitly obligated for use beginning on or after October 1, 2016, for the construction of the border barrier system.

(c) UPHOLD NEGOTIATED AGREEMENTS.—The Secretary of Homeland Security shall ensure that all written agreements relating to current or future construction of the border barrier system in which the Department of Homeland Security is a party are honored by the Department in accordance with the terms of such agreements.

SEC. ___2. 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''; and

(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 manportable 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. ___3. CODIFYING PREVIOUSLY WAIVED LEGAL REQUIREMENTS.

Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section ___2(a)(3), is further amended by adding at the end the following:

''(4) PREVIOUSLY WAIVED LEGAL REQUIREMENTS.—

''(A) IN GENERAL.—Any project relating to the construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico shall be exempt from any law or regulation described in subparagraph (B).

''(B) ELEMENTS.—The laws or regulations described in this subparagraph are the following:

''(i) An Act to facilitate the work of the Forest Service (Public Law 87–869).

''(ii) The Administrative Procedure Act (5 U.S.C. 500 et seq.).

''(iii) The American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996 et seq.).

''(iv) The Arizona Desert Wilderness Act (6 U.S.C. 460ddd et seq.).

''(v) The Arizona-Idaho Conservation Act of 1988 (Public Law 100–696).

''(vi) The Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.).

''(vii) The Clean Air Act (42 U.S.C. 7401 et seq.).

''(viii) The Clean Water Act (33 U.S.C. 1151 et seq.).

''(ix) The Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

''(x) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(xi) The Endangered Species Act (16 U.S.C. 1531 et seq.).

''(xii) The Farmland Protection Policy Act (7 U.S.C. 4201 et seq.).

''(xiii) The Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.).

''(xiv) The Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.).

''(xv) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

''(xvi) The Fish and Wildlife Coordination Act (16 U.S.C. 662 et seq.).

''(xvii) The Migratory Bird Conservation Act of 1929 (16 U.S.C. 715 et seq.).

''(xviii) The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

''(xix) The Military Lands Withdrawal Act of 1999 (Public Law 106–65).

''(xx) The Multiple-Use and Sustained-Yield Act of 1960 (16 U.S.C. 583 et seq.).

''(xxi) The National Environmental Policy Act (Public Law 91–190).

''(xxii) The National Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

''(xxiii) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).

''(xxiv) The National Historic Preservation Act (Public Law 89–665).

''(xxv) The National Parks and Recreation Act of 1978 (Public Law 95–625).

''(xxvi) The National Trails System Act (16 U.S.C. 1241 et seq.).

''(xxvii) The National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.).

''(xxviii) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

''(xxix) The Noise Control Act (42 U.S.C. 4901 et seq.).

''(xxx) The Otay Mountain Wilderness Act of 1990 (Public Law 106–145).

''(xxxi) The Paleontological Resources Preservation Act (16 U.S.C. 470aaa et seq.).

''(xxxii) Section 10 of the Reclamation Project Act of 1939 (43 U.S.C. 387).

''(xxxiii) The Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

''(xxxiv) The Rivers and Harbors Act of 1899 (33 U.S.C. 403 et seq.).

''(xxxv) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).

''(xxxvi) The Sikes Act (16 U.S.C. 670a et seq.).

''(xxxvii) The Small Business Act (15 U.S.C. 631 et seq.).

''(xxxviii) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

''(xxxix) The Wild and Scenic Rivers Act (16 U.S.C. 1281 et seq.).

''(xl) The Wild Horse and Burro Act (16 U.S.C. 1331 et seq.).

''(xli) The Wilderness Act (16 U.S.C. 1131 et seq.).

''(xlii) Part 125 of title 13, Code of Federal Regulations.

''(xliii) Sections 16.504, 16.505, 17.205, 17.207, 22.404, 22.404–5, and 28.102–1 of title 48, Code of Federal Regulations.

''(xliv) Section 550 of title 40, United States Code.

''(xlv) Chapters 1003, 1005, 1007, 1009, 1021, 3125, 3201, and 3203 of title 54, United States Code.

''(xlvi) Division A of subtitle III of title 54, United States Code.

''(xlvii) Sections 100101(a), 100751(a), 102101 of title 54, United States Code.

''(xlviii) Sections 2304, 2304c, 2305, 2505a, and 2306a of title 10, United States Code.

''(xlix) Title 41, United States Code.''.

SEC. ___4. PROHIBITION AGAINST USE OF FEDERAL FUNDS TO IMPLEMENT OR ENFORCE PRESIDENTIAL PROCLAMATION 10142.

No funds, resources, or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency by any Act of Congress for any fiscal year, may be used to implement or enforce Presidential Proclamation 10142 of January 20, 2021 (86 Fed. Reg. 7225).

SA 1585. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 12 and 13, insert the following:

SEC. 709. No Federal funding appropriated to the Department of Homeland Security may be disbursed to—

(1) any State, local, Tribal, or territorial governmental entity that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling;

(2) any State, local, Tribal, or territorial governmental entity 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;

(3) any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling; or

(4) 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.

SA 1586. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed by Mr. Lee to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of law, the Secretary of Homeland Security may not admit, parole, or otherwise release an alien into the United States whose country of origin is a country the government of which has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State pursuant to section 1754(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)), section 40 of the Arms Export Control Act (22 U.S.C. 2780) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), unless such alien has been granted asylum by an immigration judge in accordance with section 208 of the Immigration and Nationality Act (8 U.S.C. 1158).

SA 1587. Mr. LEE (for Mr. BUDD) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING LAW ENFORCEMENT.

(a) SHORT TITLES.—This section may be cited as the ''Protect Our Law enforcement with Immigration Control and Enforcement Act of 2024'' or the ''POLICE Act of 2024''.

(b) ASSAULT OF LAW ENFORCEMENT OFFICER.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) ASSAULT OF LAW ENFORCEMENT OFFICER.—

''(i) IN GENERAL.—Any alien who has been convicted of, who admits having committed, or who admits committing acts which constitute the essential elements of, any offense involving the assault of a law enforcement officer is deportable.

''(ii) CIRCUMSTANCES.—The circumstances referred to in clause (i) are that the law enforcement officer was assaulted—

''(I) while he or she was engaged in the performance of his or her official duties;

''(II) because of the performance of his or her official duties; or

''(III) because of his or her station as a law enforcement officer.

''(iii) DEFINITIONS.—In this subparagraph—

''(I) the term 'assault' has the meaning given that term in the jurisdiction where the act occurred; and

''(II) the term 'law enforcement officer' is a person authorized by law—

''(aa) to apprehend, arrest, or prosecute an individual for any criminal violation of law; or

''(bb) to be a firefighter or other first responder.''.

(c) REPORT ON ALIENS DEPORTED FOR ASSAULTING A LAW ENFORCEMENT OFFICER.—On an annual basis, the Secretary of Homeland Security shall submit to Congress and make publicly available on the website of the Department of Homeland Security a report on the number of aliens who were deported during the previous year under section 237(a)(2)(G) of the Immigration and Nationality Act, as added by subsection (b).

SA 1588. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain

improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated in this Act made available for ''International Disaster Assistance,'' ''Migration and Refugee Assistance,'' ''International Narcotics Control and Law Enforcement,'' or ''International Development Association'' may be made available for assistance to Gaza.

SA 1589. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 12 and 13, insert the following:

SEC. 709. (a) This section may be cited as the ''Build the Wall First Act''.

(b) No amounts appropriated by this division may be obligated or expended until after a physical barrier spanning from the Pacific Ocean to the Gulf of Mexico along the land border between the United States and Mexico is fully constructed.

(c) The President may transfer any amounts appropriated by this division for the purpose of funding the construction of the physical barrier described in subsection (b).

SA 1590. Mr. SCOTT of South Carolina (for himself and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PREVENTING TERRORISM AT THE U.N. ACT OF 2024.

(a) SHORT TITLE.—This section may be cited as the ''Preventing Terrorism at the U.N. Act of 2024''.

(b) FINDINGS.—Congress finds the following:

(1) The United Nations Relief and Works Agency for Palestine Refugees in the Near East (referred to in this section as ''UNRWA'') was established through passage of United Nations Resolution 302 (1949) to assist Arab refugees who had been displaced by the 1948 Arab-Israeli conflict.

(2) The United Nations High Commissioner for Refugees (referred to in this section as ''UNHCR'') was established by the United Nations General Assembly in 1950 to assist refugees and other displaced persons, including internally displaced persons, in all regions around the world.

(3) UNRWA is the only specialized agency or entity of the United Nations with a sole conflict or regional mandate.

(4) For years, UNRWA has faced credible and corroborated accusations of corruption, antisemitism, and support for terrorism.

(5) Such accusations include the use of antisemitic material in UNRWA classrooms and the use of UNWRA facilities for the storage of munitions by Hamas, an Iranian-backed, United States-designated foreign terrorist organization.

(6) On January 26, 2024, UNRWA terminated the contracts of 12 staff members who were accused of participating in Hamas' brutal terrorist attacks against Israel on October 7, 2023.

(7) The attacks of October 7, 2023, claimed the lives of 1,200 Israelis and foreign nationals, including 35 citizens of the United States, and resulted in the hostage taking of 240 Israelis and foreign nationals.

(8) The United States has contributed more than $7,000,000,000 to UNRWA since 1949, making it the largest individual donor to the agency.

(9) United States contributions to UNRWA were suspended from 2018 through 2020, due to allegations of corruption, antisemitism, and support for terrorism.

(10) The United States has provided more than $730,000,000 to UNRWA since United States contributions to the agency resumed in 2021.

(11) Following the accusations of the involvement of UNRWA staff in the terrorist attacks of October 7, 2023, the Department of State announced the temporary suspension of United States funding to UNRWA.

(12) Since January 26, 2024, more than sixteen additional countries and the European Union have suspended their contributions to UNRWA.

(13) While the majority of funding for UNRWA comes from voluntary contributions, the agency receives a portion of its funding from the regular budget of the United Nations.

(14) The estimated budget for the UNRWA for United Nations fiscal year 2024 includes $55,176,800 from the regular budget of the United Nations.

(15) The United States provides 22 percent of the regular budget of the United Nations.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the UNHCR should serve all global refugee and displaced person populations, including those within the original jurisdiction of the UNRWA.

(d) PROHIBITION ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.—No funds may be provided as a voluntary or assessed contribution of the United States to the United Nations, including any organ, agency, or entity of the United Nations until—

(1) UNRWA is abolished;

(2) the Secretary of State certifies to the appropriate congressional committees that the that the United Nations has completed appropriate counterterrorism vetting for all United Nations employees and contractors operating in the original jurisdiction of the UNRWA; and

(3) the Secretary of State certifies to the appropriate congressional committees that the United Nations, including staff and facilities receiving United Nations funding, do not teach, promote, or include in materials, such as textbooks and other instructional materials, any content that promotes antisemitism or encourages violence or intolerance toward other countries or ethnic groups.

(e) TRANSITION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that—

(1) identifies the totality of services provided by UNRWA;

(2) details how such services will be absorbed by existing United Nations funds, programs, specialized agencies, and organizations;

(3) details how such services may be absorbed through bilateral assistance;

(4) includes a plan to ensure all United Nations funds, programs, specialized agencies, and organizations implement and maintain stringent counterterrorism vetting standards; and

(5) includes a plan to ensure all United Nations funds, programs, specialized agencies, and organizations implement and maintain stringent oversight of educational material and curriculum that prohibits all content that promotes antisemitism or encourages violence or intolerance toward other countries or ethnic groups.

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

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SA 1591. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REVIEW OF AND REPORTING ON NATIONAL SECURITY SENSITIVE SITES FOR PURPOSES OF REVIEWS OF REAL ESTATE TRANSACTIONS BY THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) LIST OF NATIONAL SECURITY SENSITIVE SITES.—Section 721(a)(4)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(C)) is amended by adding at the end the following:

''(iii) LIST OF SITES.—For purposes of subparagraph (B)(ii), the Committee may prescribe through regulations a list of facilities and property of the United States Government that are sensitive for reasons relating to national security. Such list may include certain facilities and property of the intelligence community and National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)).''.

(b) REVIEW AND REPORTS.—Section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)(2)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(L) A description of the activities of the Committee relating to facilities and property of the United States Government determined to be sensitive for reasons relating to national security for purposes of subsection (a)(4)(B)(ii).

''(M) A certification with respect to whether or not the list of such facilities and property prescribed under subsection (a)(4)(C)(iii) is up to date and, if not, an explanation of why not.'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) ANNUAL REVIEW OF LIST OF FACILITIES AND PROPERTY.—Not later than January 31 of each year, each member of the Committee shall—

''(A) review the facilities and property of the agency represented by that member that are on the list prescribed under subparagraph (C)(iii) of subsection (a)(4) of facilities and property that are sensitive for reasons relating to national security for purposes of subparagraph (B)(ii) of that subsection; and

''(B) submit to the chairperson a report on that review, which shall include any recommended updates or revisions to the list.''.

SA 1592. Mr. LEE (for Mr. MARSHALL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The Director of U.S. Immigration and Customs Enforcement shall—

(1) prioritize detention by requiring that the average daily population of detainees is continuously maintained at full capacity at all detention facilities operated by U.S. Immigration and Customs Enforcement; and

(2) require that every alien on the non-detained docket—

(A) is enrolled in the Alternatives to Detention Program; and

(B) is subject to mandatory GPS monitoring throughout the duration of all applicable immigration proceedings (including any appeals) .and until removal, if ordered removed.

SA 1593. Mr. LEE (for Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. An alien who is a national of a country that has been designated by the Secretary of State as a state sponsor of international terrorism—

(1) may not, under any circumstances, be paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(2) if detained by U.S. Customs and Border Protection, shall be immediately transferred to U.S. Immigration and Customs Enforcement for processing.

SA 1594. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 1147, to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jenna Quinn Law''.

SEC. 2. CHILD SEXUAL ABUSE AWARENESS FIELD INITIATED GRANTS.

(a) IN GENERAL.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended by adding at the end the following:

''(8) CHILD SEXUAL ABUSE AWARENESS FIELD-INITIATED GRANTS.—

''(A) IN GENERAL.—The Secretary may award grants under this subsection to entities, for periods of up to 5 years, in support of field-initiated innovation projects that advance, establish, or implement comprehensive, innovative, evidence-based or evidence-informed child sexual abuse awareness and prevention programs by—

''(i) improving student awareness of child sexual abuse in an age-appropriate manner, including how to recognize, prevent, and safely report child sexual abuse;

''(ii) training teachers, school employees, and other mandatory reporters and adults who work with children in a professional or volunteer capacity, including with respect to recognizing child sexual abuse and safely reporting child sexual abuse; or

''(iii) providing information to parents and guardians of students about child sexual abuse awareness and prevention, including how to prevent, recognize, respond to, and report child sexual abuse and how to discuss child sexual abuse with a child.

''(B) REPORTING.—Each entity receiving a grant under subparagraph (A) shall submit an annual report to the Secretary, for the duration of the grant period, on the projects carried out using such grant, including the number of participants, the services provided, and the outcomes of the projects, including participant evaluations.''.

(b) REPORT ON EFFECTIVENESS OF EXPENDITURES.—Not later than 5 years after the date on which the first grant is awarded under paragraph (8) of section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)), as added by subsection (a), the Comptroller General of the United States shall—

(1) prepare a report that describes the projects for which funds are expended under paragraph (8) of such section 105(a)(8) and evaluates the effectiveness of those projects; and

(2) submit the report to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives.

(c) REPORT ON DUPLICATIVE NATURE OF EXPENDITURES.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) prepare a report that examines whether the projects described in subsection (b) are duplicative of other activities supported by Federal funds; and

(2) submit the report to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives.

SA 1595. Mr. LEE (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 1388 proposed by Mrs. MURRAY (for herself and Mr. SCHUMER) to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, after line 13, add the following:

SEC. 617. (a) This section may be cited as the ''Stop Taxpayer Funding of Hamas Act''.

(b) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act, or by any prior Act making appropriations for the Department of State, foreign operations, and related programs, may be made available for any expenditure in the territory of Gaza until after the President certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) such funds can be expended without benefitting any organization or persons that is—

(A) a member of Hamas, Palestinian Islamic Jihad, or any other organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) controlled or influenced by Hamas, Palestinian Islamic Jihad, or any such foreign terrorist organization; and

(2) all hostages who were taken to Gaza by any organization referred to in paragraph (1)(A) have been freed.

(c) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act, or by any prior Act making appropriations for the Department of State, foreign operations, and related programs, may be obligated or expended in the territory of Gaza through any United Nations entity or office unless the President certifies to the congressional committees referred to in subsection (b) that such entity or office is not encouraging or teaching anti-Israel or anti-Semitic ideas or propaganda.

JENNA QUINN LAW

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1147, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1147) to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Cornyn substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and

passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1594), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jenna Quinn Law''.

SEC. 2. CHILD SEXUAL ABUSE AWARENESS FIELD INITIATED GRANTS.

(a) IN GENERAL.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended by adding at the end the following:

''(8) CHILD SEXUAL ABUSE AWARENESS FIELD-INITIATED GRANTS.—

''(A) IN GENERAL.—The Secretary may award grants under this subsection to entities, for periods of up to 5 years, in support of field-initiated innovation projects that advance, establish, or implement comprehensive, innovative, evidence-based or evidence-informed child sexual abuse awareness and prevention programs by—

''(i) improving student awareness of child sexual abuse in an age-appropriate manner, including how to recognize, prevent, and safely report child sexual abuse;

''(ii) training teachers, school employees, and other mandatory reporters and adults who work with children in a professional or volunteer capacity, including with respect to recognizing child sexual abuse and safely reporting child sexual abuse; or

''(iii) providing information to parents and guardians of students about child sexual abuse awareness and prevention, including how to prevent, recognize, respond to, and report child sexual abuse and how to discuss child sexual abuse with a child.

''(B) REPORTING.—Each entity receiving a grant under subparagraph (A) shall submit an annual report to the Secretary, for the duration of the grant period, on the projects carried out using such grant, including the number of participants, the services provided, and the outcomes of the projects, including participant evaluations.''.

(b) REPORT ON EFFECTIVENESS OF EXPENDITURES.—Not later than 5 years after the date on which the first grant is awarded under paragraph (8) of section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)), as added by subsection (a), the Comptroller General of the United States shall—

(1) prepare a report that describes the projects for which funds are expended under paragraph (8) of such section 105(a)(8) and evaluates the effectiveness of those projects; and

(2) submit the report to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives.

(c) REPORT ON DUPLICATIVE NATURE OF EXPENDITURES.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) prepare a report that examines whether the projects described in subsection (b) are duplicative of other activities supported by Federal funds; and

(2) submit the report to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives.

The bill (S. 1147), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senator to the Board of Visitors of the U.S. Naval Academy: The Honorable DEB FISCHER, of Nebraska, Committee on Appropriations.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 555, S. Res. 556, S. Res. 557, and S. Res. 558.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to; that the preambles, where applicable, be agreed to; and that the motions to reconsider be considered made and laid upon the table all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 555) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

The resolutions (S. Res. 556 and S. Res. 557) were agreed to.

(The resolutions are printed in today's RECORD under ''Submitted Resolutions.'')

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR SATURDAY, FEBRUARY 10, 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Saturday, February 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that upon the conclusion of morning business, the Senate resume consideration of Calendar No. 30, H.R. 815.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:45 p.m., adjourned until Saturday, February 10, 2024, at 12 noon.

EXTENSIONS OF REMARKS

HONORING THE LIFE AND ACCOMPLISHMENTS OF JANE A. WITTMEYER

HON. RUSS FULCHER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. FULCHER. Mr. Speaker. I rise today to honor the life of Jane A. Wittmeyer, a woman who was deeply dedicated to giving back to our great state of Idaho. The passing of Jane on October 25, 2023, after bravely battling Alzheimer's, is deeply felt by many.

Born in Kansas City and raised in Platte City, Jane was known for insatiable curiosity and love for life. She graduated from Platte High School in 1973 and went to pursue her passion of Horticulture at Kansas State University, earning her BS degree. Jane furthered her education achieving an MBA in International Relations from George Washington University followed by a PhD from Virginia Tech University. Her passion for learning led her to completing Senior Managers in Government Courses from Harvard University's Kennedy School of Government in addition to the Library of Congress's Staff Training courses,

In pursuit of her dreams, Jane relocated to Weiser, Idaho, where she found fulfillment with her career and community. She was instrumental in establishing the first Young Republicans chapter in Payette County, showing her dedication to civic engagement and leadership.

Throughout her life, Jane radiated positivity and joy, even in the face of adversity. Despite her battle, she continued to find joy by being surrounded by family. Jane will be dearly missed by her husband, Brent Olmstead, children Tyler Gorsuch, Katie Gorsuch, stepsons Jacob Olmstead, Berkley Olmstead, and Murphy Olmstead, siblings John Wittmeyer, Mary Andra, and Mark Wittmeyer. She was preceded in death by her parents Ralph and Lucy Wittmeyer and her sister Julie Wittmeyer.

Jane's impact on those around her was immeasurable, and her memory will live on in the hearts of all who knew her.

RECOGNIZING PHOENIX OASIS

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. GOSAR. Mr. Speaker, I rise today to recognize the good work of a Phoenix-based veterans care facility called Phoenix Oasis. Phoenix Oasis, headed by its Director Anthony Pfeffer, demonstrated its commitment to our veterans and offered key assistance to U.S. Vets–Phoenix. When U.S. Vets lost its lease, but did not yet have a new facility ready, Phoenix Oasis stepped in and allowed U.S. Vets to continue serving veterans. U.S. Vets stayed and offered services to veterans for months after the lease had expired, and in that way, Phoenix Oasis allowed veterans in need to have continuity of care in a stable and supportive environment.

Indeed, Mr. Pfeffer prioritized providing assistance to U.S. Vets notwithstanding the needs of his own program at Phoenix Oasis. The veterans served by U.S. Vets benefitted tremendously by this compassionate effort and the sacrifices made by Phoenix Oasis and Mr. Pfeffer.

It is commendable that Mr. Pfeffer and Phoenix Oasis take their responsibilities to our veterans so deeply and personally. It is rare these days to see that level of commitment and I applaud them in so doing.

It is also the 10th anniversary of the founding of Phoenix Oasis. The dedicated staff at Phoenix Oasis have provided a decade of service delivering safe housing and substance abuse treatment services to thousands of veterans during that time. And they did so with dignity and respect to our veterans.

Our veterans helped America when we needed them. When our veterans need help, people like Mr. Pfeffer and Phoenix Oasis step in. I thank them on behalf of everyone they have helped in the last decade.

RECOGNIZING VERONICA KRUPNICK

HON. MELANIE A. STANSBURY

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Ms. STANSBURY. Mr. Speaker, I rise today in recognition of Veronica Krupnick of Santa Fe, New Mexico, who was selected by Casey Excellence for Children Awards to receive the 2024 Alumni Award. Veronica is the first Indigenous person to have been selected for this great honor. She is an enrolled member of the Hopi Tribe of Arizona and has Jemez Pueblo and Navajo Nation heritage.

Veronica is a mentor, a leader, and an unwavering advocate for children and youth in New Mexico's child welfare system. Drawing upon her own experience in the foster care system, Veronica's advocacy and mentorship centers around the importance of connecting children and youth in the child welfare system to their cultural identities, communities, and traditions. Last year, she played a crucial role in upholding the Indian Child Welfare Act (ICWA), which was under threat by a case heard before the Supreme Court. The ICWA mandates that when the government seeks foster and adoption placement for a child who is a member of or eligible for membership in an Indian Tribe, it must give preference to those with kin or Tribal relationships to the child. In the decades since it was enacted, the ICWA has been labeled the gold standard of child welfare policy. This law consistently establishes best practices to protect Indigenous children and preserve the integrity of Indigenous cultures and identities.

Veronica currently serves as the Leadership Analyst for the Majority Leader in the New Mexico House of Representatives. In addition, she is the Vice President of the Board of Directors of Court-Appointed Special Advocates for Children (CASA), First Judicial District, a senior member of the National Foster Youth and Alumni Policy Council, a member of the National Child Welfare and Racial Equity (CWARE) Collaborative, and the Co-Chair of the Training Committee for the New Mexico Partners.

Veronica works tirelessly to give a voice to children and youth in Tribal families, and in New Mexico as a whole, that are impacted by the child welfare system. I would like to thank Veronica for working every day as a champion to instill hope in our future generations.

CELEBRATING JAMES BLANTON'S RETIREMENT

HON. MICHAEL CLOUD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. CLOUD. Mr. Speaker, today I rise to recognize the retirement of James Blanton after his incredible 35 years in law enforcement.

James' journey started in 1989 as a Patrol Sergeant and Criminal Investigator for the Caldwell County Sheriff's Department, where he played an important role in the CAPCO Drug Task Force and solidified his reputation as a trusted law enforcement professional. His career brought him through a variety of roles, including Investigator for the Bastrop County Sheriff's Department, Deputy for the Comal County Sheriff's Department, and Deputy Constable for Precinct 2 in Hays County.

In each and every assignment, James' integrity and professionalism stood out among his colleagues—leading to a decorated career. Most notably, James has been awarded with the Master Peace Officer classification by the Texas Commission on Law Enforcement, recognizing his excellence in the field. But more than any award or career achievement, James is known for his character, and his respect for all individuals he encountered during his service. His unwavering commitment to serving his community marks truly a job well done, and a life well lived.

As James embarks on this new chapter of his life, it is my honor to recognize his remarkable service and dedication. I join the communities James has served in thanking him for his years of service. May God bless him and his family in the months and years ahead.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING AMERICA'S CREDIT UNIONS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. CALVERT. Mr. Speaker, I rise to recognize the importance of credit unions in the competitive financial services marketplace. I especially appreciate the 263 credit unions and their 14 million members in my state of California.

The country's two storied trade associations, the Credit Union National Association and the National Association of Federally-Insured Credit Unions are now merged into a new organization called ''America's Credit Unions.''

As a long-time credit union member and supporter, I appreciate the difference between credit unions and banks. Credit unions are not-for-profit financial cooperatives that are democratically controlled.

Every member, regardless of how much they have in savings or loans at a credit union, has an equal voice and vote in the governance of their credit union. There are no outside stockholders and no motive for the credit union's leadership to gouge the membership or provide poor member service.

In fact, credit unions consistently rank as the most popular form of depository institutions in America. So today I congratulate the unification of the two national credit union advocacy organizations and I expect great things to come from this newly-minted trade organization called ''America's Credit Unions.''

HONORING ANN MARIE MILLER

HON. THOMAS H. KEAN, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. KEAN of New Jersey. Mr. Speaker, I rise today to recognize and honor the career and accomplishments of Ann Marie Miller, a committed advocate for the arts, as she marks the closing of a 28-year career tenure that has shaped the art sector within New Jersey. Raised in East Brunswick, Ann Marie Miller was inspired by a strong high school arts program to become an art teacher. She graduated from Moore College of Art and Design with a Bachelor of Science in arts education and taught visual art in both public and private settings.

Her 28-year journey has been nothing short of extraordinary, leaving an indelible mark on the cultural tapestry of New Jersey. I applaud Ann Marie's dedication and she has most definitely made a significant impact in the arts community.

I wish Ann Marie a peaceful retirement filled with joy, relaxation and cherished moments spent with loved ones.

SALUTING THE SERVICE OF SERGEANT JASON HOWARD, U.S. ARMY, RETIRED

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. CARTER of Texas. Mr. Speaker, Sergeant Jason Howard, U.S. Army, Retired, has always been there to lend a helping hand to his fellow citizens and his efforts to make his beloved community a better place has made lasting and positive impacts on the region. He is a dedicated soldier, devoted public servant, and a fitting recipient of a Congressional Veteran Commendation.

SGT Howard has extensive military experience including serving at Fort Cavazos and deployments in both Operation Enduring Freedom and Operation Iraqi Freedom. He worked closely with our Kurdish allies and even met with future Iraqi President Jamal Talabani. His great work didn't go unnoticed as he was awarded a Bronze Star Medal, Army Commendation Medal, and a Meritorious Unit Commendation, and among others.

After retiring from the Army, SGT Howard found his way back to Central Texas. Fueled by his passion for wanting to serve and lead others, SGT Howard serves as the Alderman for the Village of Salado while giving back to his community through numerous volunteer opportunities. He pours himself into making Salado a great place to work and call home, all while ensuring that the voices of residents are heard in the halls of government. His actions reflect the commitment of a devoted public servant. Once a soldier, always a soldier.

I commend SGT Howard's incredible contributions. This soldier-for-life's patriotism, citizenship, and commitment to excellence reflect the very best of Central Texas. I join his colleagues, family, and friends in honoring his career, commending his commitment to public service, and celebrating his outstanding achievements.

IMPEACHING ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY, FOR HIGH CRIMES AND MISDEMEANORS

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2024

Mr. THOMPSON of Mississippi. Mr. Speaker, extreme MAGA Republicans have engaged in a cynical and unserious attempt to impeach Homeland Security Secretary Mayorkas. Their report to accompany H. Res. 863 resorted to sloppy misrepresentations in an attempt to justify this baseless, political stunt.

For example, the report misquoted Professor Frank Bowman, who testified before the Committee on Homeland Security on January 10, 2024. Professor Bowman testified that the Constitution did not support the impeachment of Secretary Mayorkas over mere policy differences. The majority report, however, twists a passage of Professor Bowman's book on impeachment and uses it out of context to suggest policy differences were grounds for impeachment.

Republicans also tried to misrepresent Professor Bowman's writings during the hearing, but they did not afford Professor Bowman an opportunity to explain his work. I submitted clarifying questions to Professor Bowman to supplement the hearing record, but the majority did not transmit those questions to Professor Bowman before the legislative report was filed in the House.

I include in the RECORD Professor Bowman's responses to my questions to make the professor's thoughts on impeachment over policy differences abundantly clear, since the Republican majority cannot be bothered to conduct a proper investigation with a complete record.

COMMITTEE ON HOMELAND SECURITY, U.S. HOUSE OF REPRESENTATIVES

RESPONSES TO SUPPLEMENTAL QUESTIONS

Frank O. Bowman III, University of Missouri Curators' Distinguished Professor Emeritus, Floyd R. Gibson Missouri Endowed Professor Emeritus

(Academic titles provided for identification purposes only. The opinions expressed herein are those of the author, do not reflect those of any other person or entity, and are not endorsed by the University of Missouri.)

Question #1 from Mr. Thompson: Republicans have portrayed your previous academic writing as confirming their position that mere policy differences may be a ground for impeachment. In particular, that ''displeasure with administration personnel and policy'' may be sufficient to warrant impeachment. Is that correct?

I have never written that mere policy differences would be an adequate ground for impeachment. To the contrary, I join with the consensus view of constitutional scholars that ordinary policy differences are not a proper ground for impeachment. Indeed, this general principle is particularly applicable to a disagreement on policy between a presidential administration and a political party controlling only one house of Congress, and that by the very narrowest of margins.

The quotation to which the question alludes, one mentioned by Chairman Green and Rep. Bishop, occurs in the final paragraph of Chapter 4 of the second edition of my book, High Crimes & Misdemeanors: A History of Impeachment for the Age of Trump (Cambridge Univ. Press 2023). Both congressmen take the snippet of text they quote entirely out of context.

In the referenced section of Chapter 4, I discuss the only prior impeachment of a U.S. cabinet officer, President Ulysses Grant's Secretary of War, William Belknap. Prior to the quoted passage, I explained why no cabinet officer before or after Belknap has been impeached. The primary, and obvious, reason is that, as I wrote, any cabinet officer ''whose behavior veered anywhere near an impeachable zone'' was simply removed by the President. Which is what happened to Belknap. He took a bribe. When President Grant found out, he fired Belknap. But the House, controlled by Democrats for the first time since the Civil War, impeached the Secretary anyway as a means of politically damaging President Grant and by extension the Republicans in the upcoming 1876 election.

In the final paragraph of Chapter 4, I was, of course, not saying that mere ''displeasure'' with either a person or a policy is a constitutionally acceptable ground for impeachment. Rather, when a subordinate official has actually committed ''treason, bribery, or other high crimes and misdemeanors''

(as Secretary of War Belknap incontestably did), Congress might elect to proceed with impeachment to signal its displeasure.

Secretary Mayorkas has not committed any impeachable offense. Impeaching a cabinet officer innocent of ''treason, bribery, or other high crimes and misdemeanors'' to indicate displeasure with administration policy or the officer's administration of that policy would be a profoundly anti-constitutional act.

Question #2 from Mr. Thompson: In the past, you have written that impeachable ''high crimes and misdemeanors'' can be interpreted to include ''serious executive misconduct, including . . . betrayal of the nation's foreign policy interests'' such as when a president subordinates the nation's interests to foreign interests. Republican Rep. Guest suggested that you have written in the past about foreign policy differences as grounds for the first impeachment of President Trump—what you describe as Trump's ''rolling destruction of American foreign policy''—and that your past writing contradicts your testimony at the January 10, 2024, hearing. Are foreign policy differences an impeachable offense, and how do foreign policy differences differ from ordinary policy differences?

I have written that one of the accepted historical categories of impeachable conduct, in both the pre-1787 United Kingdom and in the United States, has been ''betrayal of the nation's foreign policy interests.'' However, in saying this, I was obviously not saying that ordinary policy differences between a presidential administration and the opposing political party become impeachable simply because the subject matter of the disagreement is foreign, rather than domestic, policy.

To the contrary, long precedent establishes that, in the U.S. impeachment context, ''betrayal of the nation's foreign policy interests'' has had certain identifying features.

First, for impeachment purposes, a nation's ''foreign policy interests'' are not merely the transient preferences of a political party or faction. Rather, they are enduring interests about which there is a broad societal consensus, ideally one embodied in statutes, treaties, the practice of multiple presidential administrations, and (where applicable) the views of a nation's diplomats, foreign policy experts or professionals.

Second, the word ''betrayal'' implies, not merely changing policy or adopting policy views contrary to one's political adversaries, but subverting the national interest for illegitimate, often personal, motives.

British impeachments that illustrate these features include the following.

In 1667, after an expensive and unnecessary war with the Dutch, the Earl of Clarendon was impeached in part for seeking payments from France to the British crown to evade parliamentary controls on royal finance.

In 1678, the Earl of Danby was impeached for soliciting—on behalf of the English King Charles II—a bribe from Louis XIV of France in return for English neutrality in the Franco-Dutch War.

Both Clarendon and Danby's solicitations not only undercut longstanding British foreign policy objectives and subjected the British monarch to undue foreign influence, but were a bald attempt to avoid a significant parliamentary constraint on royal overreach—the requirement that the Crown obtain ''supplies'' (i.e., funding in addition to the monarch's private wealth) through the legislature.

More relevant to the present case are the American impeachments of Senator William Blount in 1797–98 and of President Donald Trump in 2020.

Sen. William Blount: Blount, then a U.S. senator, concocted a scheme to enrich himself by giving Great Britain control of the territories of Louisiana and Florida. Blount's scheme was obviously contrary to contemporary U.S. foreign policy interests inasmuch as the American government and populace wanted to expand into Louisiana and Florida, or at the very least to prevent Great Britain from assuming control over those territories. In addition, the articles of impeachment against Blount charged him with violations of the Neutrality Act of 1794, and also with violation of the Treaty of Friendship, Limits, and Navigation between the United States and Spain (because his scheme involved stirring up Native American tribes to attack Spanish officials and interests).

Not only was Blount's scheme undeniably contrary to U.S. foreign policy interests, and to multiple treaty obligations, but it was a ''betrayal'' in the most obvious sense. Blount tried to sell out the interests of his country for personal financial gain.

Although Blount was acquitted by the Senate, the historical consensus is that the verdict turned on the decision that senators are not ''civil officers'' subject to the impeachment remedy under Article II, Section 4 of the Constitution.

President Donald Trump:

President Trump's first impeachment involved two articles, the first charging that Trump committed ''high crimes and misdemeanors'' in relation to his scheme to coerce the government of Ukraine into announcing investigations into Trump's likely presidential opponent, Joe Biden, and the second charging obstruction of Congress. The first article was captioned ''Abuse of Power,'' but as I have written, it ''braided together three themes . . . corruption, damage to foreign policy interests, and injury to the democratic process. As the first article of impeachment summarized the matter:

''President Trump abused the powers of the Presidency by ignoring and injuring national security and other vital national interests to obtain an improper personal political benefit. He has also betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections.''

The ''national security and other vital national interests'' alluded to in the article were the interest of the United States in supporting, militarily and diplomatically, a country threatened, and indeed physically invaded, by Russia, a longstanding geopolitical opponent of the United States, together with the interest of the United States in preventing Russian territorial expansion up to the borders of the countries of the NATO alliance.

These objectives had been endorsed as national security interests of the United States over multiple presidential administrations through repeated bipartisan approval of legislation authorizing military and security aid to Ukraine. They were also endorsed by the entire diplomatic and national security apparatus of the U.S government before and during the Trump Administration itself. For example, when Trump's White House Office of Management and Budget (OMB) placed a hold on congressionally mandated aid to Ukraine in the July 2019 as part of President Trump's scheme to coerce Ukraine, every relevant agency of Trump's own administration except OMB questioned the hold and supported military assistance to Ukraine as being in the national security interest of the United States.

Thus, Trump's first impeachment precisely matches the template for ''betrayal of the nation's foreign policy interests'' described above.

First, the foreign policy interests of the United States in that case were enduring interests embraced by multiple presidential administrations, endorsed by the foreign policy professionals of the executive branch, and manifested in bipartisan legislation enacted by multiple U.S. congresses.

Second, and critically, the ''betrayal'' of U.S. interests consisted of subverting the national interest for illegitimate personal motives—securing a personal political advantage over a potential political rival. In Trump's case, the betrayal was doubly severe because it amounted to an effort to use presidential power to corrupt the democratic electoral process.

Secretary Mayorkas: Nothing alleged against Secretary Mayorkas meets the traditional criteria for impeachment based on ''betrayal of the nation's foreign policy interests.'' The most that can be said against him is that he has executed the policy preferences of President Joe Biden in relation to immigration and border control issues and that the political party in control of the House of Representatives disapproves of those policy preferences. There is no indication that the Secretary's actions, or indeed the Biden Administration's policy choices, are contrary to established national foreign policy interests. To the contrary, U.S. policy regarding immigration and border control has varied from administration to administration and congress to congress as the challenges, needs, and preferences of the country have varied. More importantly, there is absolutely no indication that Secretary Mayorkas has taken any official action for corrupt or illegitimate personal motives.

To repeat the central point, ordinary policy differences between a presidential administration and the opposing political party do not become impeachable simply because the subject matter of the disagreement is foreign, rather than domestic, policy.

Question #3 from Mr. Thompson: Rep. Crane suggested that Secretary Mayorkas has betrayed the Nation, and that betrayal of the nation would be sufficient to warrant impeachment. Are you aware of any evidence that Secretary Mayorkas has betrayed the United States? And Rep. Crane further suggested that you said ''betrayal of the Nation'' is a potential ground for impeachment, whereas you actually said ''betrayal of the nation's foreign policy interests'' is a ground for impeachment. What precisely did you mean?

I did not say in my testimony to the Committee or elsewhere that that ''betrayal of the nation'' is a ground for impeachment. I have agreed with Charles Black that one decent definition of ''high crimes and misdemeanors'' that covers most cases is offenses ''which are extremely serious, which in some way corrupt or subvert the political and governmental process, and which are plainly wrong in themselves to a person of honor, or to a good citizen, regardless of words on the statute books.'' Nothing alleged against Secretary Mayorkas meets this general definition of impeachable conduct.

I have also written that one specific category of impeachable ''high crimes and misdemeanors'' is ''betrayal of the nation's foreign policy interests.'' In my previous answer, I explain what is meant by that phrase for purposes of impeachment and I demonstrate why Secretary Mayorkas' conduct does not fall within it.

Finally, I am aware of no evidence that Secretary Mayorkas has betrayed the nation. To the contrary, based on the facts of which I am aware, Secretary Mayorkas appears to be a capable, dedicated public servant trying as best he can to carry out the policy priorities of the President of the United States and to manage the perennial and intractable problems related to immigration and control of the U.S. southern border.

RECOGNIZING THE MILITARY SERVICE OF TECHNICAL SERGEANT FRANK L. PIFHER

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. BERGMAN. Mr. Speaker, it is my honor to recognize Technical Sergeant Frank L. Pifher for his dedicated and humble service to our Nation in the United States Army.

Frank, a Flint, Michigan, native answered our Nation's call and enlisted in United States Armed Forces in 1952. Frank served honorably in the Korean War in 1953 with the Armored Cavalry, seeing combat as a Tank Commander and spending 11 months overseas. He earned the Korean Service Medal with two Bronze Service Stars, the Good Conduct Medal, the United Nations Service Medal, and the National Defense Service Medal in gallant service to his country.

After returning stateside, Frank was stationed at Camp Carson in Colorado, where he was honorably discharged from the Army on May 5th, 1954. While overseas, Frank had frequently written to a pen pal, who was serving as a wartime nurse back in Michigan. Upon his separation from the military, Frank married his beloved pen pal, Mary Lou. In their 70 years of marriage, they had four children—Tim, Janet, Rebecca and James. Rebecca and James went on to serve honorably in the Marine Corps themselves. In addition to their children, Frank and Mary Lou were blessed with five grandchildren, two step-grandchildren, two great-grandchildren and two step-great-grandchildren. The Pifhers currently reside in Tuscarora Township where they have lived for 34 years.

Mr. Speaker, I'd like to thank Technical Sergeant Frank L. Pifher for his exemplary service to the United States of America. Our gratitude extends to him not only for his courage and humility, but also for his legacy of service that he has passed down to his children and their children. May God bless Frank and his family.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MAX BLACK

HON. RUSS FULCHER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. FULCHER. Mr. Speaker, I rise today to honor the life of Max Clark Black. Max passed away surrounded by loved ones on November 10, 2023. He leaves behind a legacy of public service, having served 20 years as a Representative in the Idaho State Legislature, where I had the pleasure of serving alongside him.

Max was a dedicated husband of 62 years to Clydene Salmon Black and a loving father to Jeffrey, Gary, and Wendi. A lifelong learner and passionate historian, Max enjoyed crafting wooden items and was a devoted fan of Boise State University athletics.

Max is survived by his wife, Clydene Salmon Black, children Jeffrey Clyde Black, (Deanna Black), Gary Ernest Black (Kyra Burstedt Black), and Wendi Black Cleverly (Kyle G. Cleverly), 9 grandchildren, and numerous relatives. He was preceded in death by his parents, sisters Reveau Black and Bonnie Black Edwards, his brothers Keith Ernest Black and Shirl R. Black, his brother-in-law Gordon Eugene Edwards and his sister-in-law Shari Lyn Draper Black, nephews Robert Kim Black, Matthew Shirl Black, and Gregory Dale Kehl.

Max will be remembered not only for his professional achievements, but his unwavering devotion to his faith, family, and community. His presence will be deeply missed.

HONORING VIVIAN MARTAIN

HON. CORI BUSH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Ms. BUSH. Mr. Speaker, St. Louis and I rise today to honor the exceptional career of Ms. Vivian Martain. Ms. Martain is retiring at age 81 after spending over five decades working to service our St. Louis community.

Ms. Martain's commitment to service is evident in each of her pursuits. Since 2018, she has served as the Diversity, Equity, and Inclusion Compliance Officer and Project Pave Administrator at Millstone Weber. In 2019, Ms. Martain became Millstone Weber's first Civil Rights Compliance Manager, where she worked to ensure that minority contractors were represented on the massive I–270 North Project. Prior to that, she served a 14-year term as Executive Director of the Construction Prep Center.

As the chief architect of Millstone Weber's Project PAVE Initiative, she strived to guide, educate, and support students in North St. Louis County high schools and encourage them to pursue careers in heavy design, engineering, and construction. Ms. Martain fondly recounts stories of every single student and how each of them excelled after being in the program.

Ms. Martain has committed her professional life to serving the people of Missouri, and her retirement signifies a well-deserved reprieve from her tireless service. The impact of Ms. Martain's work is immeasurable. We thank her for an unwavering dedication to public service and congratulate her on an outstanding career.

CELEBRATING MARTHA TICE'S 100TH BIRTHDAY

HON. MICHAEL CLOUD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 9, 2024

Mr. CLOUD. Mr. Speaker, I rise today to recognize and celebrate Mrs. Martha Tice's 100th birthday.

Born on February 11, 1924, Martha hails from the wonderful South Texas town of Sinton in my district. A retired schoolteacher, she is well known throughout the community for her selfless heart, as the proud matriarch of her loving family, and someone who still takes every opportunity to give back to others. Martha and her late husband, Henry, raised their two daughters in Sinton and have been blessed with five grandchildren and eight great-grandchildren.

On this truly wonderful occasion, I join her family and the whole Sinton community in wishing Martha Tice a wonderful 100th birthday. May God continue to bless her and her family in the months and years ahead.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S565–S803

Measures Introduced: Three bills and five resolutions were introduced, as follows: S. 3793–3795, and S. Res. 554–558. **Page S599**

Measures Reported:

S. 1258, to require the Director of the Office of Management and Budget to submit to Congress an annual report on projects that are over budget and behind schedule. (S. Rept. No. 118–157) **Page S599**

Measures Passed:

Jenna Quinn Law: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 1147, to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S802–03**

Schumer (for Cornyn) Amendment No. 1594, in the nature of a substitute. **Page S803**

National Entrepreneurship Week: Senate agreed to S. Res. 555, designating the week of February 10 through February 17, 2024, as ''National Entrepreneurship Week'' to recognize the importance and contributions of entrepreneurs and startups to the economic prosperity of the United States and the well-being of every community across the United States. **Page S803**

Printing of the Senate Manual: Senate agreed to S. Res. 556, to provide for the printing of the Senate Manual for the One Hundred Eighteenth Congress. **Page S803**

Blood Donation Drives: Senate agreed to S. Res. 557, authorizing the Sergeant at Arms and Doorkeeper of the Senate to conduct quarterly blood donation drives. **Page S803**

Congratulating the University of Missouri Tigers: Senate agreed to S. Res. 558, congratulating the University of Missouri Tigers for winning the 2023 Cotton Bowl Classic. **Page S803**

Measures Considered:

RELIEVE Act—Agreement: Senate began consideration of H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, after agreeing to the motion to proceed, and taking action on the following motions and amendments proposed thereto: **Pages S565–94**

Pending:

Schumer (for Murray) Amendment No. 1388, in the nature of a substitute. **Page S593**

Schumer Amendment No. 1577 (to Amendment No. 1388), to add an effective date. **Page S593**

Schumer Amendment No. 1578 (to Amendment No. 1577), to add an effective date. **Page S593**

Schumer Amendment No. 1579 (to the language proposed to be stricken by Amendment No. 1388), to add an effective date. **Page S593**

Schumer Amendment No. 1580 (to Amendment No. 1579), to add an effective date. **Page S593**

Schumer motion to commit the bill to the Committee on Veterans Affairs, with instructions to report back forthwith Schumer Amendment No. 1581, to add an effective date. **Page S593**

Schumer Amendment No. 1582 (the instructions (Amendment No. 1581) of the motion to commit), to add an effective date. **Page S594**

Schumer Amendment No. 1583 (to Amendment No. 1582), to add an effective date. **Page S594**

A motion was entered to close further debate on Schumer (for Murray) Amendment No. 1388 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Sunday, February 11, 2024. **Page S593**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Schumer (for Murray Amendment No. 1388) (listed above). **Page S594**

During consideration of this measure today, Senate also took the following action:

By 64 yeas to 19 nays (Vote No. 42), Senate agreed to the motion to proceed to consideration of the bill. **Pages S592–93**

The motion to reconsider the failed vote on the motion to invoke cloture on the motion to proceed to consideration of the bill made on Wednesday, December 6, 2023, was rendered moot. **Page S438**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 12 noon, on Saturday, February 10, 2024. **Page S803**

Appointments:

Board of Visitors of the U.S. Naval Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appointed the following Senator to the Board of Visitors of the U.S. Naval Academy: Senator Fischer (Committee on Appropriations). **Page S803**

Additional Cosponsors: **Pages S599–S600**

Statements on Introduced Bills/Resolutions: **Pages S600–01**

Additional Statements: **Pages S594–99**

Amendments Submitted: **Pages S601–S802**

Record Votes: One record vote was taken today. (Total—42) **Page S593**

Adjournment: Senate convened at 12 noon and adjourned at 8:45 p.m., until 12 noon on Saturday, February 10, 2024. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S803.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 7306–7318; and 4 resolutions, H. Res. 1005–1008 were introduced. **Pages H542–43**

Additional Cosponsors: **Page H544**

Reports Filed: Reports were filed today as follows:

H.R. 3195, to rescind Public Land Order 7917, to reinstate mineral leases and permits in the Superior National Forest, to ensure timely review of Mine Plans of Operations, and for other purposes, with an amendment (H. Rept. 118–377);

H.R. 3397, to require the Director of the Bureau of Land Management to withdraw a rule of the Bureau of Land Management relating to conservation and landscape health, with an amendment (H. Rept. 118–378); and

H.R. 6591, to amend section 8(a) of the Small Business Act to require the Administrator of the Small Business Administration to regularly reassess the asset and net worth thresholds for qualifying as an economically disadvantaged individual, and for other purposes, with an amendment (H. Rept. 118–379). **Page H542**

Speaker: Read a letter from the Speaker wherein he appointed Representative Smith (NE) to act as Speaker pro tempore for today. **Page H539**

Quorum Calls—Votes: There were no Yea and Nay votes, and there were no Recorded votes. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:02 a.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR SATURDAY, FEBRUARY 10, 2024

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

12 noon, Saturday, February 10

Senate Chamber

Program for Saturday: Senate will continue consideration of H.R. 815, RELIEVE Act (the legislative vehicle for the National Security Supplemental).

The filing deadline for first-degree amendments to Schumer (for Murray) Amendment No. 1388, in the nature of a substitute, and to the bill, is at 1 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, February 13

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

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