

SA 1313. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1314. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1315. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1316. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1317. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1318. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1319. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1320. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1321. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1322. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1323. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1324. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1325. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1326. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1327. Mr. CRUZ (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1328. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1329. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1330. Mr. LEE submitted an amendment intended to be proposed to amendment SA

1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1331. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1332. Ms. BALDWIN (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1333. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1334. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1335. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1336. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1337. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 1338. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1300.** Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Amounts made available under section 101 of this Act may not be used to reimburse non-Federal entities for onward destination transportation or transportation from one non-Federal entity to another non-Federal entity of individuals encountered by the Department of Homeland Security if any member of the family unit or an individual has been convicted of a criminal offense or other immigration violation, unless such transportation is operationally necessary to facilitate a removal.

**SA 1301.** Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation pro-

grams, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding section 101, the fourth proviso under the heading “U.S. Customs and Border Protection—Operations and Support” in title II of division F of Public Law 117–328 shall be applied by substituting “‘U.S. Immigrations and Customs Enforcement—Operations and Support’ to support enforcement, detention, and removal operations, including transportation of unaccompanied alien minors” for “‘Federal Emergency Management Agency—Federal Assistance’ to support sheltering and related activities provided by non-Federal entities, including facility improvements and construction, in support of relieving overcrowding in short-term holding facilities of U.S. Customs and Border Protection, of which not to exceed \$11,200,000 shall be for the administrative costs of the Federal Emergency Management Agency.”.

**SA 1302.** Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding section 101, the fourth proviso under the heading “U.S. Customs and Border Protection—Operations and Support” in title II of Division F of Public Law 117–328 shall be applied by substituting “\$720,000,000” for “\$800,000,000”. *Provided*, That these funds may not be used for onward destination transportation or service-provider-to-service-provider transportation for aliens convicted of criminal offenses or other immigration violations, unless operationally necessary to facilitate a removal.

(b) Notwithstanding section 101, the matter preceding the first proviso under the heading “U.S. Customs and Border Protection—Operations and Support” in title II of Division F of Public Law 117–328 shall be applied by substituting “\$15,510,694,000” for “\$15,590,694,000”.

(c) Notwithstanding section 101, the amounts made available for “U.S. Immigration and Customs Enforcement—Operations and Support” in title II of Public Law 117–328 shall be applied by substituting—

- (1) “\$8,476,305,000” for “\$8,396,305,000”; and
- (2) “\$4,261,786,000” for “\$4,181,786,000”.

**SA 1303.** Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

#### SEC. 21. REHABILITATION AND REPAIR OF FLOOD AND STORM DAMAGE REDUCTION PROJECTS.

Any requirement under section 103 of the Water Resources Development Act of 1986 (33

U.S.C. 2213) with respect to easements shall not apply to construction or rehabilitation and repair of damages to shore protection projects caused by natural disasters using amounts made available to the Corps of Engineers for flood and storm damage reduction projects.

**SA 1304.** Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 15 and all that follows through “\$5,500,000,000” on line 21 and insert “\$16,500,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which \$1,000,000 shall be transferred to ‘Office of the Inspector General—Operations and Support’ for audits and investigations of activities funded under ‘Federal Emergency 20 Management Agency—Disaster Relief Fund’ and \$16,499,000,000.”.

**SA 1305.** Mr. VANCE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON THE IMPOSITION OF MASK MANDATES.**

(a) **SHORT TITLE.**—This section may be cited as the “Freedom to Breathe Act”.

(b) **DEFINITIONS.**—In this section:

(1) **AIR CARRIER.**—The term “air carrier” means an air carrier conducting passenger operations under part 121 of title 14, Code of Federal Regulations.

(2) **APPLICABLE PERIOD.**—The term “applicable period” means the period that begins on the date of enactment of this section and ends on December 31, 2024.

(3) **COMMUTER RAIL PASSENGER TRANSPORTATION.**—The term “commuter rail passenger transportation” has the meaning given the term in section 24102 of title 49, United States Code.

(4) **ESEA DEFINITIONS.**—The terms “elementary school” and “secondary school” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.).

(5) **COVERED EDUCATIONAL INSTITUTION.**—The term “covered educational institution” means an elementary school, secondary school, or institution of higher education that receives Federal funds.

(6) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(7) **MASK.**—The term “mask” means a material covering the nose and mouth of the wearer, excluding face shields.

(8) **MASK MANDATE.**—The term “mask mandate” means an order, directive, or ordinance which requires an individual to wear a

mask to travel on any conveyance, or to enter or remain in any place within the United States, in response to a public health emergency.

(9) **NATIONAL AIRSPACE SYSTEM.**—The term “national airspace system” has the meaning given such term in section 245.5 of title 32, Code of Federal Regulations (or a successor regulation).

(10) **PUBLIC TRANSIT.**—The term “public transit”—

(A) means a regular, continuing shared-ride surface transportation service that is open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) includes—

(i) intercity passenger rail transportation provided by the entity described in chapter 243 of title 49, United States Code (or a successor to such entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of 1 or more specific establishments;

(vii) intra-terminal or intra-facility shuttle services; and

(viii) commuter rail passenger transportation.

(c) **RESTRICTIONS ON THE USE OF FEDERAL FUNDS.**—During the applicable period, notwithstanding any other provision of law, no Federal funds may be obligated or expended to propose, establish, implement, or enforce, directly or indirectly through the imposition of a condition on receipt of Federal funds, any requirement that an individual wear a mask or comply with a mask mandate while traveling as a passenger of an air carrier in the national airspace system, using public transit, or while in any elementary school, secondary school, or institution of higher education.

(d) **PROHIBITIONS ON IMPOSING A MASK MANDATE ON PASSENGERS OF AIR CARRIERS IN THE NATIONAL AIRSPACE SYSTEM.**—

(1) **NO MASK REQUIREMENTS ON PASSENGERS OF AIR CARRIERS IN THE NATIONAL AIRSPACE SYSTEM.**—Notwithstanding any other provision of law, during the applicable period, neither the President nor any other Federal officer, employee, agency, or office shall issue or enforce an order requiring an air carrier to impose a mask mandate on individuals who are passengers of the air carrier in the national airspace system.

(2) **NO AUTHORITY TO REFUSE AIR TRANSPORTATION.**—During the applicable period, no certificate holder under part 119 of title 14, Code of Federal Regulations, which conducts scheduled operations under part 121 of that title, nor any other air carrier who provides passenger air transportation in the national airspace system, shall refuse transportation to a passenger on the basis that the passenger refuses to wear a mask or comply with a mask mandate while traveling in the national airspace system.

(3) **NO AUTHORITY TO ISSUE OR ENFORCE MASK MANDATES ON PASSENGER AIR CARRIER OPERATIONS IN RESPONSE TO A PUBLIC HEALTH EMERGENCY.**—Section 361 of the Public Health Service Act (42 U.S.C. 264) is amended by adding at the end the following:

“(f) Nothing in this section authorizes the Secretary to require individuals to comply with a mask mandate (as defined in the Freedom to Breathe Act) while traveling as a passenger of an air carrier (as defined in such Act) in the national airspace system (as defined in such Act) in response to a public health emergency declared under section 319 during the applicable period (as defined in such Act).”.

(e) **PROHIBITIONS ON IMPOSING A MASK MANDATE ON PASSENGERS USING PUBLIC TRANSIT.**—

(1) **NO MASK REQUIREMENTS ON PASSENGERS USING PUBLIC TRANSIT.**—Notwithstanding any other provision of law, during the applicable period, neither the President nor any other Federal officer, employee, agency, or office shall issue or enforce an order requiring a Federal, State, or local public transit agency or authority to impose a mask mandate on passengers using public transit.

(2) **NO AUTHORITY TO REFUSE PUBLIC TRANSIT.**—During the applicable period, no public transit operator shall refuse transportation to a passenger on the basis that the passenger refuses to wear a mask or comply with a mask mandate.

(3) **NO AUTHORITY TO ISSUE OR ENFORCE MASK MANDATES ON PASSENGER AIR CARRIER OPERATIONS IN RESPONSE TO A PUBLIC HEALTH EMERGENCY.**—Section 361 of the Public Health Service Act (42 U.S.C. 264), as amended by subsection (d)(3), is amended by adding at the end the following:

“(g) Nothing in this section authorizes the Secretary to require individuals to comply with a mask mandate (as defined in the Freedom to Breathe Act) while using public transit (as defined in such Act) in response to a public health emergency declared under section 319 during the applicable period (as defined in such Act).”.

(f) **PROHIBITIONS ON IMPOSING A MASK MANDATE IN EDUCATION SETTINGS.**—

(1) **NO MASK REQUIREMENTS IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION.**—Notwithstanding any other provision of law, during the applicable period, neither the President nor any other Federal officer, employee, agency, or office, shall issue or enforce a mask mandate requiring individuals to wear a mask in any elementary school, secondary school, or institution of higher education.

(2) **NO AUTHORITY TO REFUSE ACCESS TO EDUCATION.**—During the applicable period, a covered educational institution shall not refuse entry to or participation in any educational service or activity to a student, teacher, parent, or other individual on the basis that the student, teacher, parent, or other individual refuses to wear a mask or comply with a mask mandate during the educational service or activity.

(3) **NO AUTHORITY TO ISSUE OR ENFORCE MASK MANDATES IN EDUCATIONAL SETTINGS IN RESPONSE TO A PUBLIC HEALTH EMERGENCY.**—Section 361 of the Public Health Service Act (42 U.S.C. 264), as amended by subsection (e)(3), is further amended by adding at the end the following:

“(h) Nothing in this section authorizes the Secretary to require individuals to comply with a mask mandate (as defined in the Freedom to Breathe Act) in any elementary school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965) or institution of higher education (as defined in section 102 of the Higher Education Act of 1965) in response to a public health emergency declared under section 319 during the applicable period (as defined in such Act).”.

(g) **REGULATIONS.**—Not later than 90 days after the date of enactment of this section, the head of each Federal agency or office to which this section applies shall issue such new or revised regulations as are necessary to carry out this section.

(h) **PREEMPTION.**—The provisions of this section shall supersede any provision of Federal, State, Tribal, territorial, or local law, declaration, guidance, or directive to the extent that such laws, declarations, guidance, or directives are inconsistent with this section.

**SA 1306.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr.

SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, strike line 12 and all that follows through page 32, line 17, and insert the following:

SEC. 126. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 127. (a) Notwithstanding section 101, title II of division E of Public Law 117–328 shall be applied by adding the following new heading and appropriation language under the heading “Executive Office of the President and Funds Appropriated to the President”:

“OFFICE OF PANDEMIC PREPAREDNESS AND RESPONSE POLICY

“SALARIES AND EXPENSES

“For necessary expenses of the Office of Pandemic Preparedness and Response Policy, as authorized by section 2104 of the PREVENT Pandemics Act (42 U.S.C. 300hh–3), \$3,700,000, of which not to exceed \$5,000 shall be available for official reception and representation expenses.”.

(b) Notwithstanding section 101, section 201 of title II of division E of Public Law 117–328 shall be applied by inserting “Office of Pandemic Preparedness and Response Policy” after “Office of Administration”.

SEC. 128. Notwithstanding section 101, the matter preceding the first proviso under the heading “Office of Personnel Management—Salaries and Expenses” in division E of Public Law 117–328 shall be applied by substituting “\$219,076,000” for “\$190,784,000”.

SEC. 129. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Act 25–161), as modified as of the date of enactment of this Act.

SEC. 130. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 131. In addition to amounts otherwise provided by section 101, for “Federal Emergency Management Agency—Disaster Relief Fund”, there is appropriated \$5,999,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which \$1,000,000 shall be transferred to “Office of the Inspector General—Operations and Support” for audits and investigations of activities funded under “Federal Emergency Management Agency—Disaster Relief Fund” and \$5,500,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 132. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42

U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 133. Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 134. Amounts made available by section 101 for “Department of the Interior—Department-Wide Programs—Wildland Fire Management” and “Department of Agriculture—Forest Service—Wildland Fire Management” shall be available for the Federal wildland firefighter base salary increase provided under section 40803(d)(4)(B) of Public Law 117–58 and may be apportioned up to the rate for operations necessary to continue to fund such base salary increase.

SEC. 135. (a) Amounts made available by section 101 for “Department of Education—Student Aid Administration” may be apportioned up to the rate for operations necessary to ensure the continuation of student loan servicing activities, including supporting borrowers reentering repayment.

(b) The limitation in section 302 of division H of Public Law 117–328 regarding transfers increasing any appropriation shall be applied to transfers to appropriations under the heading “Department of Education—Student Aid Administration” during the period covered by this Act by substituting “10 percent” for “3 percent” for the purposes of the continuation of basic operations, including student loan servicing, business process operations, digital customer care, common origination and disbursement, cybersecurity activities, and information technology systems.

SEC. 136. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 137. Amounts provided by section 101 for “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund” for activities carried out by the Assistant Secretary for Preparedness and Response may be obligated under the authorities and conditions of division H of Public Law 117–328 in an account and budget structure under the heading “Department of Health and Human Services—Administration for Strategic Preparedness and Response” to one or more applicable accounts.

SEC. 138. Notwithstanding section 101, section 126 of division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

SEC. 139. None of the funds made available under this Act or an amendment made by this Act may be obligated or expended for any program, project, or activity in Ukraine or that is related to the war in Ukraine, including any intelligence sharing program, project, or activity.

**SA 1307.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill

H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike division A and insert the following:

#### **DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading “Department of Energy—Energy Programs—SPR Petroleum Account”.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to \$1,590,000,000,000: *Provided*, That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Energy—Energy Programs—Nuclear Energy” at a rate for operations of \$220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of \$120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of \$100,000,000.

SEC. 123. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by

section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled “Guidelines for the Enforcement of Civil Immigration Law” or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion” or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, enti-

tled “Emergency Driving and Vehicular Pursuits”.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled “Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers” (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3)).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to “Circumvention of Lawful Pathways” (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than \$17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

SEC. 138. None the funds made available under this Act or an amendment made by this Act may be obligated or expended for any program, project, or activity in Ukraine or that is related to the war in Ukraine, including any intelligence sharing program, project, or activity.

This division may be cited as the “Continuing Appropriations Act, 2024”.

**SA 1308.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike division A and insert the following:

## DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading “Department of Energy—Energy Programs—SPR Petroleum Account”.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to \$1,590,000,000,000: *Provided*, That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget author-

ity was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for

rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Energy—Energy Programs—Nuclear Energy” at a rate for operations of \$220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of \$120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of \$100,000,000.

SEC. 123. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).



SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled “Guidelines for the Enforcement of Civil Immigration Law” or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion” or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled “Emergency Driving and Vehicular Pursuits”.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled “Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Re-

moval, and CAT Protection Claims by Asylum Officers” (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to “Circumvention of Lawful Pathways” (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than \$17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

This division may be cited as the “Continuing Appropriations Act, 2024”.

**SA 1309.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ REPORT ON DEFINING THE MISSION IN UKRAINE.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President, in coordination with the Secretary of Defense and the Secretary of State, shall develop and submit 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 1310.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROHIBITIONS RELATING TO UKRAINE SECURITY ASSISTANCE INITIATIVE AND USE OF DRAWDOWN AUTHORITY.**

The Secretary of Defense may not use any funds appropriated for the Ukraine Security Assistance Initiative to enter into any contracts, or use any drawdown authority under section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)), until all funds available for the replenishment of United States stocks have been obligated.

**SA 1311.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United

States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, 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 DRAWDOWN AUTHORITY WHEN REMAINING VALUE EXCEEDS AMOUNTS AVAILABLE FOR STOCKPILE REPLENISHMENT.**

Whenever the remaining value of drawdown authority under section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) exceeds the amounts available to the Secretary of Defense for the replenishment of stockpiles, the Secretary may not use such drawdown authority.

**SA 1312.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ RESTRICTION ON ASSISTANCE TO UKRAINE.**

Not more than two percent of the funds appropriated or otherwise made available by this Act for assistance or support to Ukraine may be obligated or expended.

**SA 1313.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 126 through 142 and insert the following:

SEC. 127. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 128. (a) Notwithstanding section 101, title II of division E of Public Law 117–328 shall be applied by adding the following new heading and appropriation language under the heading “Executive Office of the President and Funds Appropriated to the President”:

“OFFICE OF PANDEMIC PREPAREDNESS AND RESPONSE POLICY

“SALARIES AND EXPENSES

“For necessary expenses of the Office of Pandemic Preparedness and Response Policy, as authorized by section 2104 of the PREVENT Pandemics Act (42 U.S.C. 300hh–3), \$3,700,000, of which not to exceed \$5,000 shall be available for official reception and representation expenses.”.

(b) Notwithstanding section 101, section 201 of title II of division E of Public Law 117–328 shall be applied by inserting “Office of Pandemic Preparedness and Response Policy” after “Office of Administration”.

SEC. 129. Notwithstanding section 101, the matter preceding the first proviso under the heading “Office of Personnel Management—

Salaries and Expenses” in division E of Public Law 117–328 shall be applied by substituting “\$219,076,000” for “\$190,784,000”.

SEC. 130. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Act 25–161), as modified as of the date of enactment of this Act.

SEC. 131. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 132. In addition to amounts otherwise provided by section 101, for “Federal Emergency Management Agency—Disaster Relief Fund”, there is appropriated \$5,999,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which \$1,000,000 shall be transferred to “Office of the Inspector General—Operations and Support” for audits and investigations of activities funded under “Federal Emergency Management Agency—Disaster Relief Fund” and \$5,500,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 133. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 134. Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 135. Amounts made available by section 101 for “Department of the Interior—Department-Wide Programs—Wildland Fire Management” and “Department of Agriculture—Forest Service—Wildland Fire Management” shall be available for the Federal wildland firefighter base salary increase provided under section 40803(d)(4)(B) of Public Law 117–58 and may be apportioned up to the rate for operations necessary to continue to fund such base salary increase.

SEC. 136. (a) Amounts made available by section 101 for “Department of Education—Student Aid Administration” may be apportioned up to the rate for operations necessary to ensure the continuation of student loan servicing activities, including supporting borrowers reentering repayment.

(b) The limitation in section 302 of division H of Public Law 117–328 regarding transfers increasing any appropriation shall be applied to transfers to appropriations under the heading “Department of Education—Student Aid Administration” during the period covered by this Act by substituting “10 percent” for “3 percent” for the purposes of the continuation of basic operations, including student loan servicing, business process oper-

ations, digital customer care, common origination and disbursement, cybersecurity activities, and information technology systems.

SEC. 137. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 138. During the period covered by this Act, section 401(a)(1)(A) of the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 139. Amounts provided by section 101 for “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund” for activities carried out by the Assistant Secretary for Preparedness and Response may be obligated under the authorities and conditions of division H of Public Law 117–328 in an account and budget structure under the heading “Department of Health and Human Services—Administration for Strategic Preparedness and Response” to one or more applicable accounts.

SEC. 140. In addition to amounts otherwise provided by section 101, for “Government Accountability Office—Salaries and Expenses”, there is appropriated \$2,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which \$1,000,000 shall be for the oversight of amounts provided in this Act to respond to the situation in Ukraine and for related expenses, division M of Public Law 117–328, division B of Public Law 117–180, Public Law 117–128, and division N of Public Law 117–103 and of which \$1,000,000 shall be for audits and investigations relating to disasters and emergencies declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for calendar year 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 141. Notwithstanding section 101, section 126 of division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

**SA 1314.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 101 through 142 and insert the following:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the



costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117-328), except section 729, and including the matter under the headings “Food for Peace Title II Grants” and “McGovern-Dole International Food for Education and Child Nutrition Program Grants” in title I of division M of Public Law 117-328 (except no amounts may be provided under such headings for Ukraine), the matter under the headings “Agricultural Research Service—Buildings and Facilities”, “Food Safety and Inspection Service”, “Rural Housing Service—Rural Community Facilities Program Account” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$25,300,000” for “\$75,300,000”), and “Rural Utilities Service—Rural Water and Waste Disposal Program Account” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$60,000,000” for “\$325,000,000”) in title I of division N of Public Law 117-328, and section 2102 in title I of such division N.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117-328), except section 540, and except section 521(d)(1) shall be applied by substituting “\$122,572,000” for “\$705,768,000”, and including the matter under the headings “Federal Prison System—Buildings and Facilities” and “National Science Foundation—STEM Education” (except all that follows after “2024” in such matter and except that such matter shall be applied by substituting “\$92,000,000” for “\$217,000,000”) in title II of division N of Public Law 117-328, and the second paragraph under each of the headings “National Oceanic and Atmospheric Administration—Operations, Research, and Facilities” (except all that follows after “2024” in such paragraph and except that such paragraph shall be applied by substituting “\$42,000,000” for “\$62,000,000”), “National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction”, “National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration”, and “National Science Foundation—Research and Related Activities” (except all that follows after “2024” in such paragraph and except that such paragraph shall be applied by substituting “\$608,162,000” for “\$818,162,000”) in title II of such division N.

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117-328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117-328), except the first proviso under the heading “SPR Petroleum Account”, and except the second paragraph under the heading “Title 17 Innovative Technology Loan Guarantee Program”, and including the matter under the heading “Energy Programs—Nuclear Energy” in title III of division M of Public Law 117-328 (except no amounts may be provided under such heading for Ukraine) and the second paragraph under each of the headings “Corps of Engineers—Civil—Department of the Army—Construction” and “Corps of Engineers—Civil—Department of the Army—Operation and Maintenance” in title IV of division N of Public Law 117-328.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117-328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117-328), section 2602 of title VI of division N of Public Law 117-328, and title III of division O of Public Law 117-328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117-328), except section 443, and including the second paragraph under each of the headings “Department of the Interior—Departmental Offices—Department-Wide Programs—Wildland Fire Management” and “Related Agencies—Department of Agriculture—Forest Service—Wildland Fire Management” in title VII of division N of Public Law 117-328.

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117-328), section 145 of division A of Public Law 117-180, and the second paragraph under the heading “Administration for Children and Families—Low Income Home Energy Assistance” in title VIII of division N of Public Law 117-328.

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117-328), and section 6 in the matter preceding division A of Public Law 117-328.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117-328), except the matter preceding the first provisos under the headings “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities” shall be applied by substituting “\$0” for “\$261,000,000”, “\$4,300,000,000”, “\$1,400,000,000”, and “\$1,500,000,000”, respectively.

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117-328), except section 7069, and including the matter under the headings “Department of State—Administration of Foreign Affairs—Diplomatic Programs” (except all that follows after “2024” in such matter and except that such matter shall be applied by substituting “\$87,054,000” for “\$147,054,000”), “Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$637,902,000” for “\$937,902,000”), “Bilateral Economic Assistance—Funds Appropriated to the President—Assistance for Europe, Eurasia and Central Asia”, “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance” (except all that follows after “expended” in such matter and except that such matter shall be applied by substituting “\$915,048,000” for “\$1,535,048,000”), and “International Security Assistance—Department of State—International Narcotics Control and Law Enforcement” (except all that follows after “2024” in such matter and except that such matter shall be applied by substituting “\$74,996,000” for “\$374,996,000”) in title VII of division M of Public Law 117-328 (except no amounts may be provided under such headings for Ukraine).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117-328), except sections 153 and 420, and including the matter under the headings “Public and Indian Housing—Tenant-Based Rental Assistance” and “Housing Programs—Project-Based Rental Assistance” in title X of division N of Public Law 117-328.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) November 17, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, except the matter under the heading “Cost of War Toxic Exposures Fund” in title II of division J of Public Law 117-328, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a)(1) For each amount incorporated by reference in this Act from amounts provided by division M or N of Public Law 117-328, each section or paragraph of an account providing each such amount, as applicable, shall be applied as if that section or paragraph ended with the following sentence: “The amount provided herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.”

(2) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b)(1) Each amount incorporated by reference in this Act that was specified to meet the terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as additional new budget authority for purposes of section 4004(b)(5) of such concurrent resolution and section 1(g) of such House resolution, is provided to meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is

additional new budget authority as specified for purposes of section 251(b)(2)(F) of such Act, respectively.

(2) Each amount incorporated by reference in this Act for “Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations” that was specified to meet the terms of a concurrent resolution on the budget in the Senate and section 1(j)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(j) of such House resolution, is provided to meet the terms of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(E) of such Act, respectively.

(3) Each amount incorporated by reference in this Act for “Department of Health and Human Services—Centers for Medicare & Medicaid Services—Health Care Fraud and Abuse Control Account” that was specified to meet the terms of a concurrent resolution on the budget in the Senate, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(h) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(C) of such Act, respectively.

(4) Each amount incorporated by reference in this Act for “Social Security Administration—Limitation on Administrative Expenses” that was specified to meet the terms of a concurrent resolution on the budget in the Senate, or as additional new budget authority for purposes of a concurrent resolution on the budget in the Senate and section 1(i) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, or is additional new budget authority as specified for the purposes of section 251(b)(2)(B) of such Act, respectively.

(c) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or repurposed or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for

rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 17, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Amounts made available by section 101 for “Domestic Food Programs—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)” may be apportioned at the rate for operations necessary to maintain participation.

SEC. 119. Amounts made available by section 101 for “Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program” may be apportioned up to the rate for operations necessary to maintain current program caseload in the Commodity Supplemental Food Program.

SEC. 120. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 121. Amounts made available by section 101 for “National Telecommunications and Information Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to administer broadband programs.

SEC. 122. (a) Funds previously made available in the Consolidated Appropriations Act, 2017 (Public Law 115-31) and the Consolidated Appropriations Act, 2018 (Public Law 115-141) under the heading “National Aeronautics and Space Administration—Space Operations” that were available for obligation through fiscal year 2018 and fiscal year 2019, respectively, are to remain available through fiscal year 2027 for the liquidation of valid obligations incurred in fiscal years 2017 through 2019.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 123. For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98-473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “36 years” or “36-year period” shall be deemed a reference to “36 years and 17 days” or “36-year and 17-day period”, respectively.

SEC. 124. Notwithstanding sections 102 and 104, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” may be apportioned up to the rate for operations necessary for “Ohio Replacement Submarine (Full Funding)” in an amount not to exceed \$621,270,000 for the procurement of one Columbia Class Submarine.

SEC. 125. (a) The remaining unobligated balances, as of September 30, 2023, from amounts provided under the heading “Department of Defense—Operation and Maintenance—Overseas Humanitarian, Disaster, and Civic Aid” in division C of Public Law 117-43 and division B of Public Law 117-70, are hereby permanently rescinded and, in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2023, for an additional amount for fiscal year 2023, to remain available until September 30, 2024, for the same purposes and under the same authorities provided under such heading in Public Laws 117-43 and 117-70, in addition to other funds as may be available for such purposes: *Provided*, That the new budget authority provided by this subsection may be transferred to any appropriation account of the Department of State for support of Operation Allies Welcome or any successor operation: *Provided further*, That upon any such transfer, the funds shall be merged with the appropriation to which the funds are transferred except that such funds may be made available for such purposes notwithstanding any requirement or limitation applicable to the appropriation to which transferred, including sections 2(c)(1) and 2(c)(2) of the Migration and Refugee Assistance Act with respect to the “United States Emergency Refugee and Migration Assistance Fund” and in section 4(a) and section 4(b) of the State Department Basic Authorities Act of 1956 with respect to funds transferred to the “Emergencies in the Diplomatic and Consular Service” account: *Provided further*, That section 2215 of title 10, United States Code, shall not apply to a transfer of funds under this section: *Provided further*, That the transfer authority provided under this section is in addition to any other transfer authority provided by law: *Provided further*, That the exercise of the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the new budget authority provided by this subsection is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022 and to legislation establishing fiscal year 2024 budget enforcement in the House of Representatives.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 127. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 128. (a) Notwithstanding section 101, title II of division E of Public Law 117-328 shall be applied by adding the following new heading and appropriation language under the heading “Executive Office of the President and Funds Appropriated to the President”:

“OFFICE OF PANDEMIC PREPAREDNESS AND RESPONSE POLICY

“SALARIES AND EXPENSES

“For necessary expenses of the Office of Pandemic Preparedness and Response Policy, as authorized by section 2104 of the PREVENT Pandemics Act (42 U.S.C. 300hh-3), \$3,700,000, of which not to exceed \$5,000 shall be available for official reception and representation expenses.”.

(b) Notwithstanding section 101, section 201 of title II of division E of Public Law 117-328 shall be applied by inserting “Office of Pandemic Preparedness and Response Policy” after “Office of Administration”.

SEC. 129. Notwithstanding section 101, the matter preceding the first proviso under the heading “Office of Personnel Management—Salaries and Expenses” in division E of Public Law 117-328 shall be applied by substituting “\$219,076,000” for “\$190,784,000”.

SEC. 130. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117-328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Act 25-161), as modified as of the date of enactment of this Act.

SEC. 131. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 132. In addition to amounts otherwise provided by section 101, for “Federal Emergency Management Agency—Disaster Relief Fund”, there is appropriated \$5,999,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which \$1,000,000 shall be transferred to “Office of the Inspector General—Operations and Support” for audits and investigations of activities funded under “Federal Emergency Management Agency—Disaster Relief Fund” and \$5,500,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 133. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 134. Section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525(a)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 135. Amounts made available by section 101 for “Department of the Interior—Department-Wide Programs—Wildland Fire Management” and “Department of Agriculture—Forest Service—Wildland Fire Management” shall be available for the Federal wildland firefighter base salary increase provided under section 40803(d)(4)(B) of Public Law 117-58 and may be apportioned up to the

rate for operations necessary to continue to fund such base salary increase.

SEC. 136. (a) Amounts made available by section 101 for “Department of Education—Student Aid Administration” may be apportioned up to the rate for operations necessary to ensure the continuation of student loan servicing activities, including supporting borrowers reentering repayment.

(b) The limitation in section 302 of division H of Public Law 117-328 regarding transfers increasing any appropriation shall be applied to transfers to appropriations under the heading “Department of Education—Student Aid Administration” during the period covered by this Act by substituting “10 percent” for “3 percent” for the purposes of the continuation of basic operations, including student loan servicing, business process operations, digital customer care, common origination and disbursement, cybersecurity activities, and information technology systems.

SEC. 137. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 138. During the period covered by this Act, section 401(a)(1)(A) of the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117-128) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 139. Amounts provided by section 101 for “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund” for activities carried out by the Assistant Secretary for Preparedness and Response may be obligated under the authorities and conditions of division H of Public Law 117-328 in an account and budget structure under the heading “Department of Health and Human Services—Administration for Strategic Preparedness and Response” to one or more applicable accounts.

SEC. 140. In addition to amounts otherwise provided by section 101, for “Government Accountability Office—Salaries and Expenses”, there is appropriated \$2,000,000, for an additional amount for fiscal year 2024, to remain available until expended, of which \$1,000,000 shall be for the oversight of amounts provided in this Act to respond to the situation in Ukraine and for related expenses, division M of Public Law 117-328, division B of Public Law 117-180, Public Law 117-128, and division N of Public Law 117-103 and of which \$1,000,000 shall be for audits and investigations relating to disasters and emergencies declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for calendar year 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 141. Notwithstanding section 101, section 126 of division J of Public Law 117-328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

**SA 1315.** Mr. LEE submitted an amendment intended to be proposed to

amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROHIBITION ON FUNDING FOR UKRAINE.**

Notwithstanding any other provision of this Act—

(1) sections 126 and 142 shall have no force or effect; and

(2) no amounts may be provided for Ukraine from amounts appropriated or otherwise made available for—

(A) the Food for Peace Title II Grants or the McGovern-Dole International Food for Education and Child Nutrition Program Grants as described in paragraph (1) of section 101;

(B) the Energy Programs—Nuclear Energy as described in paragraph (4) of such section; or

(C) the Department of State as described in paragraph (11) of such section.

**SA 1316.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

**TITLE V—REINS ENHANCEMENT ACT OF 2023**

**SEC. 2501. SHORT TITLE.**

This title may be cited as the “Regulations from the Executive in Need of Scrutiny Enhancement Act of 2023” or the “REINS Enhancement Act of 2023”.

**SEC. 2502. PURPOSE.**

The purpose of this title is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

**SEC. 2503. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**

Chapter 8 of title 5, United States Code, is amended to read as follows:

**“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Affirmative defense.

“807. Exemption for monetary policy.

“808. Effective date of certain rules.

“809. Review of rules currently in effect.

**“§ 801. Congressional review**

“(a)(1) (A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a finding, rendered in consultation with the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, whether the rule is a major or nonmajor rule, including an explanation of the finding specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 804(2);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions;

“(v) the proposed effective date of the rule; and

“(vi) a statement of the constitutional authority authorizing the agency to make the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress (and to each committee of jurisdiction in each House)—

“(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

“(ii) the agency’s actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

“(iii) the agency’s actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995;

“(iv) an estimate of the effect on inflation of the rule; and

“(v) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(D) If requested in writing by a member of Congress—

“(i) the Comptroller General shall make a determination whether an agency action qualifies as a rule for purposes of this chapter, and shall submit to Congress this determination not later than 60 days after the date of the request; and

“(ii) the Comptroller General, in consultation with the Director of the Congressional Budget Office, shall make a determination whether a rule is considered a major rule under the provisions of this act, and shall submit to Congress this determination not later than 90 days after the date of the request. If such determination concludes a rule to be a major rule, such rule shall not take effect (or continue) unless Congress enacts a joint resolution of approval described under Section 802.

“For purposes of this section, a determination under this subparagraph shall be deemed to be a report under subparagraph (A).

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency’s compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General’s report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days; or

“(B) in the case of the House of Representatives, 60 legislative days,

“before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day; or

“(II) in the case of the House of Representatives, the 15th legislative day,

“after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

#### “§ 802. Congressional approval procedure for major rules

“(a)(1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

“(A) bears no preamble;

“(B) bears the following title (with blanks filled as appropriate): ‘Approving the rule submitted by \_\_\_\_\_ relating to \_\_\_\_\_’;

“(C) includes after its resolving clause only the following (with blanks filled as appropriate): ‘That Congress approves the rule submitted by \_\_\_\_\_ relating to \_\_\_\_\_’; and

“(D) is introduced pursuant to paragraph (2).

“(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

“(A) in the case of the House of Representatives, within 3 legislative days; and

“(B) in the case of the Senate, within 3 session days.

“(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

“(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. 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 joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

“(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

“(A) the joint resolution of the other House shall not be referred to a committee; and

“(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

“(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

“(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be

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 joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate 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.

#### “§ 803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the \_\_\_\_\_ relating to \_\_\_\_\_, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. 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 joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint 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 joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a

joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

#### “§ 804. Definitions

“For purposes of this chapter:

“(1) The term ‘Federal agency’ means any agency as that term is defined in section 551(1).

“(2) The term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget or the Federal agency promulgating such rule finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100 million or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) in an increase in mandatory vaccinations.

“(3) The term ‘nonmajor rule’ means any rule that is not a major rule.

“(4) The term ‘rule’ has the meaning given such term in section 551, except that such term—

“(A) includes interpretative rules, general statements of policy, and all other agency guidance documents; and

“(B) does not include—

“(i) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(ii) any rule relating to agency management or personnel; or

“(iii) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

“(5) The term ‘submission or publication date’, except as otherwise provided in this chapter, means—

“(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

“(B) in the case of a nonmajor rule, the later of—

“(i) the date on which the Congress receives the report submitted under section 801(a)(1); and

“(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

#### “§ 805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

#### “§ 806. Affirmative defense

“It shall be an affirmative defense against an alleged violation of a rule for a defendant in any administrative proceeding of an agency, or before a court of the United States, if an individual of ordinary intelligence could not anticipate from the statutory language of a provision of law purported to form the basis for the rule in question that the conduct of the individual would be unlawful.

#### “§ 807. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

#### “§ 808. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

“shall take effect at such time as the Federal agency promulgating the rule determines.

#### “§ 809. Review of rules currently in effect

“(a) ANNUAL REVIEW.—Beginning on the date that is 6 months after the date of enactment of this section and annually thereafter for the 4 years following, each agency shall designate not less than 20 percent of eligible rules made by that agency for review, and shall submit a report including each such eligible rule in the same manner as a report under section 801(a)(1). Section 801, section 802, and section 803 shall apply to each such rule, subject to subsection (c) of this section. No eligible rule previously designated may be designated again.

“(b) SUNSET FOR ELIGIBLE RULES NOT EXTENDED.—Beginning after the date that is 5 years after the date of enactment of this section, if Congress has not enacted a joint resolution of approval for that eligible rule, that eligible rule shall not continue in effect.

“(c) APPROVAL OF RULES.—

“(1) Unless Congress approves all eligible rules designated by executive agencies for review within 90 days of designation, they shall have no effect.

“(2) A single joint resolution of approval shall apply to all eligible rules in a report designated for a year as follows: ‘That Congress approves the rules submitted by the \_\_\_\_\_ for the year \_\_\_\_\_.’ (The blank spaces being appropriately filled in).

“(3) A member of either House may move that a separate joint resolution be required for a specified rule.

“(d) DEFINITION.—In this section, the term ‘eligible rule’ means a rule that is in effect as of the date of enactment of this section.”.

#### SEC. 2504. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

“(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.”.

#### SEC. 2505. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report (and publish the report on the website of the Comptroller General) to Congress that contains the findings of the study conducted under subsection (a).

**SA 1317.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ CIVIL PENALTY FOR FAILURE TO DISCLOSE AGRICULTURAL FOREIGN INVESTMENT.

Section 3(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502(b)) is amended by striking “shall not exceed 25 percent” and inserting “shall be equal to not less than 25 percent”.

**SA 1318.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:



**SEC. \_\_\_\_ . NO MANDATORY EARTAGS FOR CATTLE AND BISON.**

None of the funds made available by this Act shall be used by the Secretary of Agriculture to mandate electronic identification eartags for cattle or bison.

**SA 1319.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ .** None of the funds made available by this Act may be used—

(1) to carry out Socially Disadvantaged Applicant funding under Farm Service Agency farm loan programs; or

(2) for Department of Agriculture loan programs that use race as a criteria for eligibility.

**SA 1320.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS FOR SURGICAL OR NON-SURGICAL TREATMENTS FOR INDIVIDUALS UNDER THE AGE OF 18 RELATING TO GENDER TRANSITIONS.**

None of the funds made available by this Act or an amendment made by this Act may be used for surgical or non-surgical treatments for individuals under the age of 18 relating to gender transitions.

**SA 1321.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS FOR SURGICAL OR NON-SURGICAL TREATMENTS FOR INDIVIDUALS UNDER THE AGE OF 18 RELATING TO GENDER TRANSITIONS.**

None of the funds made available by this Act or an amendment made by this Act may be used for surgical or non-surgical treatments for individuals under the age of 18 relating to gender transitions.

**SA 1322.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and im-

prove the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 59, strike line 23 and all that follows through page 60, line 2 and insert the following:

(1) in paragraph (1), by striking “2019 through 2023” and inserting “2024 through 2028”; and

**SA 1323.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, strike “\$33,500,000” and insert “\$29,931,240”.

**SA 1324.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**SEC. 146.** Notwithstanding section 101, the amounts made available for “U.S. Immigration and Customs Enforcement—Operations and Support” in title II of division F of Public Law 117-328 shall be applied by substituting “\$4,669,386,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied alien minors; of which not less than \$3,317,981,000 shall be for custody operations; and of which not less than \$460,656,000 shall be for transportation and removal operations: *Provided*, That funding made available under this heading shall be used to maintain a level of not fewer than 49,500 detention beds through September 30, 2023: *Provided further*,” for “\$4,181,786,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied alien minors: *Provided*,”.

**SA 1325.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

**SEC. 2103.** Section 601 of division O of Public Law 117-328 shall be applied by substituting “December 31, 2054” for “December 31, 2024.”. In the Senate, this section is designated as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

**SA 1326.** Mr. LEE submitted an amendment intended to be proposed to

amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 25, strike line 23 and all that follows through page 26, line 15.

**SA 1327.** Mr. CRUZ (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**SEC. 146.** None of the funds made available under this Act may be used to pay the salary of an individual carrying out the responsibilities of the position of Administrator of the National Highway Traffic Safety Administration in an acting or temporary capacity who was nominated to that position and whose nomination was subsequently withdrawn.

**SA 1328.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter preceding division A, insert the following:

**SEC. 4. PROHIBITION ON USE OF FUNDS FOR SURGICAL OR NON-SURGICAL TREATMENTS FOR INDIVIDUALS UNDER THE AGE OF 18 RELATING TO GENDER TRANSITIONS.**

None of the funds made available by division A or B of this Act or an amendment made by division A or B of this Act may be used for surgical or non-surgical treatments for individuals under the age of 18 relating to gender transitions.

**SA 1329.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, strike lines 1 and 2.

**SA 1330.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which

was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS TO DEVELOP OR IMPLEMENT THE LABYRINTH RIMS/GEMINI BRIDGES TRAVEL MANAGEMENT PLAN.**

None of the funds made available by this Act shall be used by the Secretary of the Interior to develop or implement the Labyrinth Rims Gemini Bridges Travel Management Plan.

**SA 1331.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS FOR THE MANAGEMENT OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT.**

None of the funds made available by this Act shall be used by the Secretary of the Interior for the management of the Grand Staircase-Escalante National Monument, except in compliance with the document entitled "Record of Decision and Approved Resource Management Plans for the Grand Staircase-Escalante National Monument" and dated February 2020.

**SA 1332.** Ms. BALDWIN (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PAYMENT TO CERTAIN INDIVIDUALS WHO DYE FUEL.**

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**"SEC. 6434. DYED FUEL.**

"(a) IN GENERAL.—If a person establishes to the satisfaction of the Secretary that such person meets the requirements of subsection (b) with respect to diesel fuel or kerosene, then the Secretary shall pay to such person an amount (without interest) equal to the tax described in subsection (b)(2)(A) with respect to such diesel fuel or kerosene.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A person meets the requirements of this subsection with respect to diesel fuel or kerosene if such person removes from a terminal eligible indelibly dyed diesel fuel or kerosene.

"(2) ELIGIBLE INDELIBLY DYED DIESEL FUEL OR KEROSENE DEFINED.—The term 'eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene—

"(A) with respect to which a tax under section 4081 was previously paid (and not credited or refunded), and

"(B) which is exempt from taxation under section 4082(a).

"(c) CROSS REFERENCE.—For civil penalty for excessive claims under this section, see section 6675."

(b) CONFORMING AMENDMENTS.—

(1) Section 6206 of the Internal Revenue Code of 1986 is amended—

(A) by striking "or 6427" each place it appears and inserting "6427, or 6434"; and

(B) by striking "6420 and 6421" and inserting "6420, 6421, and 6434".

(2) Section 6430 of such Code is amended—

(A) by striking "or" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "or", and by adding at the end the following new paragraph:

"(4) which are removed as eligible indelibly dyed diesel fuel or kerosene under section 6434."

(3) Section 6675 of such Code is amended—

(A) in subsection (a), by striking "or 6427 (relating to fuels not used for taxable purposes)" and inserting "6427 (relating to fuels not used for taxable purposes), or 6434 (relating to eligible indelibly dyed fuel)"; and

(B) in subsection (b)(1), by striking "6421, or 6427," and inserting "6421, 6427, or 6434."

(4) The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end the following new item:

"Sec. 6434. Dyed fuel."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible indelibly dyed diesel fuel or kerosene removed on or after the date that is 180 days after the date of the enactment of this section.

**SA 1333.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II of division B, insert the following:

**SEC. \_\_\_\_ . FEDERAL EMPLOYEE COMPENSATION FOLLOWING AIRPORT AND AIRWAY TRUST FUND EXPIRATION.**

(a) IN GENERAL.—Each employee of the United States Government furloughed as a result of a covered lapse in Airport and Airway Trust Fund expenditure authority shall be paid for the period of the covered lapse, and each excepted employee (as defined in section 1341(c)(1) of title 31, United States Code) who is required to perform work during a covered lapse shall be paid for such work, at the employee's standard rate of pay, at the earliest date possible after the covered lapse ends, regardless of scheduled pay dates, and subject to availability of funds.

(b) COVERED LAPSE.—In this section, the term "covered lapse in Airport and Airway Trust Fund expenditure authority" means any lapse in authority to make expenditures from the Airport and Airway Trust Fund that begins on October 1, 2023, and ends on or before the date of enactment of this Act.

**SA 1334.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which

was ordered to lie on the table; as follows:

Strike division A and insert the following:

**DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117-328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117-328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117-328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117-328), except the first proviso under the heading "Department of Energy—Energy Programs—SPR Petroleum Account".

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117-328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117-328), including title III of division O of Public Law 117-328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117-328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117-328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117-328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117-328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117-328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117-328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 29.88565 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to \$1,470,979,000,000: *Provided*, That the reduction in this subsection shall not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, the Department of Homeland Security, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Energy—Energy Programs—Nuclear Energy” at a rate for operations of \$220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of \$120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of \$100,000,000.

SEC. 123. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business

Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117–328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25–161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled “Guidelines for the Enforcement of Civil Immigration Law” or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion” or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled “Emergency Driving and Vehicular Pursuits”.

SEC. 132. Amounts provided by section 101 shall not be made available to implement,

administer, or enforce the rule entitled “Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers” (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to “Circumvention of Lawful Pathways” (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than \$17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

This division may be cited as the “Continuing Appropriations Act, 2024”.

**SA 1335.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike division A and insert the following:

#### **DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided

in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading “Department of Energy—Energy Programs—SPR Petroleum Account”.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 29.88565 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to \$1,470,979,000,000: *Provided*, That the reduction in this subsection shall not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, the Department of Homeland Security, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element

and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins

after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect

any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Energy—Energy Programs—Nuclear Energy” at a rate for operations of \$220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of \$120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of \$100,000,000.

SEC. 123. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117-328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25-

161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled “Guidelines for the Enforcement of Civil Immigration Law” or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion” or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled “Emergency Driving and Vehicular Pur-suits”.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled “Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers” (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)–(ii), (b)(1)(B), or (b)(2), other than to be removed,

including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to “Circumvention of Lawful Pathways” (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than \$17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

SEC. 138. None the funds made available under this Act or an amendment made by this Act may be obligated or expended for any program, project, or activity in Ukraine or that is related to the war in Ukraine, including any intelligence sharing program, project, or activity.

This division may be cited as the “Continuing Appropriations Act, 2024”.

**SA 1336.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Continuing Appropriations and Border Security Enhancement Act, 2024”.

#### **SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

#### **DIVISION A—CONTINUING APPROPRIATIONS ACT, 2024**

- Sec. 101.
- Sec. 102.
- Sec. 103.
- Sec. 104.
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- Sec. 107.
- Sec. 108.
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#### **DIVISION B—BORDER SECURITY**

- Sec. 101. Definitions.
- Sec. 102. Border wall construction.
- Sec. 103. Strengthening the requirements for barriers along the southern border.
- Sec. 104. Border and port security technology investment plan.
- Sec. 105. Border security technology program management.
- Sec. 106. U.S. Customs and Border Protection technology upgrades.
- Sec. 107. U.S. Customs and Border Protection personnel.
- Sec. 108. Anti-Border Corruption Act reauthorization.
- Sec. 109. Establishment of workload staffing models for U.S. Border Patrol and Air and Marine Operations of CBP.
- Sec. 110. Operation Stonegarden.
- Sec. 111. Air and Marine Operations flight hours.
- Sec. 112. Eradication of carrizo cane and salt cedar.
- Sec. 113. Border patrol strategic plan.
- Sec. 114. U.S. Customs and Border Protection spiritual readiness.
- Sec. 115. Restrictions on funding.
- Sec. 116. Collection of DNA and biometric information at the border.
- Sec. 117. Eradication of narcotic drugs and formulating effective new tools to address yearly losses of life; ensuring timely updates to U.S. Customs and Border Protection field manuals.
- Sec. 118. Publication by U.S. Customs and Border Protection of operational statistics.
- Sec. 119. Alien criminal background checks.
- Sec. 120. Prohibited identification documents at airport security checkpoints; notification to immigration agencies.
- Sec. 121. Prohibition against any COVID-19 vaccine mandate or adverse action against DHS employees.
- Sec. 122. CBP One app limitation.
- Sec. 123. Report on Mexican drug cartels.
- Sec. 124. GAO study on costs incurred by States to secure the southwest border.
- Sec. 125. Report by Inspector General of the Department of Homeland Security.



- Sec. 126. Offsetting authorizations of appropriations.
- Sec. 127. Report to Congress on foreign terrorist organizations.
- Sec. 128. Assessment by Inspector General of the Department of Homeland Security on the mitigation of unmanned aircraft systems at the southwest border.

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

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

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

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

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

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

**TITLE IV—ENSURING UNITED FAMILIES  
AT THE BORDER**

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

**TITLE V—PROTECTION OF CHILDREN**

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

**TITLE VI—VISA OVERSTAYS PENALTIES**

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

**TITLE VII—IMMIGRATION PAROLE  
REFORM**

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

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**DIVISION A—CONTINUING  
APPROPRIATIONS ACT, 2024**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fis-

cal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117-328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117-328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117-328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117-328), except the first proviso under the heading “Department of Energy—Energy Programs—SPR Petroleum Account”.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117-328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117-328), including title III of division O of Public Law 117-328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117-328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117-328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117-328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117-328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117-328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117-328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to \$1,590,000,000,000: *Provided*, That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations,

funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024 without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may

continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from

the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Energy—Energy Programs—Nuclear Energy” at a rate for operations of \$220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of \$120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of \$100,000,000.

SEC. 123. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117-328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25-161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled “Guidelines for the Enforcement of Civil Immigration Law” or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion” or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled “Emergency Driving and Vehicular Pur-suits”.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled “Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers” (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5)) an alien described in section 235(b)(1)(A)(i)-(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to “Circumvention of Lawful Pathways” (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117–58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than \$17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117–328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

This division may be cited as the “Continuing Appropriations and Border Security Enhancement Act, 2024”.

## DIVISION B—BORDER SECURITY

### SEC. 101. DEFINITIONS.

In this division:

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

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

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

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

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

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

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

### SEC. 102. BORDER WALL CONSTRUCTION.

(a) **IN GENERAL.**—

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

(2) **USE OF FUNDS.**—To carry out this section, the Secretary shall expend all unexpended funds appropriated or explicitly obli-

gated for the construction of the border wall that were appropriated or obligated, as the case may be, for use beginning on October 1, 2019.

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

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

(c) **DEFINITIONS.**—In this section:

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

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

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

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

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

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

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

(2) in subsection (b)—

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

(B) in paragraph (1)—

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

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

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

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

“(B) **PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.**—In carrying out this section,

the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective physical barriers, tactical infrastructure, and technology available for achieving situational awareness and operational control of the southwest border.”;

(iv) in subparagraph (C)—

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

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

(II) in clause (ii)—

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

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

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

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

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

(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”;

(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.”;

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

(3) in subsection (c)—

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

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

Secretary shall be effective upon publication in the Federal Register.”;

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

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

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

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

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

“(f) DEFINITIONS.—In this section:

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

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

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

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

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

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

“(A) Tower-based surveillance technology.

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

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

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

“(E) Advanced unattended surveillance sensors.

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

“(G) Unmanned aircraft systems.

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

“(I) Fiber-optic cable.

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

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

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

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

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

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

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

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

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

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

(ii) human smuggling and human trafficking; and

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

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

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

(B) are unlawfully present in the United States.

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

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

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

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

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

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

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

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

(12) A description of initiatives to—

(A) streamline the acquisition process of CBP; and

(B) provide to the private sector greater predictability and transparency with respect to such process, including information 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. 105. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.**

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

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

“(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term ‘major acquisition program’ means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least \$100,000,000 (based on fiscal year 2023 constant dollars) over its 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 and the Committee on Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan for testing, evaluating, and using independent verification and validation of resources relating to the proposed acquisition of border security technology. Under such plan, the proposed acquisition of new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

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

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

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

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

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

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

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

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

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

(b) BORDER SECURITY DEPLOYMENT PROGRAM.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) PROHIBITION AGAINST ALIEN TRAVEL.—No personnel or equipment of Air and Marine Operations may be used for the transportation of non-detained aliens, or detained aliens expected to be administratively 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. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.**

(a) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C.

221; Public Law 111-376) is amended by striking subsection (b) and inserting the following new subsections:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(c) TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and Border Protection (CBP) certifies to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP has met all requirements pursuant to section 107 of the Secure the Border Act of 2023 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner re-certifies to such Committees that CBP has so met all such requirements.”.

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

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

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

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

**“SEC. 6. REPORTING.**

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

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

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

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

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

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

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

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

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

**“SEC. 7. DEFINITIONS.**

“In this Act:

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

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

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

“(B) a punitive discharge is, or would be, authorized for the same or a closely related

offense under the Manual for Court-Martial, as pursuant to Army Regulation 635-200, chapter 14-12.

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

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

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

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

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

(1) The U.S. Border Patrol.

(2) Air and Marine Operations of CBP.

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

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

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

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

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

(c) REPORT.—

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

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

(B) Each relevant workload staffing model.

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

(d) INSPECTOR GENERAL REVIEW.—Not later than 90 days after the Commissioner develops the workload staffing models pursuant to subsection (a), the Inspector General of the

Department shall review such models and provide feedback to the Secretary and the appropriate congressional committees with respect to the degree to which such models are responsive to the recommendations of the Inspector General, including the following:

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

(2) Any further recommendations to improve such models.

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

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

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

**SEC. 110. OPERATION STONEGARDEN.**

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

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

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

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

“(1) be located in—

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

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

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

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

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

“(1) Equipment, including maintenance and sustainment.

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

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

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

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

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

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

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

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated



\$110,000,000 for each of fiscal years 2024 through 2028 for grants under this section.”.

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

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

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

“Sec. 2010. Operation Stonegarden.”.

#### SEC. 111. AIR AND MARINE OPERATIONS FLIGHT HOURS.

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

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

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

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

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

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

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

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

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

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

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

(f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

#### SEC. 113. BORDER PATROL STRATEGIC PLAN.

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

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

(1) A consideration of Border Patrol Capability Gap Analysis reporting, Border Secu-

rity Improvement Plans, and any other strategic document authored by the U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents.

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

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

(A) increase situational awareness, including—

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Border agricultural and ranching organizations.

(ii) Business and civic organizations.

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

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

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

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

(vii) Other individuals negatively impacted by illegal immigration.

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

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

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

(A) Identifying and detecting fraudulent documents.

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

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

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

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

**SEC. 115. RESTRICTIONS ON FUNDING.**

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

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

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

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

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

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

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and the U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.

(b) **REPORTING REQUIREMENT.**—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on the Judiciary of

the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that summarizes any policy and manual changes pursuant to subsection (a).

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

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

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

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

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

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

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

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

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

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

(c) **DEFINITIONS.**—In this section:

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

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

(3) **TERRORIST SCREENING DATABASE.**—The term “terrorist screening database” has the

meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).

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

**SEC. 119. ALIEN CRIMINAL BACKGROUND CHECKS.**

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

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

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

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

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

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

(c) **ENTRY INTO STERILE AREAS.**—

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

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

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

(B) presents a covered identification document.

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

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

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

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

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

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

(g) **DEFINITIONS.**—In this section:

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

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

(A) A fingerprint.

(B) A palm print.

(C) A photograph, including—

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

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

(D) A signature.

(E) A voice print.

(F) An iris image.

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

(A) A United States passport or passport card.

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

(i) Global Entry;

(ii) Nexus;

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

(iv) Free and Secure Trade (FAST).

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

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

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

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

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

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

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

(J) A Transportation Worker Identification Credential.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SEC. 122. CBP ONE APP LIMITATION.**

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

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry, how many aliens have scheduled interviews at land ports of entry using CBP One, the nationalities of such aliens, and the stated final destinations of such aliens within the United States, if any.

#### **SEC. 123. REPORT ON MEXICAN DRUG CARTELS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.**

(a) **OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.**—No funds are authorized to be appropriated for the Alternatives to Detention Case Management Pilot 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. 127. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.

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

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

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

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

### DIVISION C—IMMIGRATION

### ENFORCEMENT AND FOREIGN AFFAIRS

#### TITLE I—ASYLUM REFORM AND BORDER PROTECTION

#### SEC. 101. SAFE THIRD COUNTRY.

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

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

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

“(i) that the alien may be removed”;

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

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

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

(6) by adding at the end the following:

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

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

“(II) the alien demonstrates that he or she was a victim of a severe form of trafficking in which a commercial sex act was induced by force, fraud, or coercion, or in which the person induced to perform such act was

under the age of 18 years; or in which the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and was unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

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

#### SEC. 102. CREDIBLE FEAR INTERVIEWS.

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

#### SEC. 103. CLARIFICATION OF ASYLUM ELIGIBILITY.

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

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

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

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

#### SEC. 104. EXCEPTIONS.

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

“(2) EXCEPTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(II) shares a child with the alien;

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

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

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

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

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

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

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

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

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

“(B) SPECIAL RULES.—

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

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

“(aa) the nature of the conviction;

“(bb) the type of sentence imposed; or

“(cc) the circumstances and underlying facts of the conviction.

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

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

shall be considered to have been convicted of a particularly serious crime.

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

“(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. 105. EMPLOYMENT AUTHORIZATION.

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

“(2) EMPLOYMENT AUTHORIZATION.—

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

such authorization prior to the date that is 180 days after the date of filing of the application for asylum.

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

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

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

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

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

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

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

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

#### **SEC. 106. ASYLUM FEES.**

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

“(3) **FEES.**—

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

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

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

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

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

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

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

“(1) **PARTICULAR SOCIAL GROUP.**—The Secretary of Homeland Security or the Attorney General shall not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining,

the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien’s claim of membership in a particular social group does not involve—

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

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

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

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

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

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

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

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

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

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

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

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

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

“(4) **DISCRETIONARY DETERMINATION.**—

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

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

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

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

“(I) failed to timely file (or timely file a request for an extension of time to file) any

required Federal, State, or local income tax returns;

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

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

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

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

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

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

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

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

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

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

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

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

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

“(7) **DEFINITIONS.**—In this section:

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

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

“(ii) defined with particularity; and

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

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



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

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

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

“(iii) intermittent harassment, including brief detentions;

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

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

#### SEC. 108. FIRM RESETTLEMENT.

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

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

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

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

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

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

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

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

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

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

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

#### SEC. 109. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

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

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

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

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

(4) by adding at the end the following:

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

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

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

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

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

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

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

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

#### SEC. 110. TECHNICAL AMENDMENTS.

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

(1) in subsection (a)—

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

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

(2) in subsection (c)—

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

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

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

(3) in subsection (d)—

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

(B) in paragraph (5)—

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

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

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

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

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

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

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

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

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

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

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

#### TITLE II—BORDER SAFETY AND MIGRANT PROTECTION

##### SEC. 201. INSPECTION OF APPLICANTS FOR ADMISSION.

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

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

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

(II) by adding at the end the following:

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

and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking “asylum.” and inserting “asylum and shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or 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. 202. OPERATIONAL DETENTION FACILITIES.

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

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

(1) Irwin County Detention Center in Georgia.

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

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

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

(5) South Texas Family Residential Center.

(c) EXCEPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) the Committee on Appropriations of the Senate.

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

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

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

##### SEC. 302. NEGOTIATIONS BY SECRETARY OF STATE.

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

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

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

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

(4) the Government of Honduras, the Government of El Salvador, and the Government of Guatemala each authorize and accept the entrance into the respective countries of nationals of other countries seeking asylum in the applicable such country and process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

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

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

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

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

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

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

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

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

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

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

##### **SEC. 401. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.**

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

“(j) **CONSTRUCTION.**—

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

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

“(A) maintain the care and custody of an alien, during the period during which the

charges described in clause (i) are pending, who—

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

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

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

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

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

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

#### **TITLE V—PROTECTION OF CHILDREN**

##### **SEC. 501. FINDINGS.**

Congress makes the following findings:

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

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

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

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

(5) The United States is currently in the midst of the worst crisis of unaccompanied alien children in our nation’s history, with over 350,000 such unaccompanied alien children encountered at the southwest border since Joe Biden became President.

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

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

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

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

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

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

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

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

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

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

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

##### **SEC. 502. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.**

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

(1) in subsection (a)—

(A) in paragraph (2)—

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

(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)”; and

(2) in subsection (b)—

(A) in paragraph (2)—

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

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

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

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

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

(3) in subsection (c)—

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

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

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

“(I) the name of the individual;

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

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

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

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

“(VI) contact information for the individual.

“(ii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security, upon determining that an individual with whom a child is placed is unlawfully present in the United States and not in removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), shall initiate such removal proceedings.”; and

(B) in paragraph (5)—

(i) by inserting after “to the greatest extent practicable” the following: “(at no expense to the Government)”; 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. 503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITED WITH EITHER PARENT.

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

(1) in clause (i), by striking “, and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law”; 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. 504. RULE OF CONSTRUCTION.

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

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

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

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

#### TITLE VI—VISA OVERSTAYS PENALTIES

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

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

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

(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 VII—IMMIGRATION PAROLE REFORM

##### SEC. 701. IMMIGRATION PAROLE REFORM.

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

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

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

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

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

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

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

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

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

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

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

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

“(v) who is not otherwise inadmissible; and

“(vi) who is receiving a grant of parole in furtherance of the commitment of the

United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

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

immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(I) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (B)

or (C) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

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

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

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

“(II) 1 year.

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

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

“(II) 1 year.

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

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

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

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

“(I) the duration of parole;

“(II) the type of parole; and

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

#### SEC. 702. IMPLEMENTATION.

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

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

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

(2) Section 212(d)(5)(J) of the Immigration and Nationality Act, as added by section 701 of this title, shall take effect on the date of the enactment of this Act.

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

#### SEC. 703. CAUSE OF ACTION.

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

#### SEC. 704. SEVERABILITY.

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

**SA 1337.** Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1292 proposed by Mr. SCHUMER (for Mrs. MURRAY) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Continuing Appropriations and Border Security Enhancement Act, 2024”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

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- Sec. 101.
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#### DIVISION B—BORDER SECURITY

- Sec. 101. Definitions.

- Sec. 102. Border wall construction.
- Sec. 103. Strengthening the requirements for barriers along the southern border.
- Sec. 104. Border and port security technology investment plan.
- Sec. 105. Border security technology program management.
- Sec. 106. U.S. Customs and Border Protection technology upgrades.
- Sec. 107. U.S. Customs and Border Protection personnel.
- Sec. 108. Anti-Border Corruption Act reauthorization.
- Sec. 109. Establishment of workload staffing models for U.S. Border Patrol and Air and Marine Operations of CBP.
- Sec. 110. Operation Stonegarden.
- Sec. 111. Air and Marine Operations flight hours.
- Sec. 112. Eradication of carrizo cane and salt cedar.
- Sec. 113. Border patrol strategic plan.
- Sec. 114. U.S. Customs and Border Protection spiritual readiness.
- Sec. 115. Restrictions on funding.
- Sec. 116. Collection of DNA and biometric information at the border.
- Sec. 117. Eradication of narcotic drugs and formulating effective new tools to address yearly losses of life; ensuring timely updates to U.S. Customs and Border Protection field manuals.
- Sec. 118. Publication by U.S. Customs and Border Protection of operational statistics.
- Sec. 119. Alien criminal background checks.
- Sec. 120. Prohibited identification documents at airport security checkpoints; notification to immigration agencies.
- Sec. 121. Prohibition against any COVID-19 vaccine mandate or adverse action against DHS employees.
- Sec. 122. CBP One app limitation.
- Sec. 123. Report on Mexican drug cartels.
- Sec. 124. GAO study on costs incurred by States to secure the southwest border.
- Sec. 125. Report by Inspector General of the Department of Homeland Security.
- Sec. 126. Offsetting authorizations of appropriations.
- Sec. 127. Report to Congress on foreign terrorist organizations.
- Sec. 128. Assessment by Inspector General of the Department of Homeland Security on the mitigation of unmanned aircraft systems at the southwest border.

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

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

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

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

**TITLE III—PREVENTING UNCONTROLLED  
MIGRATION FLOWS IN THE WESTERN  
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- Sec. 301. United States policy regarding Western Hemisphere cooperation on immigration and asylum.
- Sec. 302. Negotiations by Secretary of State.
- Sec. 303. Mandatory briefings on United States efforts to address the border crisis.

**TITLE IV—ENSURING UNITED FAMILIES  
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- Sec. 401. Clarification of standards for family detention.

**TITLE V—PROTECTION OF CHILDREN**

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

**TITLE VI—VISA OVERSTAYS PENALTIES**

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

**TITLE VII—IMMIGRATION PAROLE  
REFORM**

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

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**DIVISION A—CONTINUING  
APPROPRIATIONS ACT, 2024**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023 (division A of Public Law 117–328).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023 (division B of Public Law 117–328).

(3) The Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law 117–328), except the first proviso under the heading “Department of Energy—Energy Programs—SPR Petroleum Account”.

(5) The Financial Services and General Government Appropriations Act, 2023 (division E of Public Law 117–328).

(6) The Department of Homeland Security Appropriations Act, 2023 (division F of Public Law 117–328), including title III of division O of Public Law 117–328.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law 117–328).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023 (division H of Public Law 117–328).

(9) The Legislative Branch Appropriations Act, 2023 (division I of Public Law 117–328).

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023 (division J of Public Law 117–328).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023 (division L of Public Law 117–328).

(b) The rate for operations provided by subsection (a) is hereby reduced by 8.1285 percent, so that the total amount of annualized discretionary budget authority for fiscal year 2024 is equal to \$1,590,000,000,000: *Provided*, That the reduction in this subsection will not apply to the rate for operations provided for the national defense budget function (050), the Department of Veterans Affairs, or amounts designated as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2023 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2023 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2023.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2023.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2024, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2024



without any provision for such project or activity.

(3) October 31, 2023.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2024 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2023, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2023, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2023 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2023, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount incorporated by reference in this Act that was previously designated as being for disaster relief pursuant to a concurrent resolution on the budget in the Senate and section 1(f) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of such Act.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act, may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than October 11, 2023, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2023, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to maintain activities as authorized by section 521(a)(2) of the Housing Act of 1949.

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

SEC. 119. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101(3) for the Department of Defense may be apportioned up to the rate for operations necessary to facilitate the programs and activities set forth in H.R. 4365, the Department of Defense Appropriations Act, 2024, reported by the House Committee on Appropriations on June 27, 2023, subject to the terms and conditions therein.

SEC. 120. Notwithstanding sections 102 and 104 of this Act, amounts made available by section 101 to the Department of Defense for “Shipbuilding and Conversion, Navy” shall be available for the procurement of one Columbia Class Submarine.

SEC. 121. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “four years” for “two years”.

SEC. 122. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Energy—Energy Programs—Nuclear Energy” at a rate for operations of \$220,000,000: *Provided*, That amounts are provided for necessary expenses related to Risk Reduction for Future Demonstrations at a rate for operations of \$120,000,000 and Advanced Nuclear Fuel Availability at a rate for operations of \$100,000,000.

SEC. 123. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2023 (title IV of division E of Public Law 117-328) at the rate set forth in the Fiscal Year 2024 Local Budget Act of 2023 (D.C. Bill 25-161), as modified as of the date of enactment of this Act.

SEC. 125. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 126. Amounts provided by section 101 shall not be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

SEC. 127. (a) Amounts provided by section 101 shall not be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) The limitation under subsection (a) shall not apply with respect to amounts made available to transport unaccompanied alien children (as such term is defined in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279)).

SEC. 128. Amounts provided by section 101 shall not be made available to issue any employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a Federal or State crime while his or her application for asylum in the United States is pending.

SEC. 129. Amounts provided by section 101 shall not be made available to obligate, expend, or transfer to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

SEC. 130. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled “Guidelines for the Enforcement of Civil Immigration Law” or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of 20 Prosecutorial Discretion” or any successor or similar memorandum or policy.

SEC. 131. Amounts provided by section 101 shall not be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled “Emergency Driving and Vehicular Pursuits”.

SEC. 132. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule entitled “Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers” (87 Fed. Reg. 18078).

SEC. 133. Amounts provided by section 101 shall not be made available to release (including pursuant to parole or release pursuant to section 236(a) of the Immigration and Nationality Act but excluding as expressly authorized pursuant to section 212(d)(5) an alien described in section 235(b)(1)(A)(i)-(ii), (b)(1)(B), or (b)(2), other than to be removed, including to a country described in section 208(a)(2)(A), or returned to a country as described in section 235(b)(3).

SEC. 134. Amounts provided by section 101 shall not be made available to implement, administer, or enforce the rule related to “Circumvention of Lawful Pathways” (88 Fed. Reg. 11704).

SEC. 135. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2023”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2023, this section shall be applied as if it were in effect on September 30, 2023.

SEC. 136. (a) Of the amounts made available pursuant to section 40803(c)(2) of Public Law 117-58, the Secretary of Agriculture shall transfer to the Secretary of the Interior such sums as are necessary to continue without interruption the Federal wildland firefighter base salary increase provided under Section 40803(d)(4)(B) of such Public Law.

(b) In carrying out subsection (a), the Secretary of Agriculture—

(1) may make more than one transfer of funds under this section; and

(2) may not transfer a total amount of funds greater than \$17,250,000.

(c) No funds transferred pursuant to this section may be obligated without prior written notification, to the Committees on Appropriations of the House of Representatives and the Senate, of the date of the transfer, the total amount to be transferred, and the remaining funds available for transfer.

SEC. 137. Notwithstanding section 101, section 126 of Division J of Public Law 117-328 shall be applied during the period covered by this Act by substituting “fiscal year 2017, fiscal year 2018, and fiscal year 2019” for “fiscal year 2017 and fiscal year 2018”.

This division may be cited as the “Continuing Appropriations Act, 2024”.

## DIVISION B—BORDER SECURITY

### SEC. 101. DEFINITIONS.

In this division:

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

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

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

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

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

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

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

### SEC. 102. BORDER WALL CONSTRUCTION.

(a) IN GENERAL.—

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

(2) USE OF FUNDS.—To carry out this section, the Secretary shall expend all 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. 103. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

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

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

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

(2) in subsection (b)—

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

(B) in paragraph (1)—

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

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

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

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

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

(iv) in subparagraph (C)—

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

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

(II) in clause (ii)—

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

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

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

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

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

(v) by striking subparagraph (D);

(C) in paragraph (2)—

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

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

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

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

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

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

(3) in subsection (c)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(A) Tower-based surveillance technology.

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

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

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

“(E) Advanced unattended surveillance sensors.

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

“(G) Unmanned aircraft systems.

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

“(I) Fiber-optic cable.

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

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

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

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

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

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

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

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

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

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

(ii) human smuggling and human trafficking; and

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

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

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

(B) are unlawfully present in the United States.

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

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

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

(7) A description of the test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales,

and timelines, necessary to support the acquisition of security-related technologies pursuant to paragraph (4).

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

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

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

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

(12) A description of initiatives to—

(A) streamline the acquisition process of CBP; and

(B) provide to the private sector greater predictability and transparency with respect to such process, including information 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. 105. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.**

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

##### **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.**

“(a) **MAJOR ACQUISITION PROGRAM DEFINED.**—In this section, the term ‘major acquisition program’ means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least \$100,000,000 (based on fiscal year 2023 constant dollars) over its 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. 106. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.**

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

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

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

(b) **BORDER SECURITY DEPLOYMENT PROGRAM.**—

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

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

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

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

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

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

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise authorized to be appropriated for such purpose, there is au-

thorized to be appropriated \$125,000,000 for fiscal years 2023 and 2024 to carry out paragraph (1).

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

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

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

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

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

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

(c) **PROHIBITION AGAINST ALIEN TRAVEL.**—No personnel or equipment of Air and Marine Operations may be used for the transportation of non-detained aliens, or detained aliens expected to be administratively 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. 108. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.**

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

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

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

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

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

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

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

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

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

“(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not

resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

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

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

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

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

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

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

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

“(c) **TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.**—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and Border Protection (CBP) certifies to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP has met all requirements pursuant to section 107 of the Secure the Border Act of 2023 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner re-certifies to such Committees that CBP has so met all such requirements.”

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

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

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

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

**“SEC. 6. REPORTING.**

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

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

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

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

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

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

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

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

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

**“SEC. 7. DEFINITIONS.**

“In this Act:

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

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

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

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

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

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

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

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

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

(1) The U.S. Border Patrol.

(2) Air and Marine Operations of CBP.

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

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

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

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

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

(c) **REPORT.**—

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

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

(B) Each relevant workload staffing model.

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

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

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

(2) Any further recommendations to improve such models.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

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

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

**SEC. 110. OPERATION STONEGARDEN.**

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

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

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

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

“(1) be located in—

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

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

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

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

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

“(1) Equipment, including maintenance and sustainment.

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

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

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

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

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

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

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

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

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

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

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

“Sec. 2010. Operation Stonegarden.”.

#### SEC. 111. AIR AND MARINE OPERATIONS FLIGHT HOURS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) in subparagraph (B), by striking “and” after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) carry out the small unmanned aircraft (as such term is defined in section 44801 of title 49, United States Code) requirements pursuant to subsection (f) of section 111 of the Secure the Border Act of 2023; and”.

(g) SAVINGS CLAUSE.—Nothing in this section may be construed as conferring, transferring, or delegating to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of CBP, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

(h) DEFINITIONS.—In this section:

(1) GOT AWAY.—The term “got away” has the meaning given such term in section 1092(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 6 U.S.C. 223(a)(3)).

(2) TRANSIT ZONE.—The term “transit zone” has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 6 U.S.C. 223(a)(8)).

#### SEC. 112. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of relevant Federal, State, and local

agencies, shall hire contractors to begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations. Such eradication shall be completed—

(1) by not later than September 30, 2027, except for required maintenance; and

(2) in the most expeditious and cost-effective manner possible to maintain clear fields of view.

(b) APPLICATION.—The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 103 of this division, shall apply to activities carried out pursuant to subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategic plan to eradicate all carrizo cane plant and salt cedar along the Rio Grande River that impedes border security operations by not later than September 30, 2027.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$7,000,000 for each of fiscal years 2024 through 2028 to the Secretary to carry out this subsection.

#### SEC. 113. BORDER PATROL STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and biennially thereafter, the Commissioner, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan (referred to in this section as the “plan”) to enhance the security of the borders of the United States.

(b) ELEMENTS.—The plan shall include the following:

(1) A consideration of Border Patrol Capability Gap Analysis reporting, Border Security Improvement Plans, and any other strategic document authored by the U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents.

(2) Information relating to the dissemination of information relating to border security or border threats with respect to the efforts of the Department and other appropriate Federal agencies.

(3) Information relating to efforts by U.S. Border Patrol to—

(A) increase situational awareness, including—

(i) surveillance capabilities, such as capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aircraft;

(B) detect and prevent terrorists and instruments of terrorism from entering the United States;

(C) detect, interdict, and disrupt between ports of entry aliens unlawfully present in the United States;

(D) detect, interdict, and disrupt human smuggling, human trafficking, drug trafficking, and other illicit cross-border activity;

(E) focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States; and

(F) ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department.

(4) Information relating to initiatives of the Department with respect to operational



coordination, including any relevant task forces of the Department.

(5) Information gathered from the lessons learned by the deployments of the National Guard to the southern border of the United States.

(6) A description of cooperative agreements relating to information sharing with State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States.

(7) Information relating to border security information received from the following:

(A) State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States or in the maritime environment.

(B) Border community stakeholders, including representatives from the following:

(i) Border agricultural and ranching organizations.

(ii) Business and civic organizations.

(iii) Hospitals and rural clinics within 150 miles of the borders of the United States.

(iv) Victims of crime committed by aliens unlawfully present in the United States.

(v) Victims impacted by drugs, transnational criminal organizations, cartels, gangs, or other criminal activity.

(vi) Farmers, ranchers, and property owners along the border.

(vii) Other individuals negatively impacted by illegal immigration.

(8) Information relating to the staffing requirements with respect to border security for the Department.

(9) A prioritized list of Department research and development objectives to enhance the security of the borders of the United States.

(10) An assessment of training programs, including such programs relating to the following:

(A) Identifying and detecting fraudulent documents.

(B) Understanding the scope of CBP enforcement authorities and appropriate use of force policies.

(C) Screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking.

#### SEC. 114. U.S. CUSTOMS AND BORDER PROTECTION SPIRITUAL READINESS.

Not later than one year after the enactment of this Act and annually thereafter for five years, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the availability and usage of the assistance of chaplains, prayer groups, houses of worship, and other spiritual resources for members of CBP who identify as religiously affiliated and have attempted suicide, have suicidal ideation, or are at risk of suicide, and metrics on the impact such resources have in assisting religiously affiliated members who have access to and utilize such resources compared to religiously affiliated members who do not.

#### SEC. 115. RESTRICTIONS ON FUNDING.

(a) **ARRIVING ALIENS.**—No funds are authorized to be appropriated to the Department to process the entry into the United States of aliens arriving in between ports of entry.

(b) **RESTRICTION ON NONGOVERNMENTAL ORGANIZATION SUPPORT FOR UNLAWFUL ACTIVITY.**—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling.

(c) **RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.**—No funds are authorized to be ap-

propriated to the Department for disbursement to any nongovernmental organization to provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens who enter the United States after the date of the enactment of this Act.

#### SEC. 116. COLLECTION OF DNA AND BIOMETRIC INFORMATION AT THE BORDER.

Not later than 14 days after the date of the enactment of this Act, the Secretary shall ensure and certify to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP is fully compliant with Federal DNA and biometric collection requirements at United States land borders.

#### SEC. 117. ERADICATION OF NARCOTIC DRUGS AND FORMULATING EFFECTIVE NEW TOOLS TO ADDRESS YEARLY LOSSES OF LIFE; ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and the U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.

(b) **REPORTING REQUIREMENT.**—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that summarizes any policy and manual changes pursuant to subsection (a).

#### SEC. 118. PUBLICATION BY U.S. CUSTOMS AND BORDER PROTECTION OF OPERATIONAL STATISTICS.

(a) **IN GENERAL.**—Not later than the seventh day of each month beginning with the second full month after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish on a publicly available website of the Department of Homeland Security information relating to the total number of alien encounters and nationalities, unique alien encounters and nationalities, gang affiliated apprehensions and nationalities, drug seizures, alien encounters included in the terrorist screening database and nationalities, arrests of criminal aliens or individuals wanted by law enforcement and nationalities, known got aways, encounters with deceased aliens, and all other related or associated statistics recorded by U.S. Customs and Border Protection during the immediately preceding month. Each such publication shall include the following:

(1) The aggregate such number, and such number disaggregated by geographic regions, of such recordings and encounters, including specifications relating to whether such recordings and encounters were at the southwest, northern, or maritime border.

(2) An identification of the Office of Field Operations field office, U.S. Border Patrol sector, or Air and Marine Operations branch making each recording or encounter.

(3) Information relating to whether each recording or encounter of an alien was of a

single adult, an unaccompanied alien child, or an individual in a family unit.

(4) Information relating to the processing disposition of each alien recording or encounter.

(5) Information relating to the nationality of each alien who is the subject of each recording or encounter.

(6) The total number of individuals included in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)) who have repeatedly attempted to cross unlawfully into the United States.

(7) The total number of individuals included in the terrorist screening database who have been apprehended, including information relating to whether such individuals were released into the United States or removed.

(b) **EXCEPTIONS.**—If the Commissioner of U.S. Customs and Border Protection in any month does not publish the information required under subsection (a), or does not publish such information by the date specified in such subsection, the Commissioner shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the reason relating thereto, as the case may be, by not later than the date that is two business days after the tenth day of such month.

(c) **DEFINITIONS.**—In this section:

(1) **ALIEN ENCOUNTERS.**—The term “alien encounters” means aliens apprehended, determined inadmissible, or processed for removal by U.S. Customs and Border Protection.

(2) **GOT AWAY.**—The term “got away” has the meaning given such term in section 1092(a) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)).

(3) **TERRORIST SCREENING DATABASE.**—The term “terrorist screening database” has the meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).

(4) **UNACCOMPANIED ALIEN CHILD.**—The term “unaccompanied alien child” has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

#### SEC. 119. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) **IN GENERAL.**—Not later than seven days after the date of the enactment of this Act, the Commissioner shall certify to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs 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 of the Senate a certification that each database referred to in subsection (b) which the Secretary accessed or sought to access pursuant to this section met the standards described in subsection (b).

**SEC. 120. PROHIBITED IDENTIFICATION DOCUMENTS AT AIRPORT SECURITY CHECKPOINTS; NOTIFICATION TO IMMIGRATION AGENCIES.**

(a) IN GENERAL.—The Administrator may not accept as valid proof of identification a prohibited identification document at an airport security checkpoint.

(b) NOTIFICATION TO IMMIGRATION AGENCIES.—If an individual presents a prohibited identification document to an officer of the Transportation Security Administration at an airport security checkpoint, the Administrator shall promptly notify the Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Customs and Border Protection, and the head of the appropriate local law enforcement agency to determine whether the individual is in violation of any term of release from the custody of any such agency.

(c) ENTRY INTO STERILE AREAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is found to be in violation of any term of release under subsection (b), the Administrator may not permit such individual to enter a sterile area.

(2) EXCEPTION.—An individual presenting a prohibited identification document under this section may enter a sterile area if the individual—

(A) is leaving the United States for the purposes of removal or deportation; or

(B) presents a covered identification document.

(d) COLLECTION OF BIOMETRIC INFORMATION FROM CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE AREA OF AN AIRPORT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator shall collect biometric information from an individual described in subsection (e) prior to authorizing such individual to enter into a sterile area.

(e) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is seeking entry into the sterile area of an airport;

(2) does not present a covered identification document; and

(3) the Administrator cannot verify is a national of the United States.

(f) PARTICIPATION IN IDENT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretary, shall submit biometric data collected under this section to the Automated Biometric Identification System (IDENT).

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) BIOMETRIC INFORMATION.—The term “biometric information” means any of the following:

(A) A fingerprint.

(B) A palm print.

(C) A photograph, including—

(i) a photograph of an individual’s face for use with facial recognition technology; and

(ii) a photograph of any physical or anatomical feature, such as a scar, skin mark, or tattoo.

(D) A signature.

(E) A voice print.

(F) An iris image.

(3) COVERED IDENTIFICATION DOCUMENT.—The term “covered identification document” means any of the following, if the document is valid and unexpired:

(A) A United States passport or passport card.

(B) A biometrically secure card issued by a trusted traveler program of the Department of Homeland Security, including—

(i) Global Entry;

(ii) Nexus;

(iii) Secure Electronic Network for Travelers Rapid Inspection (SENTRI); and

(iv) Free and Secure Trade (FAST).

(C) An identification card issued by the Department of Defense, including such a card issued to a dependent.

(D) Any document required for admission to the United States under section 211(a) of the Immigration and Nationality Act (8 U.S.C. 1181(a)).

(E) An enhanced driver’s license issued by a State.

(F) A photo identification card issued by a federally recognized Indian Tribe.

(G) A personal identity verification credential issued in accordance with Homeland Security Presidential Directive 12.

(H) A driver’s license issued by a province of Canada.

(I) A Secure Certificate of Indian Status issued by the Government of Canada.

(J) A Transportation Worker Identification Credential.

(K) A Merchant Mariner Credential issued by the Coast Guard.

(L) A Veteran Health Identification Card issued by the Department of Veterans Affairs.

(M) Any other document the Administrator determines, pursuant to a rule making in accordance with section 553 of title 5, United States Code, will satisfy the identity verification procedures of the Transportation Security Administration.

(4) IMMIGRATION LAWS.—The term “immigration laws” has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) PROHIBITED IDENTIFICATION DOCUMENT.—The term “prohibited identification document” means any of the following (or any applicable successor form):

(A) U.S. Immigration and Customs Enforcement Form I-200, Warrant for Arrest of Alien.

(B) U.S. Immigration and Customs Enforcement Form I-205, Warrant of Removal/Deportation.

(C) U.S. Immigration and Customs Enforcement Form I-220A, Order of Release on Recognizance.

(D) U.S. Immigration and Customs Enforcement Form I-220B, Order of Supervision.

(E) Department of Homeland Security Form I-862, Notice to Appear.

(F) U.S. Customs and Border Protection Form I-94, Arrival/Departure Record (including a print-out of an electronic record).

(G) Department of Homeland Security Form I-385, Notice to Report.

(H) Any document that directs an individual to report to the Department of Homeland Security.

(I) Any Department of Homeland Security work authorization or employment verification document.

(6) STERILE AREA.—The term “sterile area” has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation.

**SEC. 121. PROHIBITION AGAINST ANY COVID-19 VACCINE MANDATE OR ADVERSE ACTION AGAINST DHS EMPLOYEES.**

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary may not issue any COVID-19 vaccine mandate unless Congress expressly authorizes such a mandate.

(b) PROHIBITION ON ADVERSE ACTION.—The Secretary may not take any adverse action against a Department employee based solely on the refusal of such employee to receive a vaccine for COVID-19.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security of the House of Rep-

resentatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the following:

(1) The number of Department employees who were terminated or resigned due to the COVID-19 vaccine mandate.

(2) An estimate of the cost to reinstate such employees.

(3) How the Department would effectuate reinstatement of such employees.

(d) RETENTION AND DEVELOPMENT OF UNVACCINATED EMPLOYEES.—The Secretary shall make every effort to retain Department employees who are not vaccinated against COVID-19 and provide such employees with professional development, promotion and leadership opportunities, and consideration equal to that of their peers.

**SEC. 122. CBP ONE APP LIMITATION.**

(a) LIMITATION.—The Department may use the CBP One Mobile Application or any other similar program, application, internet-based portal, website, device, or initiative only for inspection of perishable cargo.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry, how many aliens have scheduled interviews at land ports of entry using CBP One, the nationalities of such aliens, and the stated final destinations of such aliens within the United States, if any.

**SEC. 123. REPORT ON MEXICAN DRUG CARTELS.**

Not later than 60 days after the date of the enactment of this Act, Congress shall commission a report that contains the following:

(1) A national strategy to address Mexican drug cartels, and a determination regarding whether there should be a designation established to address such cartels.

(2) Information relating to actions by such cartels that causes harm to the United States.

**SEC. 124. GAO STUDY ON COSTS INCURRED BY STATES TO SECURE THE SOUTHWEST BORDER.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine the costs incurred by individual States as a result of actions taken by such States in support of the Federal mission to secure the southwest border, and the feasibility of a program to reimburse such States for such costs.

(b) CONTENTS.—The study required under subsection (a) shall include consideration of the following:

(1) Actions taken by the Department of Homeland Security that have contributed to costs described in such subsection incurred by States to secure the border in the absence of Federal action, including the termination of the Migrant Protection Protocols and cancellation of border wall construction.

(2) Actions taken by individual States along the southwest border to secure their borders, and the costs associated with such actions.

(3) The feasibility of a program within the Department of Homeland Security to reimburse States for the costs incurred in support of the Federal mission to secure the southwest border.

**SEC. 125. REPORT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.**

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter for five years, the Inspector General of the Department of Homeland

Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report examining the economic and security impact of mass migration to municipalities and States along the southwest border. Such report shall include information regarding costs incurred by the following:

(1) State and local law enforcement to secure the southwest border.

(2) Public school districts to educate students who are aliens unlawfully present in the United States.

(3) Healthcare providers to provide care to aliens unlawfully present in the United States who have not paid for such care.

(4) Farmers and ranchers due to migration impacts to their properties.

(b) CONSULTATION.—To produce the report required under subsection (a), the Inspector General of the Department of Homeland Security shall consult with the individuals and representatives of the entities described in paragraphs (1) through (4) of such subsection.

**SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.**

(a) OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.—No funds are authorized to be appropriated for the Alternatives to Detention Case Management Pilot 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. 127. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of foreign terrorist organizations attempting to move their members or affiliates into the United States through the southern, northern, or maritime border.

(b) DEFINITION.—In this section, the term “foreign terrorist organization” means an organization described in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

**SEC. 128. ASSESSMENT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY ON THE MITIGATION OF UNMANNED AIRCRAFT SYSTEMS AT THE SOUTHWEST BORDER.**

Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of U.S. Customs and Border Protection's ability to mitigate unmanned aircraft systems at the southwest border. Such assessment shall include information regarding any intervention between January 1, 2021, and the date of the enactment of this Act, by any Federal agency affecting in any

manner U.S. Customs and Border Protection's authority to so mitigate such systems.

**DIVISION C—IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS**  
**TITLE I—ASYLUM REFORM AND BORDER PROTECTION**

**SEC. 101. SAFE THIRD COUNTRY.**

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking “if the Attorney General determines” and inserting “if the Attorney General or the Secretary of Homeland Security determines—”;

(2) by striking “that the alien may be removed” and inserting the following:

“(i) that the alien may be removed”;

(3) by striking “, pursuant to a bilateral or multilateral agreement, to” and inserting “to”;

(4) by inserting “or the Secretary, on a case by case basis,” before “finds that”;

(5) by striking the period at the end and inserting “; or”; and

(6) by adding at the end the following:

“(ii) that the alien entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence en route to the United States, unless—

“(I) the alien demonstrates that he or she applied for protection from persecution or torture in at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States, and the alien received a final judgment denying the alien protection in each country;

“(II) the alien demonstrates that he or she was a victim of a severe form of trafficking in which a commercial sex act was induced by force, fraud, or coercion, or in which the person induced to perform such act was under the age of 18 years; or in which the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and was unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

“(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.”.

**SEC. 102. CREDIBLE FEAR INTERVIEWS.**

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking “there is a significant possibility” and all that follows, and inserting “, taking into account the credibility of the statements made by the alien in support of the alien's claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, the alien more likely than not could establish eligibility for asylum under section 208, and it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.”.

**SEC. 103. CLARIFICATION OF ASYLUM ELIGIBILITY.**

(a) IN GENERAL.—Section 208(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(A)) is amended by inserting after

“section 101(a)(42)(A)” the following: “(in accordance with the rules set forth in this section), and is eligible to apply for asylum under subsection (a)).”.

(b) PLACE OF ARRIVAL.—Section 208(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(1)) is amended—

(1) by striking “or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).”; and

(2) by inserting after “United States” the following: “and has arrived in the United States at a port of entry (including an alien who is brought to the United States after having been interdicted in international or United States waters).”.

**SEC. 104. EXCEPTIONS.**

Paragraph (2) of section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)) is amended to read as follows:

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

“(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

“(ii) the alien has been convicted of any felony under Federal, State, tribal, or local law;

“(iii) the alien has been convicted of any misdemeanor offense under Federal, State, tribal, or local law involving—

“(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as those terms and phrases are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

“(aa) the document or feature was presented before boarding a common carrier;

“(bb) the document or feature related to the alien's eligibility to enter the United States;

“(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

“(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

“(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

“(III) possession or trafficking of a controlled substance or controlled substance paraphernalia, as those phrases are defined under the law of the jurisdiction where the conviction occurred, other than a single offense involving possession for one's own use of 30 grams or less of marijuana (as marijuana is defined under the law of the jurisdiction where the conviction occurred);

“(iv) the alien has been convicted of an offense arising under paragraph (1)(A) or (2) of section 274(a), or under section 276;

“(v) the alien has been convicted of a Federal, State, tribal, or local crime that the Attorney General or Secretary of Homeland Security knows, or has reason to believe, was committed in support, promotion, or furtherance of the activity of a criminal street gang (as defined under the law of the jurisdiction where the conviction occurred or in section 521(a) of title 18, United States Code);

“(vi) the alien has been convicted of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, in which such intoxicated or impaired driving was a cause of serious bodily injury or death of another person;

“(vii) the alien has been convicted of more than one offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

“(viii) the alien has been convicted of a crime—

“(I) that involves conduct amounting to a crime of stalking;

“(II) of child abuse, child neglect, or child abandonment; or

“(III) that involves conduct amounting to a domestic assault or battery offense, including—

“(aa) a misdemeanor crime of domestic violence, as described in section 921(a)(33) of title 18, United States Code;

“(bb) a crime of domestic violence, as described in section 4002(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 re-

sults 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 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. 105. EMPLOYMENT AUTHORIZATION.

Paragraph (2) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

“(2) EMPLOYMENT AUTHORIZATION.—

“(A) AUTHORIZATION PERMITTED.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Secretary of Homeland Security. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization prior to the date that is 180 days after the date of filing of the application for asylum.

“(B) TERMINATION.—Each grant of employment authorization under subparagraph (A), and any renewal or extension thereof, shall be valid for a period of 6 months, except that such authorization, renewal, or extension shall terminate prior to the end of such 6 month period as follows:

“(i) Immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an immigration judge.

“(ii) 30 days after the date on which an immigration judge denies an asylum application, unless the alien timely appeals to the Board of Immigration Appeals.

“(iii) Immediately following the denial by the Board of Immigration Appeals of an appeal of a denial of an asylum application.

“(C) RENEWAL.—The Secretary of Homeland Security may not grant, renew, or extend employment authorization to an alien if the alien was previously granted employment authorization under subparagraph (A), and the employment authorization was terminated pursuant to a circumstance described in subparagraph (B)(i), (ii), or (iii), unless a Federal court of appeals remands the alien's case to the Board of Immigration Appeals.

“(D) INELIGIBILITY.—The Secretary of Homeland Security may not grant employment authorization to an alien under this paragraph if the alien—

“(i) is ineligible for asylum under subsection (b)(2)(A); or

“(ii) entered or attempted to enter the United States at a place and time other than

lawfully through a United States port of entry.”.

#### SEC. 106. ASYLUM FEES.

Paragraph (3) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

“(3) FEES.—

“(A) APPLICATION FEE.—A fee of not less than \$50 for each application for asylum shall be imposed. Such fee shall not exceed the cost of adjudicating the application. Such fee shall not apply to an unaccompanied alien child who files an asylum application in proceedings under section 240.

“(B) EMPLOYMENT AUTHORIZATION.—A fee may also be imposed for the consideration of an application for employment authorization under this section and for adjustment of status under section 209(b). Such a fee shall not exceed the cost of adjudicating the application.

“(C) PAYMENT.—Fees under this paragraph may be assessed and paid over a period of time or by installments.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Attorney General or Secretary of Homeland Security to set adjudication and naturalization fees in accordance with section 286(m).”.

#### SEC. 107. RULES FOR DETERMINING ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

“(f) RULES FOR DETERMINING ASYLUM ELIGIBILITY.—In making a determination under subsection (b)(1)(A) with respect to whether an alien is a refugee within the meaning of section 101(a)(42)(A), the following shall apply:

“(1) PARTICULAR SOCIAL GROUP.—The Secretary of Homeland Security or the Attorney General shall not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining, the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien's claim of membership in a particular social group does not involve—

“(A) past or present criminal activity or association (including gang membership);

“(B) presence in a country with generalized violence or a high crime rate;

“(C) being the subject of a recruitment effort by criminal, terrorist, or persecutory groups;

“(D) the targeting of the applicant for criminal activity for financial gain based on perceptions of wealth or affluence;

“(E) interpersonal disputes of which governmental authorities in the relevant society or region were unaware or uninvolved;

“(F) private criminal acts of which governmental authorities in the relevant society or region were unaware or uninvolved;

“(G) past or present terrorist activity or association;

“(H) past or present persecutory activity or association; or

“(I) status as an alien returning from the United States.

“(2) POLITICAL OPINION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien holds a political opinion with respect to which the alien is subject to persecution if the political opinion is constituted solely by generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations and does not include expressive behavior in furtherance of a cause against such organizations related to efforts by the State to control such organiza-

tions or behavior that is antithetical to or otherwise opposes the ruling legal entity of the State or a unit thereof.

“(3) PERSECUTION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien has been subject to persecution or has a well-founded fear of persecution based only on—

“(A) the existence of laws or government policies that are unenforced or infrequently enforced, unless there is credible evidence that such a law or policy has been or would be applied to the applicant personally; or

“(B) the conduct of rogue foreign government officials acting outside the scope of their official capacity.

“(4) DISCRETIONARY DETERMINATION.—

“(A) ADVERSE DISCRETIONARY FACTORS.—The Secretary of Homeland Security or the Attorney General may only grant asylum to an alien if the alien establishes that he or she warrants a favorable exercise of discretion. In making such a determination, the Attorney General or Secretary of Homeland Security shall consider, if applicable, an alien's use of fraudulent documents to enter the United States, unless the alien arrived in the United States by air, sea, or land directly from the applicant's home country without transiting through any other country.

“(B) FAVORABLE EXERCISE OF DISCRETION NOT PERMITTED.—Except as provided in subparagraph (C), the Attorney General or Secretary of Homeland Security shall not favorably exercise discretion under this section for any alien who—

“(i) has accrued more than one year of unlawful presence in the United States, as defined in sections 212(a)(9)(B)(ii) and (iii), prior to filing an application for asylum;

“(ii) at the time the asylum application is filed with the immigration court or is referred from the Department of Homeland Security, has—

“(I) failed to timely file (or timely file a request for an extension of time to file) any required Federal, State, or local income tax returns;

“(II) failed to satisfy any outstanding Federal, State, or local tax obligations; or

“(III) income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service;

“(iii) has had two or more prior asylum applications denied for any reason;

“(iv) has withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application;

“(v) failed to attend an interview regarding his or her asylum application with the Department of Homeland Security, unless the alien shows by a preponderance of the evidence that—

“(I) exceptional circumstances prevented the alien from attending the interview; or

“(II) the interview notice was not mailed to the last address provided by the alien or the alien's representative and neither the alien nor the alien's representative received notice of the interview; or

“(vi) was subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of the change in country conditions.

“(C) EXCEPTIONS.—If one or more of the adverse discretionary factors set forth in subparagraph (B) are present, the Attorney General or the Secretary, may, notwithstanding such subparagraph (B), favorably exercise discretion under section 208—

“(i) in extraordinary circumstances, such as those involving national security or foreign policy considerations; or

“(ii) if the alien, by clear and convincing evidence, demonstrates that the denial of the

application for asylum would result in exceptional and extremely unusual hardship to the alien.

“(5) **LIMITATION.**—If the Secretary or the Attorney General determines that an alien fails to satisfy the requirement under paragraph (1), the alien may not be granted asylum based on membership in a particular social group, and may not appeal the determination of the Secretary or Attorney General, as applicable. A determination under this paragraph shall not serve as the basis for any motion to reopen or reconsider an application for asylum or withholding of removal for any reason, including a claim of ineffective assistance of counsel, unless the alien complies with the procedural requirements for such a motion and demonstrates that counsel’s failure to define, or provide a basis for defining, a formulation of a particular social group was both not a strategic choice and constituted egregious conduct.

“(6) **STEREOTYPES.**—Evidence offered in support of an application for asylum that promotes cultural stereotypes about a country, its inhabitants, or an alleged persecutor, including stereotypes based on race, religion, nationality, or gender, shall not be admissible in adjudicating that application, except that evidence that an alleged persecutor holds stereotypical views of the applicant shall be admissible.

“(7) **DEFINITIONS.**—In this section:

“(A) The term ‘membership in a particular social group’ means membership in a group that is—

“(i) composed of members who share a common immutable characteristic;

“(ii) defined with particularity; and

“(iii) socially distinct within the society in question.

“(B) The term ‘political opinion’ means an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state or a unit thereof.

“(C) The term ‘persecution’ means the infliction of a severe level of harm constituting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control. Such term does not include—

“(i) generalized harm or violence that arises out of civil, criminal, or military strife in a country;

“(ii) all treatment that the United States regards as unfair, offensive, unjust, unlawful, or unconstitutional;

“(iii) intermittent harassment, including brief detentions;

“(iv) threats with no actual effort to carry out the threats, except that particularized threats of severe harm of an immediate and menacing nature made by an identified entity may constitute persecution; or

“(v) non-severe economic harm or property damage.”.

#### SEC. 108. **FIRM RESETTLEMENT.**

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by this title, is further amended by adding at the end the following:

“(g) **FIRM RESETTLEMENT.**—In determining whether an alien was firmly resettled in another country prior to arriving in the United States under subsection (b)(2)(A)(xiv), the following shall apply:

“(1) **IN GENERAL.**—An alien shall be considered to have firmly resettled in another country if, after the events giving rise to the alien’s asylum claim—

“(A) the alien resided in a country through which the alien transited prior to arriving in or entering the United States and—

“(i) received or was eligible for any permanent legal immigration status in that country;

“(ii) resided in such a country with any non-permanent but indefinitely renewable

legal immigration status (including asylee, refugee, or similar status, but excluding status of a tourist); or

“(iii) resided in such a country and could have applied for and obtained an immigration status described in clause (ii);

“(B) the alien physically resided voluntarily, and without continuing to suffer persecution or torture, in any one country for one year or more after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States, except for any time spent in Mexico by an alien who is not a native or citizen of Mexico solely as a direct result of being returned to Mexico pursuant to section 235(b)(3) or of being subject to metering; or

“(C) the alien is a citizen of a country other than the country in which the alien alleges a fear of persecution, or was a citizen of such a country in the case of an alien who renounces such citizenship, and the alien was present in that country after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States.

“(2) **BURDEN OF PROOF.**—If an immigration judge determines that an alien has firmly resettled in another country under paragraph (1), the alien shall bear the burden of proving the bar does not apply.

“(3) **FIRM RESETTLEMENT OF PARENT.**—An alien shall be presumed to have been firmly resettled in another country if the alien’s parent was firmly resettled in another country, the parent’s resettlement occurred before the alien turned 18 years of age, and the alien resided with such parent at the time of the firm resettlement, unless the alien establishes that he or she could not have derived any permanent legal immigration status or any non-permanent but indefinitely renewable legal immigration status (including asylum, refugee, or similar status, but excluding status of a tourist) from the alien’s parent.”.

#### SEC. 109. **NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.**

(a) **IN GENERAL.**—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “the Secretary of Homeland Security or” before “the Attorney General”;

(2) in subparagraph (A), by striking “and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and” and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.”.

(b) **CONFORMING AMENDMENT.**—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking “If the” and all that follows and inserting:

“(A) **IN GENERAL.**—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

“(B) **CRITERIA.**—An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

“(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek em-

ployment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appear in order to pursue Cancellation of Removal under section 240A(b); or

“(ii) any of the material elements are knowingly fabricated.

“(C) **SUFFICIENT OPPORTUNITY TO CLARIFY.**—In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

“(D) **WITHHOLDING OF REMOVAL NOT PRECLUDED.**—For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3) or protection pursuant to the Convention Against Torture.”.

#### SEC. 110. **TECHNICAL AMENDMENTS.**

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting “Secretary of Homeland Security or the” before “Attorney General”; and

(B) in paragraph (3), by inserting “Secretary of Homeland Security or the” before “Attorney General”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting “Secretary of Homeland Security or the” before “Attorney General”; and

(C) in paragraph (3), by inserting “Secretary of Homeland Security or the” before “Attorney General”; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting “Secretary of Homeland Security or the” before “Attorney General” each place such term appears; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(ii) in subparagraph (B), by inserting “Secretary of Homeland Security or the” before “Attorney General”.

#### SEC. 111. **REQUIREMENT FOR PROCEDURES RELATING TO CERTAIN ASYLUM APPLICATIONS.**

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish procedures to expedite the adjudication of asylum applications for aliens—

(1) who are subject to removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); and

(2) who are nationals of a Western Hemisphere country sanctioned by the United States, as described in subsection (b), as of January 1, 2023.

(b) **WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES DESCRIBED.**—Subsection (a) shall apply only to an asylum application filed by an alien who is a national of a Western Hemisphere country subject to sanctions pursuant to—

(1) the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note);

(2) the Reinforcing Nicaragua’s Adherence to Conditions for Electoral Reform Act of 2021 or the RENACER Act (50 U.S.C. 1701 note); or

(3) Executive Order 13692 (80 Fed. Reg. 12747; declaring a national emergency with respect to the situation in Venezuela).

(c) **APPLICABILITY.**—This section shall only apply to an alien who files an application for



asylum after the date of the enactment of this Act.

## **TITLE II—BORDER SAFETY AND MIGRANT PROTECTION**

### **SEC. 201. INSPECTION OF APPLICANTS FOR AD-MISSION.**

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)—  
(A) in paragraph (1)—  
(i) in subparagraph (A)—  
(I) in clauses (i) and (ii), by striking “section 212(a)(6)(C)” inserting “subparagraph (A) or (C) of section 212(a)(6)”; and  
(II) by adding at the end the following:

“(iv) **INELIGIBILITY FOR PAROLE.**—An alien described in clause (i) or (ii) shall not be eligible for parole except as expressly authorized pursuant to section 212(d)(5), or for parole or release pursuant to section 236(a).”; and

(ii) in subparagraph (B)—  
(I) in clause (ii), by striking “asylum.” and inserting “asylum and shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).”; and  
(II) in clause (iii)(IV)—  
(aa) in the header by striking “DETENTION” and inserting “DETENTION, RETURN, OR REMOVAL”; and  
(bb) by adding at the end the following:

“The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).”;  
(B) in paragraph (2)—  
(i) in subparagraph (A)—  
(I) by striking “Subject to subparagraphs (B) and (C),” and inserting “Subject to subparagraph (B) and paragraph (3).”; and  
(II) by adding at the end the following:

“The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).”; and  
(ii) by striking subparagraph (C);  
(C) by redesignating paragraph (3) as paragraph (5); and  
(D) by inserting after paragraph (2) the following:

“(3) **RETURN TO FOREIGN TERRITORY CONTIGUOUS TO THE UNITED STATES.**—  
“(A) **IN GENERAL.**—The Secretary of Homeland Security may return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).  
“(B) **MANDATORY RETURN.**—If at any time the Secretary of Homeland Security can—

“(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. 202. OPERATIONAL DETENTION FACILITIES.**

(a) **IN GENERAL.**—Not later than September 30, 2023, the Secretary of Homeland Security shall take all necessary actions to reopen or restore all U.S. Immigration and Customs Enforcement detention facilities that were in operation on January 20, 2021, that subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021. In carrying out the requirement under this subsection, the Secretary may use the authority under section 103(a)(11) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(11)).

(b) **SPECIFIC FACILITIES.**—The requirement under subsection (a) shall include at a minimum, reopening, or restoring, the following facilities:

(1) Irwin County Detention Center in Georgia.  
(2) C. Carlos Carreiro Immigration Detention Center in Bristol County, Massachusetts.  
(3) Etowah County Detention Center in Gadsden, Alabama.  
(4) Glades County Detention Center in Moore Haven, Florida.  
(5) South Texas Family Residential Center.  
(c) **EXCEPTION.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the Secretary of Homeland Security is authorized to obtain equivalent capacity for detention facilities at locations other than those listed in subsection (b).

(2) **LIMITATION.**—The Secretary may not take action under paragraph (1) unless the capacity obtained would result in a reduction of time and cost relative to the cost and time otherwise required to obtain such capacity.

(3) **SOUTH TEXAS FAMILY RESIDENTIAL CENTER.**—The exception under paragraph (1) shall not apply to the South Texas Family Residential Center. The Secretary shall take all necessary steps to modify and operate the South Texas Family Residential Center in the same manner and capability it was operating on January 20, 2021.

(d) **PERIODIC REPORT.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until September 30, 2027, the Secretary of Homeland Security shall submit to the appropriate congressional committees a detailed plan for and a status report on—

(1) compliance with the deadline under subsection (a);

(2) the increase in detention capabilities required by this section—

(A) for the 90-day period immediately preceding the date such report is submitted; and  
(B) for the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(3) the number of detention beds that were used and the number of available detention beds that were not used during—

(A) the 90-day period immediately preceding the date such report is submitted; and

(B) the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(4) the number of aliens released due to a lack of available detention beds; and

(5) the resources the Department of Homeland Security needs in order to comply with the requirements under this section.

(e) **NOTIFICATION.**—The Secretary of Homeland Security shall notify Congress, and include with such notification a detailed description of the resources the Department of Homeland Security needs in order to detain all aliens whose detention is mandatory or nondiscretionary under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(1) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 90 percent of capacity;

(2) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 95 percent of capacity; and

(3) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach full capacity.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on the Judiciary of the House of Representatives;

(2) the Committee on Appropriations of the House of Representatives;

(3) the Committee on the Judiciary of the Senate; and

(4) the Committee on Appropriations of the Senate.

## **TITLE III—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE**

### **SEC. 301. UNITED STATES POLICY REGARDING WESTERN HEMISPHERE COOPERATION ON IMMIGRATION AND ASYLUM.**

It is the policy of the United States to enter into agreements, accords, and memoranda of understanding with countries in the Western Hemisphere, the purposes of which are to advance the interests of the United States by reducing costs associated with illegal immigration and to protect the human capital, societal traditions, and economic growth of other countries in the Western Hemisphere. It is further the policy of the United States to ensure that humanitarian and development assistance funding aimed at reducing illegal immigration is not expended on programs that have not proven to reduce illegal immigrant flows in the aggregate.

### **SEC. 302. NEGOTIATIONS BY SECRETARY OF STATE.**

(a) **AUTHORIZATION TO NEGOTIATE.**—The Secretary of State shall seek to negotiate agreements, accords, and memoranda of understanding between the United States, Mexico, Honduras, El Salvador, Guatemala, and other countries in the Western Hemisphere with respect to cooperation and burden sharing required for effective regional immigration enforcement, expediting legal claims by aliens for asylum, and the processing, detention, and repatriation of foreign nationals seeking to enter the United States unlawfully. Such agreements shall be designed to

facilitate a regional approach to immigration enforcement and shall, at a minimum, provide that—

(1) the Government of Mexico authorize and accept the rapid entrance into Mexico of nationals of countries other than Mexico who seek asylum in Mexico, and process the asylum claims of such nationals inside Mexico, in accordance with both domestic law and international treaties and conventions governing the processing of asylum claims;

(2) the Government of Mexico authorize and accept both the rapid entrance into Mexico of all nationals of countries other than Mexico who are ineligible for asylum in Mexico and wish to apply for asylum in the United States, whether or not at a port of entry, and the continued presence of such nationals in Mexico while they wait for the adjudication of their asylum claims to conclude in the United States;

(3) the Government of Mexico commit to provide the individuals described in paragraphs (1) and (2) with appropriate humanitarian protections;

(4) the Government of Honduras, the Government of El Salvador, and the Government of Guatemala each authorize and accept the entrance into the respective countries of nationals of other countries seeking asylum in the applicable such country and process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

(5) the Government of the United States commit to work to accelerate the adjudication of asylum claims and to conclude removal proceedings in the wake of asylum adjudications as expeditiously as possible;

(6) the Government of the United States commit to continue to assist the governments of countries in the Western Hemisphere, such as the Government of Honduras, the Government of El Salvador, and the Government of Guatemala, by supporting the enhancement of asylum capacity in those countries; and

(7) the Government of the United States commit to monitoring developments in hemispheric immigration trends and regional asylum capabilities to determine whether additional asylum cooperation agreements are warranted.

(b) **NOTIFICATION IN ACCORDANCE WITH CASE-ZABLOCKI ACT.**—The Secretary of State shall, in accordance with section 112b of title 1, United States Code, promptly inform the relevant congressional committees of each agreement entered into pursuant to subsection (a). Such notifications shall be submitted not later than 48 hours after such agreements are signed.

(c) **ALIEN DEFINED.**—In this section, the term “alien” has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

### **SEC. 303. MANDATORY BRIEFINGS ON UNITED STATES EFFORTS TO ADDRESS THE BORDER CRISIS.**

(a) **BRIEFING REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (b), the Secretary of State, or the designee of the Secretary of State, shall provide to the appropriate congressional committees an in-person briefing on efforts undertaken pursuant to the negotiation authority provided by section 302 of this title to monitor, deter, and prevent illegal immigration to the United States, including by entering into agreements, accords, and memoranda of understanding with foreign countries and by using United States foreign assistance to stem the root causes of migration in the Western Hemisphere.

(b) **TERMINATION OF MANDATORY BRIEFING.**—The date described in this subsection is

the date on which the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, determines and certifies to the appropriate congressional committees that illegal immigration flows have subsided to a manageable rate.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

### **TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER**

#### **SEC. 401. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.**

(a) **IN GENERAL.**—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

“(j) **CONSTRUCTION.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There is no presumption that an alien child who is not an unaccompanied alien child should not be detained.

“(2) **FAMILY DETENTION.**—The Secretary of Homeland Security shall—

“(A) maintain the care and custody of an alien, during the period during which the charges described in clause (i) are pending, who—

“(i) is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)); and

“(ii) entered the United States with the alien’s child who has not attained 18 years of age; and

“(B) detain the alien with the alien’s child.”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the amendments in this section to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) are intended to satisfy the requirements of the Settlement Agreement in *Flores v. Meese*, No. 85–4544 (C.D. Cal.), as approved by the court on January 28, 1997, with respect to its interpretation in *Flores v. Johnson*, 212 F. Supp. 3d 864 (C.D. Cal. 2015), that the agreement applies to accompanied minors.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after such date.

(d) **PREEMPTION OF STATE LICENSING REQUIREMENTS.**—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of one or more of such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision thereof.

### **TITLE V—PROTECTION OF CHILDREN**

#### **SEC. 501. FINDINGS.**

Congress makes the following findings:

(1) Implementation of the provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children has incentivized multiple surges of unaccompanied alien children arriving at the southwest border in the years since the bill’s enactment.

(2) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children treat unaccompanied alien children from countries that are contiguous to the United States disparately by swiftly returning them to their home country absent indications of trafficking or a credible fear of return, but allowing for the release of unaccompanied alien children from noncontiguous countries into the interior of the United States, often to those individuals who paid to smuggle them into the country in the first place.

(3) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched the cartels, who profit hundreds of millions of dollars each year by smuggling unaccompanied alien children to the southwest border, exploiting and sexually abusing many such unaccompanied alien children on the perilous journey.

(4) Prior to 2008, the number of unaccompanied alien children encountered at the southwest border never exceeded 1,000 in a single year.

(5) The United States is currently in the midst of the worst crisis of unaccompanied alien children in our nation’s history, with over 350,000 such unaccompanied alien children encountered at the southwest border since Joe Biden became President.

(6) In 2022, during the Biden Administration, 152,057 unaccompanied alien children were encountered, the most ever in a single year and an over 400 percent increase compared to the last full fiscal year of the Trump Administration in which 33,239 unaccompanied alien children were encountered.

(7) The Biden Administration has lost contact with at least 85,000 unaccompanied alien children who entered the United States since Joe Biden took office.

(8) The Biden Administration dismantled effective safeguards put in place by the Trump Administration that protected unaccompanied alien children from being abused by criminals or exploited for illegal and dangerous child labor.

(9) A recent New York Times investigation found that unaccompanied alien children are being exploited in the labor market and “are ending up in some of the most punishing jobs in the country.”.

(10) The Times investigation found unaccompanied alien children, “under intense pressure to earn money” in order to “send cash back to their families while often being in debt to their sponsors for smuggling fees, rent, and living expenses,” feared “that they had become trapped in circumstances they never could have imagined.”.

(11) The Biden Administration’s Department of Health and Human Services Secretary Xavier Becerra compared placing unaccompanied alien children with sponsors, to widgets in an assembly line, stating that, “If Henry Ford had seen this in his plant, he would have never become famous and rich. This is not the way you do an assembly line.”.

(12) Department of Health and Human Services employees working under Secretary Xavier Becerra’s leadership penned a July 2021 memorandum expressing serious concern that “labor trafficking was increasing” and that the agency had become “one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.”.

(13) Despite this, Secretary Xavier Becerra pressured then-Director of the Office of Refugee Resettlement Cindy Huang to prioritize releases of unaccompanied alien children over ensuring their safety, telling her “if she could not increase the number of discharges he would find someone who could” and then-Director Huang resigned one month later.

(14) In June 2014, the Obama-Biden Administration requested legal authority to exercise discretion in returning and removing unaccompanied alien children from non-contiguous countries back to their home countries.

(15) In August 2014, the House of Representatives passed H.R. 5320, which included the Protection of Children Act.

(16) This title ends the disparate policies of the Trafficking Victims Protection Reauthorization Act of 2008 by ensuring the swift return of all unaccompanied alien children to their country of origin if they are not victims of trafficking and do not have a fear of return.

#### SEC. 502. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: “RULES FOR UNACCOMPANIED ALIEN CHILDREN.”;

(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”;

(III) in clause (ii), by inserting before “return such child” the following: “shall”;

(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)”;

(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)”;

(ii) in subparagraph (B), by inserting before the period the following: “and does not meet the criteria listed in subsection (a)(2)(A)”;

(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.”;

(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.”;

(B) in paragraph (5)—

(i) by inserting after “to the greatest extent practicable” the following: “(at no expense to the Government)”;

(ii) by striking “have counsel to represent them” and inserting “have access to counsel to represent them”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unaccompanied alien child (as such term is defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after the date that is 30 days after the date of the enactment of this Act.

#### SEC. 503. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITED WITH EITHER PARENT.

Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) in clause (i), by striking “, and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law”;

(2) in clause (iii)—

(A) in subclause (I), by striking “and” at the end;

(B) in subclause (II), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(III) an alien may not be granted special immigrant status under this subparagraph if the alien’s reunification with any one parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law.”.

#### SEC. 504. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the following procedures or practices relating to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))):

(1) Screening of such a child for a credible fear of return to his or her country of origin.

(2) Screening of such a child to determine whether he or she was a victim of trafficking.

(3) Department of Health and Human Services policy in effect on the date of the enactment of this Act requiring a home study for such a child if he or she is under 12 years of age.

#### TITLE VI—VISA OVERSTAYS PENALTIES

##### SEC. 601. ENHANCED 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)”;

(3) by adding at the end the following:

“(e) VISA OVERSTAYS.—

“(1) IN GENERAL.—An alien who was admitted as a nonimmigrant has violated this paragraph if the alien, for an aggregate of 10 days or more, has failed—

“(A) to maintain the nonimmigrant status in which the alien was admitted, or to which it was changed under section 248, including complying with the period of stay authorized by the Secretary of Homeland Security in connection with such status; or

“(B) to comply otherwise with the conditions of such nonimmigrant status.

“(2) PENALTIES.—An alien who has violated paragraph (1)—

“(A) shall—

“(i) for the first commission of such a violation, be fined under title 18, United States Code, or imprisoned not more than 6 months, or both; and

“(ii) for a subsequent commission of such a violation, or if the alien was previously convicted of an offense under subsection (a), be fined under such title 18, or imprisoned not more than 2 years, or both; and

“(B) in addition to, and not in lieu of, any penalty under subparagraph (A) and any other criminal or civil penalties that may be imposed, shall be subject to a civil penalty of—

“(i) not less than \$500 and not more than \$1,000 for each violation; or

“(ii) twice the amount specified in clause (i), in the case of an alien who has been previously subject to a civil penalty under this subparagraph or subsection (b).”.

#### TITLE VII—IMMIGRATION PAROLE REFORM

##### SEC. 701. IMMIGRATION PAROLE REFORM.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

“(5)(A) Except as provided in subparagraphs (B) and (C) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit. Parole granted under this subparagraph may not be regarded as an admission of the alien. When the purposes of such parole have been served in the opinion of the Secretary, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

“(B) The Secretary of Homeland Security may grant parole to any alien who—

“(i) is present in the United States without lawful immigration status;

“(ii) is the beneficiary of an approved petition under section 203(a);

“(iii) is not otherwise inadmissible or removable; and

“(iv) is the spouse or child of a member of the Armed Forces serving on active duty.

“(C) The Secretary of Homeland Security may grant parole to any alien—

“(i) who is a national of the Republic of Cuba and is living in the Republic of Cuba;

“(ii) who is the beneficiary of an approved petition under section 203(a);

“(iii) for whom an immigrant visa is not immediately available;

“(iv) who meets all eligibility requirements for an immigrant visa;

“(v) who is not otherwise inadmissible; and

“(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

“(D) The Secretary of Homeland Security may grant parole to an alien who is returned to a contiguous country under section 235(b)(3) to allow the alien to attend the alien's immigration hearing. The grant of parole shall not exceed the time required for the alien to be escorted to, and attend, the alien's immigration hearing scheduled on the same calendar day as the grant, and to immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

“(E) For purposes of determining an alien's eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that—

“(i)(I) the alien has a medical emergency; and

“(II)(aa) the alien cannot obtain necessary treatment in the foreign state in which the alien is residing; or

“(bb) the medical emergency is life-threatening and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

“(ii) the alien is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

“(iii) the alien is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

“(iv) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted to the United States through the normal visa process;

“(v) the alien is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted to the United States through the normal visa process;

“(vi) the alien is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

“(vii) the alien is a lawful applicant for adjustment of status under section 245 and is

returning to the United States after temporary travel abroad.

“(F) For purposes of determining an alien's eligibility for parole under subparagraph (A), a significant public benefit may be determined to result from the parole of an alien only if—

“(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

“(ii) the alien's presence is required by the Government in furtherance of such law enforcement matter; and

“(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.

“(G) For purposes of determining an alien's eligibility for parole under subparagraph (A), the term ‘case-by-case basis’ means that the facts in each individual case are considered and parole is not granted based on membership in a defined class of aliens to be granted parole. The fact that aliens are considered for or granted parole one-by-one and not as a group is not sufficient to establish that the parole decision is made on a ‘case-by-case basis’.

“(H) The Secretary of Homeland Security may not use the parole authority under this paragraph to parole an alien into the United States for any reason or purpose other than those described in subparagraphs (B), (C), (D), (E), and (F).

“(I) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (B) or (C) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

“(J) Parole granted after a departure from the United States shall not be regarded as an admission of the alien. An alien granted parole, whether as an initial grant of parole or parole upon reentry into the United States, is not eligible to adjust status to lawful permanent residence or for any other immigration benefit if the immigration status the alien had at the time of departure did not authorize the alien to adjust status or to be eligible for such benefit.

“(K)(i) Except as provided in clauses (ii) and (iii), parole shall be granted to an alien under this paragraph for the shorter of—

“(I) a period of sufficient length to accomplish the activity described in subparagraph (D), (E), or (F) for which the alien was granted parole; or

“(II) 1 year.

“(ii) Grants of parole pursuant to subparagraph (A) may be extended once, in the discretion of the Secretary, for an additional period that is the shorter of—

“(I) the period that is necessary to accomplish the activity described in subparagraph (E) or (F) for which the alien was granted parole; or

“(II) 1 year.

“(iii) Aliens who have a pending application to adjust status to permanent residence under section 245 may request extensions of parole under this paragraph, in 1-year increments, until the application for adjustment has been adjudicated. Such parole shall terminate immediately upon the denial of such adjustment application.

“(L) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

“(i) identifying the total number of aliens paroled into the United States under this

paragraph during the previous fiscal year; and

“(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

“(I) the duration of parole;

“(II) the type of parole; and

“(III) the current status of the aliens so paroled.”.

#### SEC. 702. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding subsection (a), each of the following exceptions apply:

(1) Any application for parole or advance parole filed by an alien before the date of the enactment of this Act shall be adjudicated under the law that was in effect on the date on which the application was properly filed and any approved advance parole shall remain valid under the law that was in effect on the date on which the advance parole was approved.

(2) Section 212(d)(5)(J) of the Immigration and Nationality Act, as added by section 701 of this title, shall take effect on the date of the enactment of this Act.

(3) Aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

#### SEC. 703. CAUSE OF ACTION.

Any person, State, or local government that experiences financial harm in excess of \$1,000 due to a failure of the Federal Government to lawfully apply the provisions of this title or the amendments made by this title shall have standing to bring a civil action against the Federal Government in an appropriate district court of the United States for appropriate relief.

#### SEC. 704. SEVERABILITY.

If any provision of this title or any amendment by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the application of such provision or amendment to any other person or circumstance shall not be affected.

**SA 1338.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. 7\_\_\_\_. (a) The modifications approved by the Food and Drug Administration between March 29, 2016, and January 3, 2023, to the risk evaluation and mitigation strategy under section 505-1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1) for mifepristone shall have no force or effect.

(b) None of the funds made available by this Act may be used to—

(1) establish, implement, or enforce any provision of a risk evaluation and mitigation strategy under section 505-1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1) for mifepristone that is substantially similar to any of the modifications nullified by subsection (a); or

(2) exercise discretion to not enforce any provision of a risk evaluation and mitigation strategy under such section 505-1 for mifepristone.

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#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Madam President, I ask unanimous consent that the privileges of the floor be extended to Mike Zwolinski, a member of my team, for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### ORDERS FOR SATURDAY, SEPTEMBER 30, 2023

Mrs. MURRAY. Madam President, I ask unanimous consent that when the

Senate completes its business today, it recess until 12 noon on Saturday, September 30; that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of H.R. 3935.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### RECESS UNTIL TOMORROW

Mrs. MURRAY. Madam President, if there is no further business to come before the Senate, I ask that it stand in recess under the previous order.

There being no objection, the Senate, at 5:21 p.m., recessed until Saturday, September 30, 2023, at 12 noon.

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#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 2023:

##### DEPARTMENT OF JUSTICE

TODD GEE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

TARA K. MCGRATH, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.