to the bill H.R. 815, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1842. 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 end 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 1843. Mr. SCHUMER proposed an amendment to amendment SA 1842 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 ''1 day'' and insert ''2 days''.

SA 1844. 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 end 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 1845. Mr. SCHUMER proposed an amendment to amendment SA 1844 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 ''3 days'' and insert ''4 days''.

SA 1846. Mr. SCHUMER proposed an amendment to amendment SA 1845 proposed by Mr. SCHUMER to the amendment SA 1844 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 ''4 days'' and insert ''5 days''.

SA 1847. Mr. SULLIVAN 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 ECONOMIC SUPPORT FUND ASSISTANCE FOR UKRAINE.

Notwithstanding any other provision of any division of this Act, no amounts appropriated or otherwise made available by any division of this Act may be made available for Economic Support Fund assistance for Ukraine.

SA 1848. 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 end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 7 days after the date of enactment of this Act.

SA 1849. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1848 submitted by 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 1, line 3, strike ''7 days'' and insert ''8 days''.

SA 1850. 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 end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 9 days after the date of enactment of this Act.

SA 1851. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1850 submitted by 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 1, line 3, strike ''9 days'' and insert ''10 days''.

SA 1852. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1851 submitted by Mr. SCHUMER and intended to be proposed to the amendment SA 1850 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; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''10 days'' and insert ''11 days''.

SA 1853. Mr. SCOTT of Florida 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. ___. RESTRICTION ON THE EXPENDITURE FOR FEDERAL FUNDS IN GAZA.

(a) SHORT TITLE.—This section may be cited as the ''Stop Taxpayer Funding of Hamas Act''.

(b) IN GENERAL.—No United States Government funds may be obligated or expended 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 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) have been freed.

(c) UNITED NATIONS ENTITIES.—No United States Government funds 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 1854. Ms. LUMMIS 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. _____. DISCRETIONARY SPENDING LIMIT REDUCTIONS.

Section 251(c)(10) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)(10)) is amended—

(1) in subparagraph (A), by striking ''$895,212,000,000'' and inserting ''$847,712,000,000''; and

(2) in subparagraph (B), by striking ''; $710,688,000,000'' and inserting '', $663,188,000,000''.

SA 1855. Mr. DAINES 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. ____. MODIFICATION TO OPERATION OF UKRAINE SUPPORT FUND.

Notwithstanding any provision of division F of this Act—

(1) funds in the Ukraine Support Fund established under section 104(d) of that division shall be available to the Secretary of Defense as well as the Secretary of State for the purpose of providing assistance to Ukraine for the damage resulting from the unlawful invasion by the Russian Federation that began on February 24, 2022;

(2) the permissible uses of funds in the Ukraine Support Fund include supporting the national defense of Ukraine and providing military aid to Ukraine; and

(3) none of the funds in the Ukraine Support Fund may be used to repay loans made to Ukraine by the European Union or a country in Europe.

SA 1856. Mr. DAINES (for himself and Ms. LUMMIS) 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. _____. SUPPORTING NATIONAL SECURITY WITH SPECTRUM.

(a) SHORT TITLE.—This section may be cited as the ''Supporting National Security with Spectrum Act''.

(b) ADDITIONAL ''RIP AND REPLACE'' FUNDING.— Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking ''$1,900,000,000'' and inserting ''$4,980,000,000''.

(c) APPROPRIATION OF FUNDS.—There is appropriated to the Federal Communications Commission for fiscal year 2024, out of amounts in the Treasury not otherwise appropriated, $3,080,000,000, to remain available until expended, to carry out section 4 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603).

(d) FCC AUCTION 97 REAUCTION OF CERTAIN LICENSES; COMPLETION OF REAUCTION.—

(1) FCC AUCTION 97 REAUCTION OF CERTAIN LICENSES.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall initiate a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant licenses for spectrum in the inventory of the Commission within the bands of frequencies referred to by the Commission as the ''AWS-3 bands'', without regard to whether the authority of the Commission under paragraph (11) of that section has expired.

(2) COMPLETION OF REAUCTION.—The Federal Communications Commission shall complete the system of competitive bidding described in subsection (a), including receiving payments, processing applications, and granting licenses, without regard to whether the authority of the Commission under paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) has expired.

SA 1857. 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:

Strike page 59, line 6 and all that follows through page 69, line 7, and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan authorized by this Act shall be exclusively and indefinitely reserved for deposit in the United States Treasury for purposes of repayment of the national debt.

SA 1858. Mr. SANDERS (for himself, Mr. WELCH, and Ms. WARREN) 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. _____. Notwithstanding any other provision of any division of this Act, no prohibition on funds appropriated under any division of this Act being made available for a contribution, grant, or other payment to the United Nations Relief and Works Agency shall have force or effect.

SA 1859. Mr. SANDERS (for himself and Ms. WARREN) 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 any division of this Act, no funds shall be made available under any division of this Act for—

(1) ''Operation and Maintenance, Defense-Wide'' to respond to the situation in Israel;

(2) ''Procurement of Ammunition, Army'' to respond to the situation in Israel;

(3) ''Defense Production Act Purchases'' for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533); or

(4) ''Foreign Military Financing Program'' for assistance for Israel and for related expenses.

(b) Sections 305, 306, 308, and 309 of division A of this Act shall have no force or effect.

SA 1860. 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. _____. EMERGENCY DESIGNATIONS.

No emergency designation under section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)) contained in any division of this Act shall have force or effect.

Strike division T.

SA 1861. Mr. ROUNDS 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. ___. CLARIFICATION OF ASYLUM ELIGIBILITY.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or who arrives in the United States (whether or not at a designated port of arrival and including'' and inserting ''and has arrived in the United States at a port of entry (including''; and

(B) in paragraph (2), by amending subparagraph (A) to read as follows:

''(A) SAFE THIRD COUNTRY.—Paragraph (1) shall not apply to an alien if the Attorney General or the Secretary of Homeland Security determines that—

''(i) the alien may be removed to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or

freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General or the Secretary, on a case-by-case basis, finds that it is in the public interest for the alien to receive asylum in the United States; or

''(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 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.''; and

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting ''(in accordance with the rules set forth in this section), and is eligible to apply for asylum under subsection (a)'' before the semicolon at the end; and

(B) by amending paragraph (2) 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 such terms 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.—In 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).''.

(b) 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 1862. Mr. ROUNDS 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. ___. REVIEW AND PROHIBITIONS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN TRANSACTIONS RELATING TO AGRICULTURE.

(a) IN GENERAL.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(1) in subsection (a), by adding at the end the following:

''(14) AGRICULTURE.—The term 'agriculture' has the meaning given that term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).'';

(2) in subsection (b)(1), by adding at the end the following:

''(I) CONSIDERATION OF CERTAIN AGRICULTURAL LAND TRANSACTIONS.—

''(i) IN GENERAL.—Not later than 30 days after receiving notification from the Secretary of Agriculture of a reportable agricultural land transaction, the Committee shall determine—

''(I) whether the transaction is a covered transaction; and

''(II) if the Committee determines that the transaction is a covered transaction, whether to—

''(aa) request the submission of a notice under clause (i) of subparagraph (C) or a declaration under clause (v) of such subparagraph pursuant to the process established under subparagraph (H); or

''(bb) initiate a review pursuant to subparagraph (D).

''(ii) REPORTABLE AGRICULTURAL LAND TRANSACTION DEFINED.—In this subparagraph, the term 'reportable agricultural land transaction' means a transaction—

''(I) that the Secretary of Agriculture has reason to believe is a covered transaction;

''(II) that involves the acquisition of an interest in agricultural land by a foreign person, other than an excepted investor or an excepted real estate investor, as such terms are defined in regulations prescribed by the Committee; and

''(III) with respect to which a person is required to submit a report to the Secretary of Agriculture under section 2(a) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501(a)).'';

(3) in subsection (k)(2)—

(A) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(B) by inserting after subparagraph (G) the following:

''(H) The Secretary of Agriculture, with respect to any covered transaction related to the purchase of agricultural land or agricultural biotechnology or otherwise related to the agriculture industry in the United States.''; and

(4) by adding at the end the following:

''(r) PROHIBITIONS RELATING TO PURCHASES OF AGRICULTURAL LAND AND AGRICULTURAL BUSINESSES.—

''(1) IN GENERAL.—If the Committee, in conducting a review under this section, determines that a transaction described in clause (i), (ii), or (iv) of subsection (a)(4)(B) would result in the purchase or lease by a covered

foreign person of real estate described in paragraph (2) or would result in control by a covered foreign person of a United States business engaged in agriculture, the President shall prohibit the transaction unless a party to the transaction voluntarily chooses to abandon the transaction.

''(2) REAL ESTATE DESCRIBED.—Subject to regulations prescribed by the Committee, real estate described in this paragraph is agricultural land (as defined in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508)) in the United States that is in close proximity (subject to subsection (a)(4)(C)(ii)) to a United States military installation or another facility or property of the United States Government that is—

''(A) sensitive for reasons relating to national security for purposes of subsection (a)(4)(B)(ii)(II)(bb); and

''(B) identified in regulations prescribed by the Committee.

''(3) WAIVER.—The President may waive, on a case-by-case basis, the requirement to prohibit a transaction under paragraph (1) after the President determines and reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that the waiver is in the national interest of the United States.

''(4) COVERED FOREIGN PERSON DEFINED.—

''(A) IN GENERAL.—In this subsection, subject to regulations prescribed by the Committee, the term 'covered foreign person'—

''(i) means any foreign person (including a foreign entity) that acts as an agent, representative, or employee of, or acts at the direction or control of, the government of a covered country; and

''(ii) does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

''(B) COVERED COUNTRY DEFINED.—For purposes of subparagraph (A), the term 'covered country' means any of the following countries, if the country is determined to be a foreign adversary pursuant to section 7.4 of title 15, Code of Federal Regulations (or a successor regulation):

''(i) The People's Republic of China.

''(ii) The Russian Federation.

''(iii) The Islamic Republic of Iran.

''(iv) The Democratic People's Republic of Korea.''.

(b) SPENDING PLANS.—Not later than 60 days after the date of the enactment of this Act, each department or agency represented on the Committee on Foreign Investment in the United States shall submit to the chairperson of the Committee a copy of the most recent spending plan required under section 1721(b) of the Foreign Investment Risk Review Modernization Act of 2018 (50 U.S.C. 4565 note).

(c) REGULATIONS.—

(1) IN GENERAL.—The President shall direct, subject to section 553 of title 5, United States Code, the issuance of regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The regulations prescribed under paragraph (1) shall take effect not later than one year after the date of the enactment of this Act.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date that is 30 days after the effective date of the regulations under subsection (c)(2); and

(2) apply with respect to a covered transaction (as defined in section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565)) that is proposed, pending, or completed on or after the date described in paragraph (1).

(e) SUNSET.—The amendments made by this section, and any regulations prescribed to carry out those amendments, shall cease to be effective on the date that is 7 years after the date of the enactment of this Act.

SA 1863. Mr. ROUNDS 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 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 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) 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 1864. Mr. HAGERTY 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 funds made available by this Act may be used to provide grants or other funding to any government entity or organization, including nonprofit entities, that has not certified that it does not facilitate voting by noncitizens in Federal, State, or local government elections.

SA 1865. Mr. HAGERTY 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 funds made available by this Act may be used to provide grants or other funding to any government entity or organization, including nonprofit entities, that facilitates voting by noncitizens in Federal, State, or local government elections.

SA 1866. Mr. HAGERTY 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 22, between lines 20 and 21, insert the following:

SEC. 311. None of the funds appropriated in this division may be made available to facilitate the migration, resettlement, or admission into the United States of any alien who is inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) based upon activity or affiliation related to Hamas.

SA 1867. 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. ____. Notwithstanding any provision of any division of this Act, section 403 of title IV of division B, which modifies the application of section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)), is repealed.

SA 1868. 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. ____. Notwithstanding any other provision of any division of this Act, the appropriation of $1,575,000,000 for Assistance for Europe, Eurasia and Central Asia in title IV of division B shall have no force or effect.

SA 1869. 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. ____. Notwithstanding any provision of any division of this Act, section 402 of title IV of division B, which modifies the application of section 506(a)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)(B)), is repealed.

SA 1870. 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. ____. Notwithstanding any provision of any division of this Act, none of the funds made available for budget support for Ukraine from the Economic Support Fund may be used for the reimbursement of salaries or welfare programs.

SA 1871. 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. ____. Notwithstanding any provision of any division of this Act, none of the funds made available for budget support for Ukraine from the Economic Support Fund may be used for the reimbursement of salaries.

SA 1872. 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. ____. Notwithstanding any provision of any division of this Act, the $7,899,000,000 appropriated for the Economic Support Fund is rescinded.

SA 1873. 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:

Beginning on page 38, strike line 8 and all that follows through page 48, line 13, and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan or loan guarantee authorized by an Act of Congress shall be exclusively and indefinitely reserved for deposit in the United States Treasury for purposes of repayment of the national debt.

SA 1874. 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:

Beginning on page 38 of H.R. 8035, as passed by the House of Representatives and incorporated by reference into this Act by H. Res. 1160, strike line 8 and all that follows through page 48, line 13, and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan authorized by this Act shall be exclusively and indefinitely reserved for—

(A) the construction of a wall along the southern land border of the United States; and

(B) other measures to improve the security of the borders of the United States.

SA 1875. 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. ____. Notwithstanding any provision of any division of this Act, section 401 of title IV of division B, which modifies the application of section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)), is repealed.

SA 1876. 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. ___. Notwithstanding any other provision of any division of this Act, the appropriation of $481,000,000 to the Administration for Children and Families for Refugee and Entrant Assistance in title III of division B shall have no force or effect.

SA 1877. 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. ___. Notwithstanding any other provision of any division of this Act, the appropriation of $300,000,000 for International Narcotics Control and Law Enforcement in title IV of division B shall have no force or effect.

SA 1878. 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. ___. Notwithstanding any other provision of any division of this Act, the appropriation of $25,000,000 for Transition Initiatives in title IV of division B is repealed.

SA 1879. 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. _____. CLARIFICATION OF PRESIDENTIAL AUTHORITY RELATING TO QUALIFIED DIVESTITURES WITH RESPECT TO FOREIGN ADVERSARY CONTROLLED APPLICATIONS.

Notwithstanding any other provision of any division of this Act, nothing in division H shall be construed, with respect to a qualified divestiture, to permit the President—

(1) to place any conditions, directly or indirectly, on an intended buyer or recipient of the data or assets of a foreign adversary controlled application, unless such conditions are strictly necessary to ensure such intended buyer or recipient is not controlled by a foreign adversary; or

(2) to certify a transaction for a foreign adversary controlled application that does not strictly meet the requirements for a qualified divestiture under subparagraphs (A) and (B) of section 2(g)(6) of division H.

SA 1880. 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:

On page 150, line 25, strike ''foreign adversary country'' and insert ''government of a foreign country (as defined in section 1 of the Foreign Agent Registration Act of 1938 (22 U.S.C. 611))''.

SA 1881. 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. _____. CONGRESSIONAL APPROVAL OF PRESIDENTIAL DETERMINATION THAT COMPANY'S FOREIGN OWNERSHIP PRESENTS SIGNIFICANT THREAT TO NATIONAL SECURITY.

Notwithstanding any other provision of any division of this Act, for purposes of division H, the President may not determine that a covered company's foreign ownership presents a significant threat to the national security of the United States, for purposes of designating a website or application as a foreign adversary controlled application, unless the determination is enacted by a joint resolution of Congress.

SA 1882. 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. _____. PROHIBITION ON TRANSFER OF SENSITIVE DATA OF UNITED STATES CITIZENS TO FOREIGN ADVERSARIES.

(a) PROHIBITION.—Subject to subsection (b), it shall be unlawful for an individual or business operating in the United States to sell, license, rent, trade, transfer, release, disclose, provide access to, or otherwise make available the sensitive data of another United States citizen to—

(1) any foreign adversary; or

(2) any entity that is beholden to a foreign adversary.

(b) EXCLUSION.—The prohibition under subsection (a) shall not apply to the extent that an individual or business—

(1) is transmitting data, or is providing or maintaining a specific platform or service to transfer data, at the express direction and consent of an individual (or such individual's next of kin in the event that such an individual is incapacitated) between such individual and 1 or more individuals;

(2) is reporting, publishing, or otherwise making available news or information that is available to the general public, including information from a telephone book or online directory, a television, internet, or radio program, the news media, or an internet site that is available to the general public on an unrestricted basis, but not including an obscene visual depiction (as such term is used in section 1460 of title 18, United States Code);

(3) is participating in research or research and development activities (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) in a foreign country, unless such country is a foreign country of concern (as defined in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651); or

(4) is an individual operating in a non-commercial context.

(c) ENFORCEMENT .—

(1) BY THE COMMISSION.—

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(B) POWERS OF THE COMMISSION.—

(i) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(ii) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(iii) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(2) BY STATES.—

(A) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person in a practice that violates this section, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(i) to enjoin further violation of such section by such person;

(ii) to compel compliance with such section; and

(iii) to obtain damages, restitution, or other compensation on behalf of such residents.

(B) INVESTIGATORY POWERS.—Nothing in this paragraph may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(C) VENUE; SERVICE OF PROCESS.—

(i) VENUE.—Any action brought under subparagraph (A) may be brought in—

(I) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(II) another court of competent jurisdiction.

(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

(I) is an inhabitant; or

(II) may be found.

(d) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(e) DEFINITIONS.—In this section:

(1) BEHOLDEN TO A FOREIGN ADVERSARY.—The term ''beholden to a foreign adversary'' means, with respect to an individual or business, that—

(A) such individual or business acts as a representative, employee, or servant of a foreign adversary or of a person whose activities are directly or indirectly supervised, directed, financed, or subsidized in whole or in major part by a foreign adversary; or

(B) such individual is a member of a foreign political party.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) EXPRESS DIRECTION AND CONSENT.—The term ''express direction and consent''—

(A) means, with the respect to the disclosure of sensitive data, the informed, opt-in, voluntary, specific, and unambiguous written consent (which may include written consent provided by electronic means) to the disclosure of such data by the individual to whom the data pertains; and

(B) does not include—

(i) consent secured without first providing to the individual a clear and conspicuous disclosure, apart from any privacy policy, terms of service, terms of use, general release, user agreement, or other similar document, of all information material to the provision of consent;

(ii) consent secured by the individual hovering over, muting, pausing, or closing a given piece of content; or

(iii) an agreement obtained through the use of a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making, or choice.

(4) FOREIGN ADVERSARY.—The term ''foreign adversary'' means a country specified in section 4872(d)(2) of title 10, United States Code.

(5) FOREIGN POLITICAL PARTY.—The term ''foreign political party'' includes any organization or any other combination of individuals in a foreign adversary, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign adversary or a subdivision thereof.

(6) PRECISE GEOLOCATION INFORMATION.—The term ''precise geolocation information'' means information that—

(A) is derived from a device or technology; and

(B) reveals the past, present, or historical physical location of an individual or device that identifies or is linked or reasonably linkable to 1 or more individuals, with sufficient precision to identify street level location information of an individual or device or the location of an individual or device within a range of 1,850 feet or less.

(7) SENSITIVE DATA.—The term ''sensitive data'' includes the following:

(A) A government-issued identifier, such as a Social Security number, passport number, or driver's license number.

(B) Any information that describes or reveals the past, present, or future physical health, mental health, disability, diagnosis, or healthcare condition or treatment of an individual.

(C) A financial account number, debit card number, credit card number, or information that describes or reveals the income level or bank account balances of an individual.

(D) Biometric information.

(E) Genetic information.

(F) Precise geolocation information.

(G) An individual's private communications such as voicemails, emails, texts, direct messages, mail, voice communications, and video communications, or information identifying the parties to such communications or pertaining to the transmission of such communications, including telephone numbers called, telephone numbers from which calls were placed, the time calls were made, call duration, and location information of the parties to the call.

(H) Account or device log-in credentials, or security or access codes for an account or device.

(I) Information identifying the sexual behavior of an individual.

(J) Calendar information, address book information, phone or text logs, photos, audio recordings, or videos, maintained for private use by an individual, regardless of whether such information is stored on the individual's device or is accessible from that device and is backed up in a separate location.

(K) A photograph, film, video recording, or other similar medium that shows the naked or undergarment-clad private area of an individual.

(L) Information revealing the video content requested or selected by an individual.

(M) Information about an individual under the age of 18.

(N) An individual's race, color, ethnicity, or religion.

(O) Information identifying an individual's online activities over time and across websites or online services.

(P) Information that reveals the status of an individual as a member of the Armed Forces.

(Q) Any other data that an individual or business operating in the United States sells, licenses, rents, trades, transfers, releases, discloses, provides access to, or otherwise makes available to a foreign government, or individual or business that is beholden to a foreign adversary, for the purpose of identifying the types of data listed in subparagraphs (A) through (P).

(f) RULES OF CONSTRUCTION.—

(1) NATIONAL SECURITY.—Nothing in this Act may be construed to prevent legal country-to-country data transfer between the United States and allies of the United States if such transfer is in direct support of the national security missions and objectives of the United States government.

(2) CRIMINAL INVESTIGATION COMPLIANCE.—Nothing in this Act may be construed to prevent any individual or business operating in the United States from fully complying with any lawful criminal investigation.

(3) EMERGENCY TRANSFER OF PERSONAL DATA.—Nothing in this Act may be construed to prevent an individual from providing their own sensitive data, or that of a dependent, at the express direction and consent of the individual in the event of a medical emergency.

(g) NON-PREEMPTION OF STATE LAW.—

(1) IN GENERAL.—Nothing in this Act, or a regulation promulgated under this Act, shall be construed to preempt, displace, or supplant any State law, expect to the extent that a provision of State law conflicts with a provision of this Act, or a regulation promulgated under this Act, and then only to the extent of the conflict.

(2) STATE LAW CONFLICT MEANING.—For the purposes of this subsection, a provision of State law does not conflict with a provision of this Act, or a regulation promulgated under this Act, if such provision of State law provides greater privacy protection than the privacy protection provided by such provision of this Act or such regulation.

(h) EFFECTIVE DATE.—This section shall take effect on the date that is 60 days after the date of the enactment of this Act.

SA 1883. 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:

DIVISION ___—STOPPING HARMFUL INCIDENTS TO ENFORCE LAWFUL DRONE USE

SEC. 1. SHORT TITLE.

This division may be cited as the ''Stopping Harmful Incidents to Enforce Lawful Drone Use Act'' or the ''SHIELD U Act''.

SEC. 2. DEFINITIONS.

In this division:

(1) COMMERCIAL SERVICE AIRPORT.—The term ''commercial service airport'' has the meaning given that term in paragraph (7) of section 47102 of title 49, United States Code, and includes the area of navigable airspace necessary to ensure safety in the takeoff and landing of aircraft at the airport.

(2) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(3) COUNTER-UAS ACTIVITIES.—The term ''Counter-UAS activities'' means the following:

(A) Detecting, identifying, monitoring, and tracking an unmanned aircraft or unmanned aircraft system, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft or unmanned aircraft system.

(B) Warning an operator of an unmanned aircraft or unmanned aircraft system, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

(C) Disrupting control of an unmanned aircraft or unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft or unmanned aircraft system by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft or unmanned aircraft system.

(D) Seizing or exercising control of an unmanned aircraft or unmanned aircraft system.

(E) Seizing or otherwise confiscating an unmanned aircraft or unmanned aircraft system.

(F) Using reasonable force to disable, damage, or destroy an unmanned aircraft or unmanned aircraft system.

(4) NAVIGABLE AIRSPACE.—The term ''navigable airspace'' has the meaning given that term in paragraph (32) of section 40102 of title 49, United States Code.

(5) NON-KINETIC EQUIPMENT.—The term ''non-kinetic equipment'' means equipment that is used to—

(A) intercept or otherwise access a wire communication, an oral communication, an electronic communication, or a radio communication used to control an unmanned aircraft or unmanned aircraft system; and

(B) disrupt control of the unmanned aircraft or unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft or unmanned aircraft system by intercepting, interfering, or causing

interference with wire, oral, electronic, or radio communications that are used to control the unmanned aircraft or unmanned aircraft system.

(6) THREATS POSED BY AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM.—The term ''threats posed by an unmanned aircraft or unmanned aircraft system'' means an unauthorized activity of an unmanned aircraft or unmanned aircraft system that is reasonably believed to—

(A) create the potential for bodily harm to, or loss of human life of, a person within property under the jurisdiction of—

(i) a commercial service airport; or

(ii) a State or locality; or

(B) have the potential to cause severe economic damage to—

(i) property of a commercial service airport; or

(ii) property under the jurisdiction of a State or locality.

(7) UNMANNED AIRCRAFT, UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801 of title 49, United States Code.

SEC. 3. COUNTER-UAS ACTIVITIES ON COMMERCIAL SERVICE AIRPORT PROPERTY.

(a) COUNTER-UAS ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (3), with respect to a commercial service airport, the following departments and agencies may, in a manner consistent with the Fourth Amendment to the Constitution of the United States, carry out Counter-UAS activities for purposes of detecting, identifying, and mitigating the threats posed by an unmanned aircraft or unmanned aircraft system to the safety or security of the airport:

(A) The Department of Homeland Security.

(B) The State and local law enforcement agencies in the State in which the airport is located.

(C) The law enforcement agency of the airport.

(2) TESTING AUTHORITY.—Subject to paragraphs (3) and (4), the Secretary of Homeland Security, the heads of the State or local law enforcement agencies of the State in which a commercial service airport is located, or the law enforcement agency of the commercial service airport, may research, test, provide training on, and evaluate any equipment, including any electronic equipment, to determine the capability and utility of the equipment to carry out Counter-UAS activities to detect, identify, and mitigate the threats posed by an unmanned aircraft or unmanned aircraft system to the safety or security of the airport.

(3) AIRPORT OPERATOR CONSENT REQUIRED.—Activities permitted under paragraph (1) or (2) shall only be carried out with the consent of, in consultation with, and with the participation of, the airport operator.

(4) CONSULTATION REQUIREMENT FOR TESTING OF NON-KINETIC EQUIPMENT.—Any testing of non-kinetic equipment carried out under the authority of this subsection shall be done in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration.

(b) NON-KINETIC EQUIPMENT.—

(1) IN GENERAL.—Before adopting any standard operating procedures within a tactical response plan for use of non-kinetic equipment to carry out a Counter-UAS activity under the authority of this section, the Secretary of Homeland Security and the heads of the State, local, or airport law enforcement agencies of the State in which a commercial service airport is located, shall do the following:

(A) Consult with the Federal Communications Commission and the National Telecommunications and Information Administration about the use of non-kinetic equipment to carry out a Counter-UAS activity consistent with the tactical response plan updates required under subsection (c).

(B) Jointly, with the Federal Communications Commission and the National Telecommunications and Information Administration, create a process for an authorized designee of the commercial service airport to, consistent with procedures outlined in the tactical response plan (as updated under subsection (c)), notify the Commission when non-kinetic equipment has been used to carry out a Counter-UAS activity.

(2) FCC AND NTIA DUTIES.—The Federal Communications Commission and the National Telecommunications and Information Administration shall—

(A) not later than 30 days after the date of enactment of this division, assign to an office of the Commission and to an office of the Administration, respectively, responsibility for carrying out the consultation regarding the use of non-kinetic equipment to carry out Counter-UAS activities required by paragraph (1)(A) and the consultation regarding the testing of non-kinetic equipment required by subsection (a)(4); and

(B) not later than 180 days after the responsibility described in subparagraph (A) is assigned to each such office—

(i) publicly designate an office of the Commission and an office of the Administration, respectively, to receive the notifications from commercial service airports required under paragraph (1)(B); and

(ii) make publicly available the process for the Commission and the Administration to carry out any follow up consultation, if necessary.

(3) NONDUPLICATION.—To the greatest extent practicable, the Federal Communications Commission and the National Telecommunications and Information Administration shall coordinate with respect to the consultations, process creation, follow up consultations, and other requirements of this subsection and subsection (a)(4) so as to minimize duplication of requirements, efforts, and expenditures.

(c) TACTICAL RESPONSE PLAN UPDATES.—

(1) TASK FORCE.—Not later than 2 years after the date of enactment of this division, the airport director of each commercial service airport shall convene a task force for purposes of establishing or modifying the emergency action preparedness plan for the airport to include a tactical response plan for the detection, identification, and mitigation of threats posed by an unmanned aircraft or unmanned aircraft system.

(2) REQUIRED COORDINATION.—Each task force convened under paragraph (1) shall coordinate the establishing or modifying of the airport's emergency action preparedness plan with representatives of the following:

(A) The Department of Transportation.

(B) The Federal Aviation Administration.

(C) The Department of Homeland Security.

(D) The State and local law enforcement agencies in the State in which the airport is located.

(E) The law enforcement agency of the airport.

(F) The covered air carriers operating at the airport.

(G) Representatives of general aviation operators at the airport.

(H) Representatives of providers of telecommunications and broadband service with a service area that covers the airport property or the navigable airspace necessary to ensure safety in the takeoff and landing of aircraft at such airport.

(3) DUTIES.—As part of the inclusion of a tactical response plan in the emergency action preparedness plan for a commercial service airport, each task force convened under paragraph (1) shall do the following:

(A) Create and define the various threat levels posed by an unmanned aircraft or unmanned aircraft system to the airport.

(B) Create the standard operating procedures for responding to each threat level defined under subparagraph (A) that include a requirement to minimize collateral damage.

(C) Define and assign to each entity specified in paragraph (2), the role and responsibilities of the entity in carrying out the standard operating procedures for responding to a specified threat posed by an unmanned aircraft or unmanned aircraft system to the airport.

(D) Designate the applicable State and local law enforcement agencies, or the law enforcement agency of the airport, in coordination with the Department of Homeland Security, as the first responders to any specified threat posed by an unmanned aircraft or unmanned aircraft system to the airport.

(E) Narrowly tailor the use of non-kinetic Counter-UAS equipment (if applicable under the standard operating procedures) to only temporary activities necessary to mitigate an immediate threat posed by an unmanned aircraft or unmanned aircraft system to the airport.

(F) Incorporate any existing Federal guidance for updating airport emergency plans for responding to unauthorized unmanned aircraft system operations into 1 tactical response plan for addressing threats posed by an unmanned aircraft or unmanned aircraft system.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require multiple tactical response plans or emergency action preparedness plans for addressing the threats posed by an unmanned aircraft, an unmanned aircraft system, or unauthorized unmanned aircraft system operations.

(d) AIRPORT IMPROVEMENT PROGRAM ELIGIBILITY.—Notwithstanding section 47102 of title 49, United States Code, the definition of the term ''airport development'' under that section shall include the purchase of equipment necessary to carry out Counter-UAS activities at commercial service airports.

(e) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this division, the Administrator of the Federal Aviation Administration and the Administrator of the Transportation Security Administration acting jointly and in collaboration with airport directors of commercial service airports, shall—

(A) publish guidance regarding best practices for use of Counter-UAS Activities at commercial service airports; and

(B) make such guidance available to the airport director for each commercial service airport in the United States.

(2) ANNUAL UPDATES.—The guidance issued under this subsection shall be annually updated to incorporate the most recent results and conclusions regarding best practices for the use of Counter-UAS activities at commercial service airports.

SEC. 4. COUNTER-UAS ACTIVITIES OFF COMMERCIAL SERVICE AIRPORT PROPERTY.

(a) IN GENERAL.—Notwithstanding any other provision of law, with respect to a State, the State and local law enforcement agencies in the State may, in a manner consistent with the Fourth Amendment to the Constitution of the United States, carry out Counter-UAS activities for purposes of detecting, identifying, and mitigating the threats posed by an unmanned aircraft or unmanned aircraft system within the jurisdiction of the State or locality.

(b) TESTING AUTHORITY.—

(1) IN GENERAL.—

(A) STATES AND LOCALITIES.—Subject to paragraphs (2) and (3), any State or locality of a State may establish testing areas for purposes of researching, testing, providing training on, and evaluating of any equipment, including any electronic equipment, to determine the capability and utility of the equipment to carry out Counter-UAS activities to detect, identify, and mitigate the threats posed by an unmanned aircraft or unmanned aircraft system within the jurisdiction of the State or locality.

(B) PRIVATE SECTOR ENTITIES.—Subject to paragraphs (2) and (3), any private sector entity may establish testing areas for purposes of researching, testing, providing training on, and evaluating of any equipment, including any electronic equipment, to determine the capability and utility of the equipment to carry out Counter-UAS activities to detect, identify, and mitigate the threats posed by an unmanned aircraft or unmanned aircraft system, so long as such activities are carried out in accordance with applicable State and local laws.

(2) FAA COOPERATION.—The Federal Aviation Administration shall cooperate with any action by a State, a locality of a State, or a private sector entity to designate airspace to be used for testing under paragraph (1) unless the State, locality, or entity designates an area of airspace that would create a significant safety hazard to airport operations, air navigation facilities, air traffic control systems, or other components of the national airspace system that facilitate the safe and efficient operation of manned civil, commercial, or military aircraft within the United States.

(3) CONSULTATION REQUIREMENT FOR TESTING OF NON-KINETIC EQUIPMENT.—Any testing of non-kinetic equipment carried out under the authority of this subsection shall be done in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration.

(c) NON-KINETIC EQUIPMENT.—

(1) IN GENERAL.—Before adopting any standard operating procedures for using any non-kinetic equipment to carry out a Counter-UAS activity under the authority of this section, a State or local law enforcement agency shall do the following:

(A) Consult with the Federal Communications Commission and the National Telecommunications and Information Administration about the use of non-kinetic equipment to carry out a Counter-UAS activity and the standard operating procedures that the State or local law enforcement agency will follow for use of such equipment.

(B) Jointly, with the Federal Communications Commission and the National Telecommunications and Information Administration create a process for an authorized designee of the State or local law enforcement agency to notify the Commission when non-kinetic equipment has been used to carry out a Counter-UAS activity.

(2) FCC AND NTIA DUTIES.—The Federal Communications Commission shall—

(A) not later than 30 days after the date of enactment of this division, assign to an office of the Commission and to an office of the Administration, respectively, responsibility for carrying out the consultation regarding the use of non-kinetic equipment to carry out Counter-UAS activities required under paragraph (1)(A) and the consultation regarding the testing of non-kinetic equipment required by subsection (b)(3); and

(B) not later than 180 days after the responsibility described in subparagraph (A) is assigned to each such office—

(i) publicly designate an office of the Commission and an office of the Administration, respectively, to receive the notifications from State or local law enforcement agencies required under paragraph (1)(B); and

(ii) make publicly available the process for the Commission and the Administration to carry out any follow up consultation, if necessary.

(3) NONDUPLICATION.—To the greatest extent practicable, the Federal Communications Commission and the National Telecommunications and Information Administration shall coordinate with respect to the consultations, process creation, follow up consultations, and other requirements of this subsection and subsection (a)(4) so as to minimize duplication of requirements, efforts, and expenditures.

(d) COORDINATION WITH THE FAA.—Section 376 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44802 note) is amended—

(1) in subsection (b), by adding at the end the following:

''(4) Permit a process for an applicable State or local law enforcement agency to notify and coordinate with the Federal Aviation Administration on actions being taken by the State or local law enforcement agency to exercise the Counter-UAS activities authority established under section 4(a) of the SHIELD U Act.''; and

(2) in subsection (c)—

(A) in paragraph (3)(G), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) establish a process that allows for collaboration and coordination between the Federal Aviation Administration and the law enforcement of a State or local government with respect to the use of the Counter-UAS activities authority established under section 4(a) of the SHIELD U Act.''.

(e) INTERIM NOTIFICATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this division, the Administrator of the Federal Aviation Administration shall establish a process under which—

(A) the law enforcement agency of a State or local government may notify the Administrator of an active threat posed by an unmanned aircraft or unmanned aircraft system within the jurisdiction of the State or local law enforcement agency and the intent of the agency to facilitate Counter-UAS activities;

(B) the Administrator, based on notice made pursuant to subparagraph (A), shall issue immediate warnings to operators of both manned and unmanned aircraft operating within the area of airspace where the law enforcement agency's Counter-UAS activities are taking place; and

(C) the Administrator and the State and local law enforcement agency notify UAS operators and manned operators in the area that an area of airspace is clear once the State and local law enforcement have concluded the Counter-UAS activities to mitigate the threat.

(2) SUNSET.—The process established under paragraph (1) shall terminate on the date on which the unmanned aircraft systems traffic management system required under section 376 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44802 note) is fully implemented.

SEC. 5. AUTHORITY TO ENTER INTO CONTRACTS TO PROTECT FACILITIES FROM UNMANNED AIRCRAFT.

(a) AUTHORITY.—The following Federal departments are authorized to enter into contracts to carry out the following authorities:

(1) The Department of Defense for the purpose of carrying out activities under section 130i of title 10, United States Code.

(2) The Department of Homeland Security for the purpose of carrying out activities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n).

(3) The Department of Justice for the purpose of carrying out activities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n).

(4) The Department of Energy for the purpose of carrying out activities under section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661).

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this division, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to implement the authority provided under subsection (a).

(c) ANNUAL PUBLICATION OF RECOMMENDED VENDORS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this division, and annually thereafter, the Director of the Office of Management and Budget, in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Attorney General, the Secretary of Energy, the Secretary of Transportation, and the heads of such other Federal departments or agencies as determined appropriate by the Director of the Office of Management and Budget, shall publish and make available to State and local governments the following:

(A) A list of vendors that are eligible under the Federal Acquisition Regulation to enter into contracts with the Federal Government to carry out Counter-UAS activities.

(B) A list of Counter-UAS equipment that is recommended by the Federal Government to carry out Counter-UAS activities.

(2) ANNUAL RISK ASSESSMENT.—The Director of the Office of Management and Budget, in consultation with the heads of the applicable Federal departments and agencies, shall review and reassess the vendors and equipment specified on the lists required to be published and made available under paragraph (1) based on a risk assessment that is jointly considered by the applicable agencies as part of each annual update of such lists.

SEC. 6. FEDERAL LAW ENFORCEMENT TRAINING.

Section 884(c) of the Homeland Security Act of 2002 (6 U.S.C. 464(c)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) develop and implement homeland security and law enforcement training curricula related to the use of Counter-UAS activities (as defined in section 2 of the SHIELD U Act) to protect against a threat from an unmanned aircraft or unmanned aircraft system (as such terms are defined in section 210G), which shall—

''(A) include—

''(i) training on the use of both kinetic and non-kinetic equipment;

''(ii) training on the tactics used to detect, identify, and mitigate a threat from an unmanned aircraft or unmanned aircraft system; and

''(iii) such other curricula or training the Director believes necessary; and

''(B) be made available to Federal, State, local, Tribal, and territorial law enforcement and security agencies and private sector security agencies; and''.

SEC. 7. AUTHORIZED USE OF JAMMING TECHNOLOGY.

Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended—

(1) in section 301 (47 U.S.C. 301)—

(A) by striking ''It is'' and inserting the following:

''(a) IN GENERAL.—It is''; and

(B) by adding at the end the following:

''(b) EXCEPTION FOR AN UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered equipment' means equipment that is used to—

''(i) intercept or otherwise access a wire communication, an oral communication, an electronic communication, or a radio communication used to control an unmanned aircraft or unmanned aircraft system; and

''(ii) disrupt control of an unmanned aircraft or unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft or unmanned aircraft system by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications that are used to control the unmanned aircraft or unmanned aircraft system; and

''(B) the terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801 of title 49, United States Code.

''(2) EXCEPTION.—Subsection (a) shall not apply with respect to actions taken by State or local law enforcement or the law enforcement agency of a commercial service airport using covered equipment in consultation with the Commission to detect, identify, or mitigate a threat posed by an unmanned aircraft or unmanned aircraft system.'';

(2) in section 302 (47 U.S.C. 302a), by adding at the end the following:

''(g) EXCEPTION FOR AN UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.—

''(1) DEFINITIONS.—In this subsection, the terms 'covered equipment', 'unmanned aircraft', and 'unmanned aircraft system' have the meanings given those terms in section 301.

''(2) EXCEPTION.—The provisions of this section shall not apply with respect to actions taken by State or local law enforcement or the law enforcement agency of a commercial service airport using covered equipment in consultation with the Commission to detect, identify, or mitigate a threat posed by an unmanned aircraft or unmanned aircraft system.''; and

(3) in section 333 (47 U.S.C. 333)—

(A) by striking ''No person'' and inserting the following:

''(a) IN GENERAL.—No person''; and

(B) by adding at the end the following:

''(b) EXCEPTION FOR AN UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.—

''(1) DEFINITIONS.—In this subsection, the terms 'covered equipment', 'unmanned aircraft', and 'unmanned aircraft system' have the meanings given those terms in section 301(b).

''(2) EXCEPTION.—Subsection (a) shall not apply with respect to actions taken by State or local law enforcement or the law enforcement agency of a commercial service airport using covered equipment in consultation with the Commission to detect, identify, or mitigate a threat posed by an unmanned aircraft or unmanned aircraft system.''.

SEC. 8. NO ABROGATION OF TRADITIONAL POLICE POWERS.

Nothing in this division or the amendments made by this division shall be construed to abrogate the inherent authority of a State government or subdivision thereof from using their traditional police powers, including (but not limited to) the authority to counter an imminent threat to public health or safety.

SA 1884. 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. _____. MODIFYING DEFINITION OF "CONTROLLED BY A FOREIGN ADVERSARY".

Notwithstanding any other provision of any division of this Act, for purposes of section 2 of division H, the term ''controlled by a foreign adversary'' means, with respect to a covered company or other entity, that such company or other entity is—

(1) a foreign person that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of a foreign adversary country;

(2) an entity with respect to which a foreign person or combination of foreign persons described in paragraph (1) directly or indirectly own at least a 20 percent stake; or

(3) subject to the control (as defined in section 800.208 of title 31, Code of Federal Regulations, as in effect on the date of enactment of this Act) of a foreign person or entity described in paragraph (1) or (2).

SA 1885. 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. ___. PROHIBITION ON ACTIONS TO CARRY OUT THE DEPARTMENT OF COMMERCE'S PAUSE IN THE ISSUANCE OF NEW EXPORT LICENSES FOR CERTAIN EXPORTS UNDER THE COMMERCE CONTROL LIST.

Effective beginning on the date of the enactment of this Act, the Secretary of Commerce—

(1) may not take any action to carry out the Department of Commerce's assessment or any policy changes resulting from the assessment announced on October 27, 2023, relating to the Department's pause in the issuance of new export licenses for exports of all items controlled under Export Control Classification Numbers 0A501, 0A502, 0A504, and 0A505 of the Commerce Control List; and

(2) may not take any substantially similar action to pause or otherwise suspend or prohibit the issuance of new export licenses for exports of any or all items described in paragraph (1).

SA 1886. Mr. VAN HOLLEN 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. ___. No funds or security assistance may be provided by the United States to the Government of Israel for offensive military operations (excluding any funds used for air defense or other strictly defensive purposes) unless the President submits written certification to Congress, not less frequently than every 30 days while Israel Defense Forces are engaged in such military operations in Gaza, that the Government of Israel—

(1) has fully cooperated in the delivery of humanitarian assistance into Gaza;

(2) has not launched an invasion of the City of Rafah; and

(3) has allowed an independent investigation into the deaths of all humanitarian aid workers killed in Gaza.

SA 1887. Mr. VAN HOLLEN 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:

Strike section 308 and insert the following:

SEC. 308. CONTRIBUTIONS TO UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 301 of division G of the Further Consolidated Appropriations Act, 2024 (Public Law 118–47), except as provided in subsection (b), the United States Government may make contributions and grants to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(b) EXCEPTION FOR CONTRIBUTIONS AND GRANTS IN GAZA.—

(1) IN GENERAL.—The authority under subsection (a) shall not apply to contributions and grants to the United Nations Relief and Works Agency for Palestine Refugees in the Near East in Gaza during the period beginning on the date of the enactment of this Act and ending on March 25, 2025.

(2) CERTIFICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the limitation under paragraph (1) shall not apply if the President certifies to Congress that—

(i) the United Nations Office of Internal Oversight Services has completed an investigation into allegations of wrongdoing by certain employees of the United Nations Relief and Works Agency; and

(ii) the United Nations has taken appropriate remedial action, including implementation of all recommendations from that investigation.

(B) NOTIFICATION.—Upon making a certification under subparagraph (A), the President shall promptly notify Congress in writing.

(3) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall certify and report to Congress that oversight policies, processes, and procedures have been established by the Department of State and the United States Agency for International Development, as appropriate, in coordination with other bilateral and multilateral donors and the Government of Israel, as appropriate, and are in use by such entities, to prevent the significant diversion, misuse, or destruction of humanitarian assistance, including by international organizations, Hamas, and any other terrorist entity in Gaza.

SA 1888. 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. ___. TREATMENT OF AN AGREEMENT TO ESTABLISH AN INTERNATIONAL FUND TO COMPENSATE UKRAINE AS A TREATY.

Notwithstanding any provision of division F of this Act, an agreement or arrangement to establish a common international mechanism pursuant to section 105(a) of that division shall be considered a treaty and submitted to the Senate for its advice and consent under clause 2 of section 2 of article II of the Constitution of the United States.

SA 1889. 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. ___. CONGRESSIONAL APPROVAL REQUIRED FOR TRANSFERS OF RUSSIAN SOVEREIGN ASSETS TO UKRAINE.

(a) NO FORCE OR EFFECT OF RESOLUTION OF DISAPPROVAL.—Subsection (h) of section 104 of division F of this Act shall have no force or effect.

(b) JOINT RESOLUTION OF APPROVAL REQUIRED.—Notwithstanding any provision of division F of this Act, no funds may be transferred pursuant to section 104(f) of that division unless, within 15 days of receipt of the notification required under paragraph (3) of that section, a joint resolution is enacted into law authorizing the transfer.

SA 1890. 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. ___. PROHIBITION USE OF AUTHORITIES UNDER REPO FOR UKRAINIANS ACT UNTIL EXHAUSTION OF ALL RUSSIAN SOVEREIGN ASSETS UNDER EUROPEAN JURISDICTION.

Notwithstanding any provision of division F of this Act, the President may not take any action under section 104 of that division until all Russian sovereign assets under the jurisdiction of any European country have been exhausted.

SA 1891. 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:

In division A, strike section 704 and insert the following:

SEC. 704. REPORT WITH UKRAINE STRATEGY.

(a) IN GENERAL.—Only 2 percent of the amounts appropriated or otherwise made available by this Act for assistance to Ukraine may be obligated or expended until the President, in coordination with the Secretary of Defense and the Secretary of State, develops and submits to Congress a comprehensive report that contains a strategy for United States involvement in Ukraine.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) define the United States national interests at stake with respect to the conflict between the Russian Federation and Ukraine;

(2) identify specific objectives the President believes must be achieved in Ukraine in order to protect the United States national interests defined in paragraph (1), and for each objective—

(A) an estimate of the amount of time required to achieve the objective, with an explanation;

(B) benchmarks to be used by the President to determine whether an objective has been met, is in the progress of being met, or cannot be met in the time estimated to be required in subparagraph (A); and

(C) estimates of the amount of resources, including United States personnel, materiel, and funding, required to achieve the objective;

(3) list the expected contribution for security assistance made by European member countries of the North Atlantic Treaty Organization within the next fiscal year; and

(4) provide an assessment of the impact of the Russian Federation's dominance of the natural gas market in Europe on the ability to resolve the ongoing conflict with Ukraine.

(c) REQUIREMENTS FOR STRATEGY.—The strategy included in the report required under subsection (a)—

(1) shall be designed to achieve a cease-fire in which the Russian Federation and Ukraine agree to abide by the terms and conditions of such cease-fire; and

(2) may not be contingent on United States involvement of funding of Ukrainian reconstruction.

(d) FORM.—The report required by subsection (a)—

(1) shall be submitted in an unclassified form; and

(2) shall include a classified annex if necessary to provide the most holistic picture of information to Congress as required under this section.

(e) CONGRESS DEFINED.—In this section, the term ''Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(3) any Member of Congress upon request.

SA 1892. 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. ___. CONGRESSIONAL APPROVAL FOR PRESIDENTIAL DRAWDOWN AUTHORITY IN EXCESS OF FISCAL YEAR LIMITATION.

Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended—

(1) in paragraph (1), in the undesignated matter following subparagraph (B), by inserting '', except as provided in paragraph (6)'' after ''fiscal year''; and

(2) by adding at the end the following new paragraph:

''(6)(A) The President may use the authority provided by paragraph (1) when the aggregate value of the use of such authority would exceed $100,000,000 in a fiscal year if—

''(i) the President submits to Congress—

''(I) a request for authorization to use such authority resulting in an aggregate value that exceeds $100,000,000; and

''(II) a report that an unforeseen emergency exists, in accordance with paragraph (1); and

''(ii) after the submission of such request and report, there is enacted a joint resolution or other provision of law approving the authorization requested.

''(B)(i) Each request submitted under subparagraph (A)(i) may only request authorization for the use of the authority provided by paragraph (1) for one intended recipient country.

''(ii) A resolution described in subparagraph (A)(ii) may only approve a request for authorization for the use of the authority provided by paragraph (1) for one intended recipient country.

''(C)(i) Any resolution described in subparagraph (A)(ii) may be considered by Congress using the expedited procedures set forth in this subparagraph.

''(ii) For purposes of this subparagraph, the term 'resolution' means only a joint resolution of the two Houses of Congress—

''(I) the title of which is as follows: 'A joint resolution approving the use of the special authority provided by section 506(a)(1) of the Foreign Assistance Act of 1961 in excess of the fiscal year limitation.';

''(II) which does not have a preamble; and

''(III) the sole matter after the resolving clause of which is as follows: 'The proposed use of the special authority provided by section 506(a)(1) of the Foreign Assistance Act of 1961 in excess of the fiscal year limitation, to respond to the unforeseen emergency in _____, which was received by Congress on _____(Transmittal number), is authorized', with the name of the intended recipient country and transmittal number inserted.

''(iii) A resolution described in clause (ii) that is introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. A resolution described in clause (ii) that is introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives.

''(iv) If the committee to which a resolution described in clause (ii) is referred has not reported such resolution (or an identical resolution) by the end of 10 calendar days beginning on the date of introduction, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

''(v)(I) On or after the third calendar day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under clause (iv)) from further consideration of, such a resolution, it is in order for any Member of

the respective House to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

''(II) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

''(III) Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

''(IV) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

''(vi)(I) If, before passage by one House of a resolution of that House described in clause (ii), that House receives from the other House a resolution described in clause (ii), then the following procedures shall apply:

''(aa) The resolution of the other House shall not be referred to a committee.

''(bb) The consideration as described in clause (v) in that House shall be the same as if no resolution had been received from the other House, but the vote on final passage shall be on the resolution of the other House.

''(II) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

''(III) This subparagraph is enacted by Congress—

''(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in clause (ii), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(bb) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

SA 1893. 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. ___. PROHIBITION ON USE OF PRESIDENTIAL DRAWDOWN AUTHORITY WHEN REMAINING VALUE EXCEEDS AMOUNTS AVAILABLE FOR STOCKPILE REPLENISHMENT.

Section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) is amended by adding at the end the following new sentence: ''Whenever the remaining value of the authority provided by this paragraph exceeds the amounts available to the Secretary of Defense for the replenishment of stockpiles, the President may not use such authority.''.

SA 1894. 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 or otherwise made available by this Act for assistance to Ukraine may be obligated or expended until 90 days after the President has initiated peace negotiations between the Governments of Ukraine and the Russian Federation.

SA 1895. 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 or otherwise made available for Ukraine under this Act may be made available for reconstruction activities, including multi-year reconstruction projects.

SA 1896. 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 or otherwise made available by this Act for assistance to Ukraine may be obligated or expended after September 30, 2024.

SA 1897. 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:

TITLE ___—EMERGENCY WAR FUNDING REFORM

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Restraining Emergency War Spending Act''.

SEC. ___2. DEFINITION OF EMERGENCY WAR FUNDING.

For purposes of determining eligible costs for emergency war funding, the term ''emergency war funding'' means—

(1) a contingency operation (as defined in section 101(a) of title 10, United States Code) conducted by the Department of Defense that—

(A) is conducted in a foreign country;

(B) has geographical limits;

(C) is not longer than 60 days; and

(D) provides only—

(i) replacement of ground equipment lost or damaged in conflict;

(ii) equipment modifications;

(iii) munitions;

(iv) replacement of aircraft lost or damaged in conflict;

(v) military construction for short-term temporary facilities;

(vi) direct war operations; and

(vii) fuel;

(2) the training, equipment, and sustainment activities for foreign military forces by the United States;

(3) the provision of defense articles over $100,000,000 to a single recipient nation or allied group of nations; or

(4) assistance provided for the reconstruction of a nation or group of nations in or immediately post-active conflict.

SEC. ___3. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.

(a) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''SEC. 441. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'contingency operation' has the meaning given that term in section 101 of title 10, United States Code; and

''(2) the term 'emergency war funding' has the meaning given that term in section ___2 of the Restraining Emergency War Spending Act.

''(b) POINT OF ORDER.—

''(1) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that provides new budget authority for a contingency operation, unless the provision of new budget authority meets the requirements to constitute emergency war funding.

''(2) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in paragraph (1), and the point of order is sustained by the Chair, that

provision shall be stricken from the measure and may not be offered as an amendment from the floor.

''(c) FORM OF THE POINT OF ORDER.—A point of order under subsection (b)(1) may be raised by a Senator as provided in section 313(e).

''(d) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (b)(1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(e) SUPERMAJORITY WAIVER AND APPEAL.—

''(1) WAIVER.—Subsection (b)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(2) APPEALS.—Debate on appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b)(1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 428 the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''Sec. 441. Point of order against funding for contingency operations that does not meet the requirements for emergency war funding.''.

SA 1898. 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:

Amend section 614 to read as follows:

SEC. 614. None of the funds appropriated or otherwise made available by this division and division B of this Act, and prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be made available for assessed or voluntary contributions, grants, or other payments to the United Nations Relief and Works Agency or to any other organ, specialized agency, commission, or other formally affiliated body of the United Nations that provides funding or otherwise operates in Gaza, notwithstanding any other provision of law.

SA 1899. 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 or otherwise made available by this Act may be made available to facilitate the use of military force against Iran, including any deployments to forward operating bases in Iraq and Syria, absent express authorization from Congress.

SA 1900. 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. ____. Effective January 1, 2026, the following laws are hereby repealed:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note).

(2) The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

SA 1901. Mrs. BLACKBURN 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. ____. SUSPENSION ON RELEASING FUNDS TO IRAN.

Notwithstanding any other provision of this Act, no Executive Branch official may unfreeze, issue a waiver, or otherwise release any funds to the Islamic Republic of Iran until all hostages (or the remains of any deceased hostages), who were taken in connection with the October 7, 2023, terrorist attack on Israel have been released.

SA 1902. 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:

Strike p. 59, line 6 and all that follows through p. 69 and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan authorized by this Act shall be exclusively and indefinitely reserved for—

(A) the construction of a wall along the southern land border of the United States; and

(B) other measures to improve the security of the borders of the United States.

SA 1903. Mr. WYDEN 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:

DIVISION ____—NO FORCE OR EFFECT OF PROTECTING AMERICANS FROM FOREIGN ADVERSARY CONTROLLED APPLICATIONS ACT

SEC. 1. NO FORCE OR EFFECT OF PROTECTING AMERICANS FROM FOREIGN ADVERSARY CONTROLLED APPLICATIONS ACT.

Division H of this Act shall have no force or effect.

DIVISION ____—PROTECTING AMERICANS' DATA FROM FOREIGN SURVEILLANCE ACT OF 2023

SEC. 1. SHORT TITLE.

This division may be cited as the ''Protecting Americans' Data From Foreign Surveillance Act of 2023''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) accelerating technological trends have made sensitive personal data an especially valuable input to activities that foreign adversaries of the United States undertake to threaten both the national security of the United States and the privacy that the people of the United States cherish;

(2) it is therefore essential to the safety of the United States and the people of the United States to ensure that the United States Government makes every effort to prevent sensitive personal data from falling into the hands of malign foreign actors; and

(3) because allies of the United States face similar challenges, in implementing this division, the United States Government should explore the establishment of a shared zone of mutual trust with respect to sensitive personal data.

SEC. 3. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

(a) IN GENERAL.—Part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.) is amended by inserting after section 1758 the following:

''SEC. 1758A. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

''(a) IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—

''(1) IN GENERAL.—The Secretary shall, in coordination with the heads of the appropriate Federal agencies, identify categories of personal data of covered individuals that could—

''(A) be exploited by foreign governments or foreign adversaries; and

''(B) if exported, reexported, or in-country transferred in a quantity that exceeds the threshold established under paragraph (3), harm the national security of the United States.

''(2) LIST REQUIRED.—In identifying categories of personal data of covered individuals under paragraph (1), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) identify an initial list of such categories not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023; and

''(B) as appropriate thereafter and not less frequently than every 5 years, add categories to, remove categories from, or modify categories on, that list.

''(3) ESTABLISHMENT OF THRESHOLD.—

''(A) ESTABLISHMENT.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall establish a threshold for determining when the export, reexport, or in-country transfer (in the aggregate) of the personal data of covered individuals by one person to or in a restricted country could harm the national security of the United States.

''(B) NUMBER OF COVERED INDIVIDUALS AFFECTED.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall establish the threshold under subparagraph (A) so that the threshold is—

''(I) not lower than the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of 10,000 covered individuals; and

''(II) not higher than the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of 1,000,000 covered individuals.

''(ii) EXPORTS BY CERTAIN FOREIGN PERSONS.—In the case of a person that possesses the data of more than 1,000,000 covered individuals, the threshold established under subparagraph (A) shall be one export, reexport, or in-country transfer of personal data to or in a restricted country by that person during a calendar year if the export, reexport, or in-country transfer is to—

''(I) the government of a restricted country;

''(II) a foreign person that owns or controls the person conducting the export, reexport, or in-country transfer and that person knows, or should know, that the export, reexport, or in-country transfer of the personal data was requested by the foreign person to comply with a request from the government of a restricted country; or

''(III) an entity on the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

''(C) CATEGORY THRESHOLDS.—The Secretary, in coordination with the heads of the appropriate Federal agencies, may establish a threshold under subparagraph (A) for each category (or combination of categories) of personal data identified under paragraph (1).

''(D) UPDATES.—The Secretary, in coordination with the heads of the appropriate Federal agencies—

''(i) may update a threshold established under subparagraph (A) as appropriate; and

''(ii) shall reevaluate the threshold not less frequently than every 5 years.

''(E) TREATMENT OF PERSONS UNDER COMMON OWNERSHIP AS ONE PERSON.—For purposes of determining whether a threshold established under subparagraph (A) has been met—

''(i) all exports, reexports, or in-country transfers involving personal data conducted by persons under the ownership or control of the same person shall be aggregated to that person; and

''(ii) that person shall be liable for any export, reexport, or in-country transfer in violation of this section.

''(F) CONSIDERATIONS.—In establishing a threshold under subparagraph (A), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall seek to balance the need to protect personal data from exploitation by foreign governments and foreign adversaries against the likelihood of—

''(i) impacting legitimate business activities, research activities, and other activities that do not harm the national security of the United States; or

''(ii) chilling speech protected by the First Amendment to the Constitution of the United States.

''(4) DETERMINATION OF PERIOD FOR PROTECTION.—The Secretary, in coordination with the heads of the appropriate Federal agencies, shall determine, for each category (or combination of categories) of personal data identified under paragraph (1), the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required to be able to protect that category (or combination of categories) of data from decryption to prevent the exploitation of the data by a foreign government or foreign adversary from harming the national security of the United States.

''(5) USE OF INFORMATION; CONSIDERATIONS.—In carrying out this subsection (including with respect to the list required under paragraph (2)), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) use multiple sources of information, including—

''(i) publicly available information;

''(ii) classified information, including relevant information provided by the Director of National Intelligence;

''(iii) information relating to reviews and investigations of transactions by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565);

''(iv) the categories of sensitive personal data described in paragraphs (1)(ii) and (2) of section 800.241(a) of title 31, Code of Federal Regulations, as in effect on the day before the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, and any categories of sensitive personal data added to such section after such date of enactment;

''(v) information provided by the advisory committee established pursuant to paragraph (7); and

''(vi) the recommendations (which the Secretary shall request) of—

''(I) experts in privacy, civil rights, and civil liberties, identified by the National Academy of Sciences; and

''(II) experts on the First Amendment to the Constitution of the United States identified by the American Bar Association; and

''(B) take into account—

''(i) the significant quantity of personal data of covered individuals that is publicly available by law or has already been stolen or acquired by foreign governments or foreign adversaries;

''(ii) the harm to United States national security caused by the theft or acquisition of that personal data;

''(iii) the potential for further harm to United States national security if that personal data were combined with additional sources of personal data;

''(iv) the fact that non-sensitive personal data, when analyzed in the aggregate, can reveal sensitive personal data;

''(v) the commercial availability of inferred and derived data; and

''(vi) the potential for especially significant harm from data and inferences related to sensitive domains, such as health, work, education, criminal justice, and finance.

''(6) NOTICE AND COMMENT PERIOD.—The Secretary shall provide for a public notice and comment period after the publication in the Federal Register of a proposed rule, and before the publication of a final rule—

''(A) identifying the initial list of categories of personal data under subparagraph (A) of paragraph (2);

''(B) adding categories to, removing categories from, or modifying categories on, that list under subparagraph (B) of that paragraph;

''(C) establishing or updating the threshold under paragraph (3); or

''(D) setting forth the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required under paragraph (4) to be able to protect such a category of data from decryption.

''(7) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall establish an advisory committee to advise the Secretary with respect to privacy and sensitive personal data.

''(B) MEMBERSHIP.—The committee established pursuant to subparagraph (A) shall include the following members selected by the Secretary:

''(i) Experts on privacy and cybersecurity.

''(ii) Representatives of United States private sector companies, industry associations, and scholarly societies.

''(iii) Representatives of civil society groups, including such groups focused on protecting civil rights and civil liberties.

''(C) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established pursuant to subparagraph (A).

''(8) TREATMENT OF ANONYMIZED PERSONAL DATA.—

''(A) IN GENERAL.—In carrying out this subsection, the Secretary may not treat anonymized personal data differently than identifiable personal data unless the Secretary is confident, based on the method of anonymization used and the period of time determined under paragraph (4) for protection of the category of personal data involved, it will not be possible for well-resourced adversaries, including foreign governments, to re-identify the individuals to which the anonymized personal data relates, such as by using other sources of data, including non-public data obtained through hacking and espionage, and reasonably anticipated advances in technology.

''(B) GUIDANCE.—The Under Secretary of Commerce for Standards and Technology shall issue guidance to the public with respect to methods for anonymizing data and how to determine if individuals to which the anonymized personal data relates can be, or are likely in the future to be, reasonably identified, such as by using other sources of data.

''(9) SENSE OF CONGRESS ON IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—It is the

sense of Congress that, in identifying categories of personal data of covered individuals under paragraph (1), the Secretary should, to the extent reasonably possible and in coordination with the Secretary of the Treasury and the Director of the Office of Management and Budget, harmonize those categories with the categories of sensitive personal data described in paragraph (5)(A)(iv).

''(b) COMMERCE CONTROLS.—

''(1) CONTROLS REQUIRED.—Beginning 18 months after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall impose appropriate controls under the Export Administration Regulations on the export or reexport to, or in-country transfer in, all countries (other than countries on the list required by paragraph (2)(D)) of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3), including through interim controls (such as by informing a person that a license is required for export, reexport, or in-country transfer of covered personal data), as appropriate, or by publishing additional regulations.

''(2) LEVELS OF CONTROL.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) or (D), the Secretary shall—

''(i) require a license or other authorization for the export, reexport, or in-country transfer of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3);

''(ii) determine whether that export, reexport, or in-country transfer is likely to harm the national security of the United States—

''(I) after consideration of the matters described in subparagraph (B); and

''(II) in coordination with the heads of the appropriate Federal agencies; and

''(iii) if the Secretary determines under clause (ii) that the export, reexport, or in-country transfer is likely to harm the national security of the United States, deny the application for the license or other authorization for the export, reexport, or in-country transfer.

''(B) CONSIDERATIONS.—In determining under clause (ii) of subparagraph (A) whether an export, reexport, or in-country transfer of covered personal data described in clause (i) of that subparagraph is likely to harm the national security of the United States, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall take into account—

''(i) the adequacy and enforcement of data protection, surveillance, and export control laws in the foreign country to which the covered personal data would be exported or reexported, or in which the covered personal data would be transferred, in order to determine whether such laws, and the enforcement of such laws, are sufficient to—

''(I) protect the covered personal data from accidental loss, theft, and unauthorized or unlawful processing;

''(II) ensure that the covered personal data is not exploited for intelligence purposes by foreign governments to the detriment of the national security of the United States; and

''(III) prevent the reexport of the covered personal data to a third country for which a license would be required for such data to be exported directly from the United States;

''(ii) the circumstances under which the government of the foreign country can compel, coerce, or pay a person in or national of that country to disclose the covered personal data; and

''(iii) whether that government has conducted hostile foreign intelligence operations, including information operations, against the United States.

''(C) LICENSE REQUIREMENT AND PRESUMPTION OF DENIAL FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary shall—

''(I) require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data in a manner that exceeds the threshold established under subsection (a)(3); and

''(II) deny an application for such a license or other authorization unless the person seeking the license or authorization demonstrates to the satisfaction of the Secretary that the export, reexport, or in-country transfer will not harm the national security of the United States.

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall (subject to subclause (III)) establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3) will be likely to harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary (subject to subclause (III))—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(III) CONCURRENCE; CONSULTATIONS; CONSIDERATIONS.—The Secretary shall establish the list required by subclause (I) and add a country to or remove a country from that list under subclause (II)—

''(aa) with the concurrence of the Secretary of State;

''(bb) in consultation with the heads of the appropriate Federal agencies; and

''(cc) based on the considerations described in subparagraph (B).

''(D) NO LICENSE REQUIREMENT FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary may not require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data, without regard to the applicable threshold established under subsection (a)(3).

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall (subject to clause (iii) and subclause (III)), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data (without regard to any threshold established under subsection (a)(3)) will not harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary (subject to clause (iii) and subclause (III))—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(III) CONCURRENCE; CONSULTATIONS; CONSIDERATIONS.—The Secretary shall establish the list required by subclause (I) and add a country to or remove a country from that list under subclause (II)—

''(aa) with the concurrence of the Secretary of State;

''(bb) in consultation with the heads of the appropriate Federal agencies; and

''(cc) based on the considerations described in subparagraph (B).

''(iii) CONGRESSIONAL REVIEW.—

''(I) IN GENERAL.—The list required by clause (ii) and any updates to that list adding or removing countries shall take effect, for purposes of clause (i), on the date that is 180 days after the Secretary submits to the appropriate congressional committees a proposal for the list or update unless there is enacted into law, before that date, a joint resolution of disapproval pursuant to subclause (II).

''(II) JOINT RESOLUTION OF DISAPPROVAL.—

''(aa) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this clause, the term 'joint resolution of disapproval' means a joint resolution the matter after the resolving clause of which is as follows: 'That Congress does not approve of the proposal of the Secretary with respect to the list required by section 1758A(b)(2)(D)(ii) submitted to Congress on _____.', with the blank space being filled with the appropriate date.

''(bb) PROCEDURES.—The procedures set forth in paragraphs (4)(C), (5), (6), and (7) of section 2523(d) of title 18, United States Code, apply with respect to a joint resolution of disapproval under this clause to the same extent and in the same manner as such procedures apply to a joint resolution of disapproval under such section 2523(d), except that paragraph (6) of such section shall be applied and administered by substituting 'the Committee on Banking, Housing, and Urban Affairs' for 'the Committee on the Judiciary' each place it appears.

''(III) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This clause is enacted by Congress—

''(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(bb) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(3) REVIEW OF LICENSE APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall, consistent with the provisions of section 1756 and in coordination with the heads of the appropriate Federal agencies—

''(i) review applications for a license or other authorization for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(ii) establish procedures for conducting the review of such applications.

''(B) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for an export, reexport, or in-country transfer described in subparagraph (A)(i) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

''(4) EXCEPTIONS.—

''(A) IN GENERAL.—The Secretary shall not impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of covered personal data pursuant to any of the following transactions:

''(i) The export, reexport, or in-country transfer by an individual of covered personal

data that specifically pertains to that individual.

''(ii) The export, reexport, or in-country transfer of the personal data of one or more individuals by a person performing a service for those individuals if the service could not possibly be performed (as defined by the Secretary in regulations) without the export, reexport, or in-country transfer of that personal data.

''(iii) The export, reexport, or in-country transfer of personal data that is encrypted if—

''(I) the encryption key or other information necessary to decrypt the data is not, at the time of the export, reexport, or in-country transfer of the personal data or any other time, exported, reexported, or transferred to a restricted country or (except as provided in subparagraph (B)) a national of a restricted country; and

''(II) the encryption technology used to protect the data against decryption is certified by the National Institute of Standards and Technology as capable of protecting data for the period of time determined under subsection (a)(4) to be sufficient to prevent the exploitation of the data by a foreign government or foreign adversary from harming the national security of the United States.

''(iv) The export, reexport, or in-country transfer of personal data that is ordered by an appropriate court of the United States.

''(B) EXCEPTION FOR CERTAIN NATIONALS OF RESTRICTED COUNTRIES.—Subparagraph (A)(iii)(I) does not apply with respect to an individual who is a national of a restricted country if the individual is also a citizen of the United States or a noncitizen described in subsection (l)(5)(C).

''(c) REQUIREMENTS FOR IDENTIFICATION OF CATEGORIES AND DETERMINATION OF APPROPRIATE CONTROLS.—In identifying categories of personal data under subsection (a)(1) and imposing appropriate controls under subsection (b), the Secretary, in coordination with the heads of the appropriate Federal agencies, as appropriate—

''(1) may not regulate or restrict the publication or sharing of—

''(A) personal data that is a matter of public record, such as a court record or other government record that is generally available to the public, including information about an individual made public by that individual or by the news media;

''(B) information about a matter of public interest; or

''(C) any other information the publication or sharing of which is protected by the First Amendment to the Constitution of the United States; and

''(2) shall consult with the appropriate congressional committees.

''(d) PENALTIES.—

''(1) LIABLE PERSONS.—

''(A) IN GENERAL.—In addition to any person that commits an unlawful act described in subsection (a) of section 1760, an officer or employee of an organization has committed an unlawful act subject to penalties under that section if the officer or employee knew or should have known that another employee of the organization who reports, directly or indirectly, to the officer or employee was directed to export, reexport, or in-country transfer covered personal data in violation of this section and subsequently did export, reexport, or in-country transfer such data.

''(B) EXCEPTIONS AND CLARIFICATIONS.—

''(i) INTERMEDIARIES NOT LIABLE.—An intermediate consignee (as defined in section 772.1 of the Export Administration Regulations (or any successor regulation)) or other intermediary is not liable for the export, reexport, or in-country transfer of covered personal data in violation of this section when acting as an intermediate consignee or other intermediary for another person.

''(ii) SPECIAL RULE FOR CERTAIN APPLICATIONS.—In a case in which an application installed on an electronic device transmits or causes the transmission of covered personal data without being directed to do so by the owner or user of the device who installed the application, the developer of the application, and not the owner or user of the device, is liable for any violation of this section.

''(2) CRIMINAL PENALTIES.—In determining an appropriate term of imprisonment under section 1760(b)(2) with respect to a person for a violation of this section, the court shall consider—

''(A) how many covered individuals had their covered personal data exported, reexported, or in-country transferred in violation of this section;

''(B) any harm that resulted from the violation; and

''(C) the intent of the person in committing the violation.

''(e) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not less frequently than annually, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall submit to the appropriate congressional committees a report on the results of actions taken pursuant to this section.

''(2) INCLUSIONS.—Each report required by paragraph (1) shall include a description of the determinations made under subsection (b)(2)(A)(ii) during the preceding year.

''(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

''(f) DISCLOSURE OF CERTAIN LICENSE INFORMATION.—

''(1) IN GENERAL.—Not less frequently than every 90 days, the Secretary shall publish on a publicly accessible website of the Department of Commerce, including in a machine-readable format, the information specified in paragraph (2), with respect to each application—

''(A) for a license for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(B) with respect to which the Secretary made a decision in the preceding 90-day period.

''(2) INFORMATION SPECIFIED.—The information specified in this paragraph with respect to an application described in paragraph (1) is the following:

''(A) The name of the applicant.

''(B) The date of the application.

''(C) The name of the foreign party to which the applicant sought to export, reexport, or transfer the data.

''(D) The categories of covered personal data the applicant sought to export, reexport, or transfer.

''(E) The number of covered individuals whose information the applicant sought to export, reexport, or transfer.

''(F) Whether the application was approved or denied.

''(g) NEWS MEDIA PROTECTIONS.—A person that is engaged in journalism is not subject to restrictions imposed under this section to the extent that those restrictions directly infringe on the journalism practices of that person.

''(h) CITIZENSHIP DETERMINATIONS BY PERSONS PROVIDING SERVICES TO END-USERS NOT REQUIRED.—This section does not require a person that provides products or services to an individual to determine the citizenship or immigration status of the individual, but once the person becomes aware that the individual is a covered individual, the person shall treat covered personal data of that individual as is required by this section.

''(i) FEES.—

''(1) IN GENERAL.—Notwithstanding section 1756(c), the Secretary may, to the extent provided in advance in appropriations Acts, assess and collect a fee, in an amount determined by the Secretary in regulations, with respect to each application for a license submitted under subsection (b).

''(2) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under paragraph (1) shall—

''(A) be credited as offsetting collections to the account providing appropriations for activities carried out under this section;

''(B) be available, to the extent and in the amounts provided in advance in appropriations Acts, to the Secretary solely for use in carrying out activities under this section; and

''(C) remain available until expended.

''(j) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and to the head of each of the appropriate Federal agencies participating in carrying out this section such sums as may be necessary to carry out this section, including to hire additional employees with expertise in privacy.

''(l) DEFINITIONS.—In this section:

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

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) APPROPRIATE FEDERAL AGENCIES.—The term 'appropriate Federal agencies' means the following:

''(A) The Department of Defense.

''(B) The Department of State.

''(C) The Department of Justice.

''(D) The Department of the Treasury.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of Science and Technology Policy.

''(G) The Department of Homeland Security.

''(H) The Consumer Financial Protection Bureau.

''(I) The Federal Trade Commission.

''(J) The Federal Communications Commission.

''(K) The Department of Health and Human Services.

''(L) Such other Federal agencies as the Secretary considers appropriate.

''(3) COVERED INDIVIDUAL.—The term 'covered individual', with respect to personal data, means an individual who, at the time the data is acquired—

''(A) is located in the United States; or

''(B) is—

''(i) located outside the United States or whose location cannot be determined; and

''(ii) a citizen of the United States or a noncitizen lawfully admitted for permanent residence.

''(4) COVERED PERSONAL DATA.—The term 'covered personal data' means the categories of personal data of covered individuals identified pursuant to subsection (a).

''(5) EXPORT.—

''(A) IN GENERAL.—The term 'export', with respect to covered personal data, includes—

''(i) subject to subparagraph (D), the shipment or transmission of the data out of the United States, including the sending or taking of the data out of the United States, in any manner, if the shipment or transmission is intentional, without regard to whether the shipment or transmission was intended to go out of the United States; or

''(ii) the release or transfer of the data to any noncitizen (other than a noncitizen described in subparagraph (C)), if the release or transfer is intentional, without regard to whether the release or transfer was intended to be to a noncitizen.

''(B) EXCEPTIONS.—The term 'export' does not include—

''(i) the publication of covered personal data on the internet in a manner that makes the data discoverable by and accessible to any member of the general public; or

''(ii) any activity protected by the speech or debate clause of the Constitution of the United States.

''(C) NONCITIZENS DESCRIBED.—A noncitizen described in this subparagraph is a noncitizen who is authorized to be employed in the United States.

''(D) TRANSMISSIONS THROUGH RESTRICTED COUNTRIES.—

''(i) IN GENERAL.—On and after the date that is 5 years after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, and except as provided in clause (iii), the term 'export' includes the transmission of data through a restricted country, without regard to whether the person originating the transmission had knowledge of or control over the path of the transmission.

''(ii) EXCEPTIONS.—Clause (i) does not apply with respect to a transmission of data through a restricted country if—

''(I) the data is encrypted as described in subsection (b)(4)(A)(iii); or

''(II) the person that originated the transmission received a representation from the party delivering the data for the person stating that the data will not transit through a restricted country.

''(iii) FALSE REPRESENTATIONS.—If a party delivering covered personal data as described in clause (ii)(II) transmits the data directly or indirectly through a restricted country despite making the representation described in clause (ii)(II), that party shall be liable for violating this section.

''(6) FOREIGN ADVERSARY.—The term 'foreign adversary' has the meaning given that term in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2)).

''(7) IN-COUNTRY TRANSFER; REEXPORT.—The terms 'in-country transfer' and 'reexport', with respect to personal data, shall have the meanings given those terms in regulations prescribed by the Secretary.

''(8) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL.—The terms 'lawfully admitted for permanent residence' and 'national' have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(9) NONCITIZEN.—The term 'noncitizen' means an individual who is not a citizen or national of the United States.

''(10) RESTRICTED COUNTRY.—The term 'restricted country' means a country for which a license or other authorization is required under subsection (b) for the export or reexport to, or in-country transfer in, that country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3).''.

(b) STATEMENT OF POLICY.—Section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) to restrict, notwithstanding section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), the export of personal data of United States citizens and other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''; and

(2) in paragraph (2), by adding at the end the following:

''(H) To prevent the exploitation of personal data of United States citizens and other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''.

(c) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—Section 1754 of the Export Control Reform Act of 2018 (50 U.S.C. 4813) is amended—

(1) in subsection (a)(14), by inserting ''and subject to subsection (g)'' after ''as warranted''; and

(2) by adding at the end the following:

''(g) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—The Secretary may create under subsection (a)(14) exceptions to licensing requirements under section 1758A only for the export, reexport, or in-country transfer of covered personal data (as defined in subsection (l) of that section) by or for a Federal department or agency.''.

(d) RELATIONSHIP TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 1754(b) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(b)) is amended by inserting ''(other than section 1758A)'' after ''this part''.

SEC. 4. SEVERABILITY.

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

SA 1904. Mr. CRUZ 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:

DIVISION ___—SECURING THE BORDER

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Secure the Border Act of 2024''.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this division:

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

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

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

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

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

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

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

SEC. 1102. 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. 1103. 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. 1104. 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. 1105. 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. 1106. 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. 1107. 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. 1108. 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 1107 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. 1109. 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. 1110. 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. 1111. 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 1111 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. 1112. 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 1103, 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. 1113. 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. 1114. 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. 1115. 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. 1116. 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. 1117. 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. 1118. 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. 1119. 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. 1120. 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. 1121. 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. 1122. 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. 1123. 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. 1124. 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. 1125. 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. 1126. 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. 1127. 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. 1128. 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. 1201. 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. 1202. 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. 1203. 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. 1204. 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. 1205. 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. 1206. 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. 1207. 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. 1208. 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. 1209. 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. 1210. 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. 1211. 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. 1301. 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. 1302. 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. 1401. 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. 1402. 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. 1403. 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 1402 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. 1501. 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. 1601. 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. 1602. 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. 1603. 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. 1604. 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. 1701. 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. 1801. 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. 1802. 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 1801, 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. 1803. 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. 1804. 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. 1901. 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 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 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 1914 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 1907(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 1907(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. 1902. 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. 1903. 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 1901(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. 1904. 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. 1905. 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. 1906. 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 1902.

(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. 1907. 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. 1908. 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. 1909. 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 1902, 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. 1910. 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 1902, 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 1902. 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 1902. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 1911. 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. 1912. 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. 1913. 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. 1914. 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. 1915. 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.

SA 1905. Mr. MARKEY 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. _____. FOREIGN ADVERSARY CONTROLLED APPLICATIONS.

Division H of this Act shall have no force or effect.

SA 1906. Ms. WARREN 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. ___. IMPLEMENTATION OF THE CIVILIAN HARM INCIDENT RESPONSE GUIDANCE.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Armed Services of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(b) ALLOCATION OF FUNDING.—Of the amount appropriated by this Act, $10,000,000 shall be made available to the Department of State for the implementation by the Bureau of Democracy, Human Rights, and Labor, in coordination with the Bureau of Political-Military Affairs, of the Civilian Harm Incident Response Guidance, with a priority on investigating reports of civilian harm caused by United States-origin weapons in conflict areas during the 1-year period ending on the date of the enactment of this Act.

(c) PUBLICATION OF CIVILIAN HARM INCIDENT RESPONSE GUIDANCE.—The Secretary of State shall publish the text of the Civilian Harm Incident Response Guidance on a publicly accessible website in unclassified form.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that summarizes all civilian harm events considered in the preceding year under the Civilian Harm Incident Response Guidance, including the location, summary of investigation, and findings.

(e) REPORTS ON CIVILIAN HARM EVENTS IN VIOLATION OF INTERNATIONAL LAW.—Not later than 30 days after the Secretary of State determines that United States-origin weapons have been used in a civilian harm event in violation of international law, the Secretary of State shall submit an unclassified report to the appropriate congressional committees that includes—

(1) a description of the civilian harm event, including the nature of the violation, the perpetrator, and the event's location;

(2) a description of the Department of State's investigation of the civilian harm event;

(3) a description of all United States defense articles or services used in the civilian harm event;

(4) the authority under which a transfer of such defense articles of services occurred; and

(5) a description of measures that the Department of State has taken to ensure accountability for and nonrecurrence of such harm.

ORDERS FOR FRIDAY, APRIL 26 THROUGH TUESDAY, APRIL 30, 2024

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted on Friday, April 26, at 10 a.m.; further, that when the Senate adjourns on Friday, April 26, it stand adjourned until 3 p.m. on Tuesday, April 30; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Alexakis nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m. on Tuesday.

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

ADJOURNMENT UNTIL FRIDAY, APRIL 26, 2024, AT 10 A.M.

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 9:44 p.m., adjourned until Friday, April 26, 2024, at 10 a.m.