

## THE JOURNAL

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

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

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

**EXPRESSING THE PROFOUND SORROW OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE DIANNE GOLDMAN BERMAN FEINSTEIN**

Ms. PELOSI. Mr. Speaker, with deep condolences and sympathy to Senator FEINSTEIN's daughter Katherine and her granddaughter Eileen, and the entire Feinstein family, I offer a privileged bereavement resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 742

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Dianne Goldman Berman Feinstein, a Senator from the State of California.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**CONTINUING APPROPRIATIONS AND BORDER SECURITY ENHANCEMENT ACT, 2024**

Mr. DIAZ-BALART. Mr. Speaker, pursuant to House Resolution 741, I call up the bill (H.R. 5525) making continuing appropriations for fiscal year 2024, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOST). Pursuant to House Resolution 741, the amendments printed in House Report 118-230 are adopted, and the bill, as amended, is considered read.

The text of the bill is as follows:

## H.R. 5525

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Spending Reduction and Border Security Act".

**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**

**DIVISION B—OTHER MATTERS**

- Sec. 101. Statutory PAYGO scorecards.

- Sec. 102. Senate PAYGO scorecards.
  - Sec. 103. Classification of budgetary effects.
- DIVISION C—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.

- Sec. 129. Alien criminal background checks.
- Sec. 120. Prohibited identification documents at airport security checkpoints; notification to immigration agencies.
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- Sec. 122. CBP One app limitation.
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- 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 D—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 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 concur-

rent 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—OTHER MATTERS

##### SEC. 101. STATUTORY PAYGO SCORECARDS.

The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

##### SEC. 102. SENATE PAYGO SCORECARDS.

The budgetary effects of this division and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

##### SEC. 103. CLASSIFICATION OF BUDGETARY EFFECTS.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

#### DIVISION C—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.”;

(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 infrastruc-

ture, 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 life-cycle cost.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) **BORDER SECURITY DEPLOYMENT PROGRAM.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

der Corruption Act of 2010 is amended by adding at the end the following new sections:

**“SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

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

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

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

**“SEC. 6. REPORTING.**

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

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

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

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

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

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

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

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

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

**“SEC. 7. DEFINITIONS.**

“In this Act:

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

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

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

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



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

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

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

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

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

(1) The U.S. Border Patrol.

(2) Air and Marine Operations of CBP.

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

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

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

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

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

(c) REPORT.—

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

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

(B) Each relevant workload staffing model.

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

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

respect to the degree to which such models are responsive to the recommendations of the Inspector General, including the following:

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

(2) Any further recommendations to improve such models.

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

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

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

**SEC. 110. OPERATION STONEGARDEN.**

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

**“SEC. 2010. OPERATION STONEGARDEN.**

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

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

“(1) be located in—

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

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

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

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

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

“(1) Equipment, including maintenance and sustainment.

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

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

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

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

“(f) REPORT.—For each of fiscal years 2024 through 2028 the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains—

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

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

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

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

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

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

“Sec. 2010. Operation Stonegarden.”.

**SEC. 111. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

**SEC. 113. BORDER PATROL STRATEGIC PLAN.**

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

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

(1) A consideration of Border Patrol Capability Gap Analysis reporting, Border Security

Improvement Plans, and any other strategic document authored by the U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents.

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

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

(A) increase situational awareness, including—

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Border agricultural and ranching organizations.

(ii) Business and civic organizations.

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

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

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

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

(vii) Other individuals negatively impacted by illegal immigration.

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

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

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

(A) Identifying and detecting fraudulent documents.

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

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

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

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

**SEC. 115. RESTRICTIONS ON FUNDING.**

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

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

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

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

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

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

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and the U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.

(b) REPORTING REQUIREMENT.—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on the Judiciary of



the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that summarizes any policy and manual changes pursuant to subsection (a).

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

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

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

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

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

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

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

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

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

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

(c) **DEFINITIONS.**—In this section:

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

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

(3) **TERRORIST SCREENING DATABASE.**—The term “terrorist screening database” has the

meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).

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

**SEC. 119. ALIEN CRIMINAL BACKGROUND CHECKS.**

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

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

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

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

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

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

(c) **ENTRY INTO STERILE AREAS.**—

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

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

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

(B) presents a covered identification document.

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

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

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

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

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

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

(g) **DEFINITIONS.**—In this section:

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

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

(A) A fingerprint.

(B) A palm print.

(C) A photograph, including—

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

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

(D) A signature.

(E) A voice print.

(F) An iris image.

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

(A) A United States passport or passport card.

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

(i) Global Entry;

(ii) Nexus;

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

(iv) Free and Secure Trade (FAST).

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

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

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

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

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

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

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

(J) A Transportation Worker Identification Credential.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 122. CBP ONE APP LIMITATION.**

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

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry, how many aliens have scheduled interviews at land ports of entry using CBP One, the nationalities of such aliens, and the stated final destinations of such aliens within the United States, if any.

**SEC. 123. REPORT ON MEXICAN DRUG CARTELS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 126. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.**

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

riated 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 D—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.

“(i) 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 consti-

tuting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control. Such term does not include—

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

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

“(iii) intermittent harassment, including brief detentions;

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

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

#### SEC. 108. FIRM RESETTLEMENT.

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

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

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

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

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

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

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

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

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

“(2) **BURDEN OF PROOF.**—If an immigration judge determines that an alien has firmly resettled in another country under paragraph (1), the alien shall bear the burden of proving the bar does not apply.

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

**SEC. 109. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.**

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

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

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

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

(4) by adding at the end the following:

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

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

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

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

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

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

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

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

**SEC. 110. TECHNICAL AMENDMENTS.**

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

(1) in subsection (a)—

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

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

(2) in subsection (c)—

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

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

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

(3) in subsection (d)—

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

(B) in paragraph (5)—

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

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

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

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

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

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

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

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

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

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

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

**TITLE II—BORDER SAFETY AND MIGRANT PROTECTION****SEC. 201. INSPECTION OF APPLICANTS FOR ADMISSION.**

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

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

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

(II) by adding at the end the following:

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

and

(i) 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).”;

(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 govern-

ments 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”; 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)”;

(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 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.

### DIVISION E—FISCAL COMMISSION ACT OF 2023

#### SEC. 801. SHORT TITLE.

This division may be cited as the “Fiscal Commission Act of 2023”.

#### SEC. 802. DEFINITIONS.

In this division:

(1) CO-CHAIR.—The term “co-chair” means an individual appointed to serve as a co-chair of the Fiscal Commission under section 803(a)(3)(C)(i).

(2) FISCAL COMMISSION.—The term “Fiscal Commission” means the commission established under section 803(a).

(3) FISCAL COMMISSION BILL.—The term “Fiscal Commission bill” means a bill consisting solely of legislative language that the Fiscal Commission approves and submits under clauses (i) and (v), respectively, of section 803(a)(2)(B).

(4) OUTSIDE EXPERT.—The term “outside expert” is an individual who is not an elected official or an officer or employee of the Federal Government or of any State.

#### SEC. 803. ESTABLISHMENT OF FISCAL COMMISSION.

(a) ESTABLISHMENT OF FISCAL COMMISSION.—

(1) ESTABLISHMENT.—No later than 60 days after the date of enactment of this Act, there is established in Congress a Fiscal Commission.

(2) DUTIES.—

(A) IMPROVE FISCAL SITUATION.—

(i) IN GENERAL.—The Fiscal Commission shall identify policies to improve the fiscal situation in the medium term and to achieve a sustainable debt-to-GDP ratio of the long term, and for any recommendations related to Federal programs for which a Federal trust fund exists, to improve solvency for a period of at least 75 years.

(ii) REQUIREMENTS.—In carrying out clause (i), the Fiscal Commission shall—

(I) propose recommendations designed to balance the budget at the earliest reasonable date, including at minimum stabilizing the debt-to-GDP ratio at or below one hundred percent by the end of the 10-year period beginning on the date the Fiscal Commission is established; and

(II) propose recommendations that meaningfully improve the long-term fiscal outlook, including changes to address the growth of direct spending and the gap between the projected revenues and expenditures of the Federal Government.

(iii) RECOMMENDATIONS OF COMMITTEES.—Not later than 60 days after the date described in paragraph (1), each committee of the Senate and the House of Representatives may transmit to the Fiscal Commission any recommendations of the committee relating to changes in law to further the duties described in clause (ii).

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—Notwithstanding paragraph (4)(D)(ii)(II), not earlier than November 6, 2024, but not later than November 15,

2024, the Fiscal Commission shall meet to consider, and vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the Fiscal Commission described in subparagraph (A)(i) and the estimate of the Congressional Budget Office required under paragraph (4)(D)(ii); and

(II) legislative language to carry out the recommendations of the Fiscal Commission in the report described in subclause (I), which shall include a statement of the economic and budgetary effects of the recommendations.

(ii) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—A report and legislative language of the Fiscal Commission under clause (i) shall require the approval of a majority of the members of the Fiscal Commission, provided that such majority shall be required to include not less than 3 members of the Fiscal Commission appointed by members of the Republican Party and 3 members appointed by members of the Democratic party.

(iii) ADDITIONAL VIEWS.—

(I) IN GENERAL.—A member of the Fiscal Commission who gives notice of an intention to file supplemental, minority, or additional views at the time of the final Fiscal Commission vote on the approval of the report and legislative language of the Fiscal Commission under clause (i) shall be entitled to 3 days to file those views in writing with the staff director of the Fiscal Commission.

(II) INCLUSION IN REPORT.—Views filed under subclause (I) shall be included in the report of the Fiscal Commission under clause (i) and printed in the same volume, or part thereof, and such inclusion shall be noted on the cover of the report, except that, in the absence of timely notice, the report may be printed and transmitted immediately without such views.

(iv) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval or disapproval of a report and legislative language under clause (i) by the Fiscal Commission, the Fiscal Commission shall promptly, and not more than 24 hours after the approval or disapproval or, if timely notice is given under clause (iii), not more than 24 hours after additional views are filed under such clause, make the report, the legislative language, and a record of the vote on the report and legislative language available to the public.

(v) SUBMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If a report and legislative language are approved by the Fiscal Commission under clause (i), not later than 3 days after the date on which the report and legislative language are made available to the public under clause (iv), the Fiscal Commission shall submit the report and legislative language to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority leaders of each House of Congress.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Fiscal Commission shall be composed of 16 members appointed in accordance with subparagraph (B) and with due consideration to chairs and ranking members of the committees and subcommittees of subject matter jurisdiction, if applicable.

(B) APPOINTMENT.—Not later than 14 days after the date described in paragraph (1)—

(i) the majority leader of the Senate shall appoint 3 individuals from among the Members of the Senate, and 1 outside expert, who shall serve as members of the Fiscal Commission;

(ii) the minority leader of the Senate shall appoint 3 individuals from among the Members of the Senate, and 1 outside expert who shall serve as members of the Fiscal Commission;

(iii) the Speaker of the House of Representatives shall appoint 3 individuals from

among the Members of the House of Representatives, and 1 outside expert, who shall serve as members of the Fiscal Commission; and

(iv) the minority leader of the House of Representatives shall appoint 3 individuals from among the Members of the House of Representatives, and 1 outside expert, who shall serve as members of the Fiscal Commission.

(C) CO-CHAIRS.—

(i) IN GENERAL.—Not later than 14 days after the date described in paragraph (1), with respect to the Fiscal Commission—

(I) the leadership of the Senate and House of Representatives of the same political party as the President shall appoint 1 individual from among the members of the Fiscal Commission who shall serve as a co-chair of the Fiscal Commission; and

(II) the leadership of the Senate and House of Representatives of the opposite political party as the President, shall appoint 1 individual from among the members of the Fiscal Commission who shall serve as a co-chair of the Fiscal Commission.

(ii) STAFF DIRECTOR.—With respect to the Fiscal Commission, the co-chairs of the Fiscal Commission, acting jointly, shall hire the staff director of the Fiscal Commission.

(D) PERIOD OF APPOINTMENT.—

(i) IN GENERAL.—The members of the Fiscal Commission shall be appointed for the life of the Fiscal Commission.

(ii) VACANCY.—

(I) IN GENERAL.—Any vacancy in the Fiscal Commission shall not affect the powers of the Fiscal Commission, but shall be filled not later than 14 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(II) INELIGIBLE MEMBERS.—If a member of the Fiscal Commission who was appointed as a Member of the Senate or the House Representatives ceases to be a Member of the Senate or the House of Representatives, as applicable—

(aa) the member shall no longer be a member of the Fiscal Commission; and

(bb) a vacancy in the Fiscal Commission exists.

(4) ADMINISTRATION.—

(A) IN GENERAL.—With respect to the Fiscal Commission, to enable the Fiscal Commission to exercise the powers, functions, and duties of the Fiscal Commission, there are authorized to be disbursed by the Senate the actual and necessary expenses of the Fiscal Commission approved by the co-chairs of the Fiscal Commission, subject to the rules and regulations of the Senate.

(B) EXPENSES.—With respect to the Fiscal Commission, in carrying out the functions of the Fiscal Commission, the Fiscal Commission is authorized to incur expenses in the same manner and under the same conditions as the Joint Economic Committee is authorized under section 11(d) of the Employment Act of 1946 (15 U.S.C. 1024(d)).

(C) QUORUM.—With respect to the Fiscal Commission, 9 members of the Fiscal Commission shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(D) VOTING.—

(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of any member of the Fiscal Commission.

(ii) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—

(I) IN GENERAL.—The Director of the Congressional Budget Office shall, with respect to the legislative language of the Fiscal Commission under paragraph (2)(B)(i)(II), provide to the Fiscal Commission—

(aa) estimates of the legislative language in accordance with sections 308(a) and 201(f) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a) and 601(f)); and

(bb) information on the budgetary effect of the legislative language on the long-term fiscal outlook.

(II) LIMITATION.—The Fiscal Commission may not vote on any version of the report, recommendations, or legislative language of the Fiscal Commission under paragraph (2)(B)(i) unless the estimates and information described in subclause (I) of this clause are made available for consideration by all members of the Fiscal Commission not later than 48 hours before that vote, as certified by the co-chairs of the Fiscal Commission.

(E) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 days after the date described in paragraph (1), the Fiscal Commission shall hold the first meeting of the Fiscal Commission.

(ii) AGENDA.—For each meeting of the Fiscal Commission, the co-chairs of the Fiscal Commission shall provide an agenda to the members of the Fiscal Commission not later than 48 hours before the meeting.

(F) HEARINGS.—

(i) IN GENERAL.—The Fiscal Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the Fiscal Commission considers advisable.

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(I) ANNOUNCEMENT.—The co-chairs of the Fiscal Commission shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted under this subparagraph not later than 7 days before the date of the hearing, unless the co-chairs determine that there is good cause to begin such hearing on an earlier date.

(II) WRITTEN STATEMENT.—A witness appearing before the Fiscal Commission shall file a written statement of the proposed testimony of the witness not later than 2 days before the date of the appearance of the witness, unless the co-chairs of the Fiscal Commission—

(aa) determine that there is good cause for the witness to not file the written statement; and

(bb) waive the requirement that the witness file the written statement.

(G) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs of the Fiscal Commission, the head of a Federal agency shall provide technical assistance to the Fiscal Commission in order for the Fiscal Commission to carry out the duties of the Fiscal Commission.

(H) OUTSIDE EXPERT.—Any outside expert appointed to the Fiscal Commission—

(i) shall not be considered to be a Federal employee for any purpose by reason of service on the Fiscal Commission; and

(ii) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) STAFF OF FISCAL COMMISSION.—

(1) IN GENERAL.—The co-chairs of the Fiscal Commission may jointly appoint and fix the compensation of staff of the Fiscal Commission as the co-chairs determine necessary, in accordance with the guidelines, rules, and requirements relating to employees of the Senate.

(2) ETHICAL STANDARDS.—

(A) SENATE.—Members appointed by Members of the Senate who serve on the Fiscal Commission and staff of the Fiscal Commission shall adhere to the ethics rules of the Senate.

(B) HOUSE OF REPRESENTATIVES.—Members appointed by Members of the House of Representatives who serve on the Fiscal Commission shall be governed by the ethics rules and requirements of the House of Representatives.

(c) TERMINATION.—The Fiscal Commission shall terminate on the date that is 30 days after the date the Fiscal Commission submits the report under subsection (a)(2)(B)(v).

SEC. 804. EXPEDITED CONSIDERATION OF FISCAL COMMISSION BILLS.

(a) QUALIFYING LEGISLATION.—Only a Fiscal Commission bill shall be entitled to expedited consideration under this section.

(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) INTRODUCTION.—If the Fiscal Commission approves and submits legislative language under clauses (i) and (v), respectively, of section 803(a)(2)(B), the Fiscal Commission bill consisting solely of that legislative language shall be introduced in the House of Representatives (by request)—

(A) by the majority leader of the House of Representatives, or by a Member of the House of Representatives designated by the majority leader of the House of Representatives, on the third legislative day after the date the Fiscal Commission approves and submits such legislative language; or

(B) if the Fiscal Commission bill is not introduced under subparagraph (A), by any Member of the House of Representatives on any legislative day beginning on the legislative day after the legislative day described in subparagraph (A).

(2) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a Fiscal Commission bill is referred shall report the Fiscal Commission bill to the House of Representatives without amendment not later than 5 legislative days after the date on which the Fiscal Commission bill was so referred. If any committee of the House of Representatives to which a Fiscal Commission bill is referred fails to report the Fiscal Commission bill within that period, that committee shall be automatically discharged from consideration of the Fiscal Commission bill, and the Fiscal Commission bill shall be placed on the appropriate calendar.

(3) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a Fiscal Commission bill reports it to the House of Representatives or has been discharged from its consideration, it shall be in order to move to proceed to consider the Fiscal Commission bill in the House of Representatives. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed with respect to the Fiscal Commission bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

(4) CONSIDERATION.—The Fiscal Commission bill shall be considered as read. All points of order against the Fiscal Commission bill and against its consideration are waived. The previous question shall be considered as ordered on the Fiscal Commission bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent.

(5) VOTE ON PASSAGE.—The vote on passage of the Fiscal Commission bill shall occur pursuant to the constraints under clause 8 of rule XX of the Rules of the House of Representatives.

(c) EXPEDITED PROCEDURE IN THE SENATE.—

(1) INTRODUCTION IN THE SENATE.—If the Fiscal Commission approves and submits legislative language under clauses (i) and (v), respectively, of section 803(a)(2)(B), a Fiscal Commission bill consisting solely of that

legislative language may be introduced in the senate (by request)—

(A) by the majority leader of the Senate, or by a Member of the Senate designated by the majority leader of the Senate, on the next day on which the Senate is in session; or

(B) if the Fiscal Commission bill is not introduced under subparagraph (A), by any Member of the Senate on any day on which the Senate is in session beginning on the day after the day described in subparagraph (A).

(2) COMMITTEE CONSIDERATION.—A Fiscal Commission bill introduced in the Senate under paragraph (1) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the Fiscal Commission bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 5 session days after the date on which the Fiscal Commission bill was so referred. If any committee to which a Fiscal Commission bill is referred fails to report the Fiscal Commission bill within that period, that committee shall be automatically discharged from consideration of the Fiscal Commission bill, and the Fiscal Commission bill shall be placed on the appropriate calendar.

(3) PROCEEDING.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a Fiscal Commission bill is reported or discharged from all committees to which the Fiscal Commission bill was referred, for the majority leader of the Senate or the designee of the majority leader to move to proceed to the consideration of the Fiscal Commission bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the Fiscal Commission bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the Fiscal Commission bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. 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 Fiscal Commission bill is agreed to, the Fiscal Commission bill shall remain the unfinished business until disposed of. All points of order against a Fiscal Commission bill and against consideration of the Fiscal Commission bill are waived.

(4) NO AMENDMENTS.—An amendment to a Fiscal Commission bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Fiscal Commission bill, is not in order.

(5) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a Fiscal Commission bill shall be decided without debate.

(d) AMENDMENT.—A Fiscal Commission bill shall not be subject to amendment in either the Senate or the House of Representatives.

(e) CONSIDERATION BY THE OTHER HOUSE.—

(1) IN GENERAL.—If, before passing a Fiscal Commission bill, a House receives from the other House a Fiscal Commission bill consisting of legislative language approved by the same Fiscal Commission as the Fiscal Commission bill in the receiving House—

(A) the Fiscal Commission bill 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 Fiscal Commission bill had been received from the other House

until the vote on passage, when the Fiscal Commission bill received from the other House shall supplant the Fiscal Commission bill of the receiving House.

(2) REVENUE MEASURES.—This subsection shall not apply to the House of Representatives if a Fiscal Commission bill received from the Senate is a revenue measure.

(f) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(1) TREATMENT OF FISCAL COMMISSION BILL OF OTHER HOUSE.—If a Fiscal Commission bill is not introduced in the Senate or the Senate fails to consider a Fiscal Commission bill under this section, the Fiscal Commission bill of the House of Representatives consisting of legislative language approved by the same Fiscal Commission as the Fiscal Commission bill in the Senate shall be entitled to expedited floor procedures under this section.

(2) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If, following passage of a Fiscal Commission bill in the Senate, the Senate then receives from the House of Representatives a Fiscal Commission bill approved by the same Fiscal Commission and consisting of the same legislative language as the Senate-passed Fiscal Commission bill, the House-passed Fiscal Commission bill shall not be debatable. The vote on passage of the Fiscal Commission bill in the Senate shall be considered to be the vote on passage of the Fiscal Commission bill received from the House of Representatives.

(3) VETOES.—If the President vetoes a Fiscal Commission bill, consideration of a veto message in the Senate under this paragraph shall be 10 hours equally divided between the majority and minority leaders of the Senate or the designees of the majority and minority leaders of the Senate.

#### SEC. 805. FUNDING.

Funding for the Fiscal Commission shall be derived in equal portions from—

(1) the contingent fund of the Senate from the appropriations account “Miscellaneous Items”, subject to the rules and regulations of the Senate; and

(2) the applicable accounts of the House of Representatives.

#### SEC. 806. RULEMAKING.

The provisions of this division are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and, as such, the provisions—

(A) shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and

(B) shall supersede other rules only to the extent that they are inconsistent therewith; and

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

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees.

The gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. DIAZ-BALART. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to speak on the Spending Reduction and Border Security Act of 2024.

As we all know, the most basic duty that Congress has and must complete every year is that constitutional power of Congress to fund the Federal Government. This bill, Mr. Speaker, will provide funding to keep our government open until October 31. Unless we act now, the government will shut down at midnight on Saturday.

Let's be very clear, Mr. Speaker. The House has already passed four appropriations bills, which constitute the majority of funding for our government. Now, unfortunately, the Senate continues to sit on its hands and has failed to pass any of them, any of them thus far. Unfortunately, it is something that we have seen time and time again from our friends across this building.

Mr. Speaker, the country is nearly \$32.9 trillion in debt—that is trillion with a t, Mr. Speaker—and our deficit this year is \$1.9 trillion. The Biden administration has gone on a crazy, irresponsible spending binge with money that we do not have to spend, money that is borrowed mostly from Communist China. It is time. It is time. It is time that we slow this out-of-control, unsustainable spending to a level that is sustainable.

Yesterday, Mr. Speaker, I was proud that the House of Representatives passed the State and Foreign Operations appropriations bill, one that I was pleased and honored to lead that cut wasteful spending while making crucial investments in our national security, all while the total cost of that bill passed last night is way below fiscal year 2015 spending levels. That bill that we passed will slow our spending by really taking discretionary spending back to fiscal year 2022 overall.

Now, excluded from those reductions in this bill are any reductions from defense, veterans, homeland security, and disaster relief. It is a very important start and well overdue to fund our priorities, the American people's priorities, but doing so in a responsible way that does not bankrupt the American taxpayer.

Mr. Speaker, in addition, this bill provides flexibility to the Department of Defense for new starts, but this bill does more than just deal with our out-of-control spending, which it must. It will also help the just inhumane tide at our southern border.

Mr. Speaker, our southern border is out of control. The Biden administration has failed to even do the bare minimum to secure our border. As I have



said before, Mr. Speaker, the irresponsible attitude of the Biden administration when it comes to the southern border is beyond negligence and incompetence. It also has fatal consequences.

In just the last few days, we have seen a surge at the border with an average of over 9,000 apprehensions each and every day. This is unsustainable. It is unthinkable, and I would add it is immoral.

Mr. Speaker, our border is out of control. Actually, no, let me correct myself right here on the floor of the House, Mr. Speaker. No, it is controlled now 100 percent by the narco-terrorist cartels on the Mexican side of the border. That is who the administration has ceded control of the southern border to. This crisis is only going to continue to get worse and worse unless we act.

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Earlier this year, the House approved the bill that I was honored to lead, H.R. 2, the Border Security Act of 2023. As you know, Mr. Speaker, this bill would make changes to our immigration policies that would help reclaim control of the southern border.

I am proud to say that the Spending Reduction and Border Security Act of 2024, which I am speaking about today, includes the Border Security Act of 2023 already passed by this House.

This bill provides a solution. This bill that we are discussing now provides a solution to keep the government open. This bill keeps the government open and restrains the growth of government while giving us an opportunity to continue negotiations on the appropriations bills.

Mr. Speaker, I urge my colleagues to do the responsible thing. Support this bill so that we can send it to the Senate and keep the Federal Government open. That is what we are dealing with. That is what the vote is about.

Mr. Speaker, I urge all of my colleagues to do the right thing and vote "yes" on this bill, and I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to oppose this continuing resolution. If you cannot agree to the funding levels for 2024 in order to keep government open, you must pass a continuing resolution. A 30 percent slashing of the Federal Government only continues the majority's inability and unwillingness to govern responsibly.

I would argue that you cannot call it a conservative resolution, either. There is nothing conservative about the indiscriminate destruction of public investments in America's families.

Regardless of what it is called, this bill inflicts serious consequences on the American people, whether it is signed into law, which it never will be, or because of the costly shutdown it triggers.

We are less than 48 hours from a government shutdown, and what do we have to show for it?

The American people are tired of the doublespeak coming from the majority. There are House Republicans who have repeatedly assured the public that nobody wants a shutdown, and there are others who tell us they think a shutdown would be a good thing for the country. Maybe they are not worried about a shutdown because they know that Members of Congress will not miss a paycheck.

I can speak for every Democrat in the Congress when I say we oppose this Republican shutdown, a shutdown that will be devastating for our country.

What have the Republicans offered as their effort to avoid a government shutdown? What would this bill do? This bill would slash investments in cancer research, leave communities recovering from natural disasters out to dry, and undercut allies with a \$1 billion cut to Israel and further cuts to our support of Ukraine. It defunds law enforcement by 30 percent and makes our communities less safe. It takes food out of the mouths of millions.

This bill raises costs for American families at a time when the cost of living is already too high.

It cuts title I education funding, the bedrock of American public education, to the effect of 150,000 teachers being pulled out of classrooms. Mr. Speaker, 275,000 children would lose access to Head Start, undermining early education and making it harder for parents to work.

In an unprecedented move, the House Republican bill cuts the Low-Income Home Energy Assistance Program, LIHEAP, funding by roughly 74 percent. More than 5 million households will lose their home heating or cooling benefits or have their benefits cut by hundreds of dollars, threatening their ability to heat their homes in winter or cool their homes in summer.

House Republicans are threatening public health by cutting the Food Safety and Inspection Service by 30 percent. Without adequate inspection staff in our meat and poultry plants, these plants will be required to close or reduce their hours. It hurts workers' paychecks, reduces the meat and poultry supply, raises the cost of food for American families, and risks the consumption of contaminated food.

With the cuts in this bill, 400,000 fewer small businesses would be assisted by the Small Business Administration's entrepreneurial development programs. This would have a significant impact on small business owners, especially among veterans, women, and Native American entrepreneurs.

This bill has no future. At best, it is dead on arrival in the Senate and would never be signed by the President of the United States.

Everyone in this room knows that keeping the government operating and passing bills to fully fund the next fiscal year will require bipartisan cooperation. You need the House and the Senate, Democrats and Republicans, to pass appropriations bills. Yet, House

Republicans are refusing to work with and negotiate with Democrats.

This is a pointless charade with grave consequences for the American people. House Democrats are ready to work. We were ready in the spring. We were ready last week. We are ready this weekend. We are ready today, tomorrow, and every day to work in good faith with our colleagues on the other side of the aisle to meet the needs of the American people.

Let's get to work, serious work.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, let's be very clear. We are going to know shortly who wants to shut down the government and who wants to keep it open because we are going to have a vote. In front of us today is this resolution to keep the government open. I know there is going to be a lot of talk, but we are going to have a vote. If you vote for this resolution, it keeps the government open, and if you vote against it, government shuts down Saturday night.

That is not too complicated. The American people are smart. They get that. Out of all the talk we are going to hear, we will know on that vote. If you vote for this resolution, you are voting to keep the government open. If you vote against it, well, you are voting to shut it down.

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. WESTERMAN), the distinguished chairman of the Committee on Natural Resources.

Mr. WESTERMAN. Mr. Speaker, we have all heard that life is about making choices. Serving in Congress requires making big choices on a big stage that are forever chronicled in our votes. Take out all the rhetoric and all the policy disagreements and, at the end of this debate, every Member of the House will have a choice to make and a vote to cast.

Making choices is about setting priorities. House Republicans have made it clear that cutting spending, securing the border, and keeping the government open while we finish the yearlong spending bills are our priorities.

It is no secret, based on previous actions, that my friends across the aisle prioritize out-of-control spending and an open border. I anticipate their priorities will outweigh their desire to keep the government open. That is their choice.

Since President Biden took office, our debt has skyrocketed, inflation is strangling our citizens, and thousands of pounds of fentanyl and millions of illegal immigrants, including more than 150 on the terrorist watch list, have poured over our southern border and into our communities. This immigration crisis is so bad that the Biden administration has resorted to building migrant shelters in our national parks and waiving environmental laws to do it.

This has to stop. The choices are clear. The conservative solution will

avoid a government shutdown, secure our borders, and keep us on track to restore fiscal sanity. Let me be clear that a vote against this bill is a vote to continue down the path of out-of-control spending, to keep our borders open, and to shut down the government.

Mr. Speaker, I have made my choice to vote “yes,” and I encourage others to do the same.

Ms. DELAURO. Mr. Speaker, I will just take a second to tell the gentleman from Arkansas that, with this bill, you will cut 1,460 teachers from your district and almost 46,000 households will have their low-income energy assistance benefits terminated.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the distinguished ranking member of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in opposition to this so-called CR, which is a MAGA gift basket to far-right extremists.

Let’s first address the reality. The gutting cuts in this bill do not continue current funding like we have historically done in continuing resolutions. Instead, this so-called CR slashes cancer and Alzheimer’s research, defunds the police, and undercuts allies like Israel and Ukraine.

Republicans claim to care about our borders, but this invites more immigration problems. Instead of giving migrants a path to work and pay taxes, it leaves them to languish in substandard private prisons.

This grab bag of budgetary garbage stands no chance of becoming law and just slingshots into a shutdown in 36 hours, a shutdown that harms everyone, from seniors and servicemembers to this Nation’s most vulnerable and its very security. It snarls small-business loans and trade, delays home loans, and could force Federal contractors into layoffs.

It is a MAGA recipe for more chaos and inflation, and my home State of Florida will feel it first. The longer it drags on, the deeper the airport lines will get as TSA agents and air traffic controllers go without pay and passport processing slows down.

Worse, it actually makes our military serve without pay. Don’t forget, in the 2019 GOP shutdown, they forced Coast Guard members into food banks. That does not make America stronger.

Instead of making communities less safe and handcuffing FEMA’s recovery responsiveness, which this CR does, why don’t Republicans join Democrats to fight Big Pharma and keep lowering drug prices like insulin?

Instead of a shutdown that closes Social Security field offices, which this CR does, and takes food from the mouths of children, why won’t Republicans join Democrats to bolster education, healthcare, and climate investments like Americans want? Why? Because MAGA extremists don’t want to

make life better for all Americans. They want to inflict pain on their own leadership, on our government, and on the American people. Why? Because it covers up their lack of an agenda, excites their base, and throws gas on their bonfires of distraction and chaos.

America deserves better than that and so does this institution.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARRINGTON), the chairman of the Committee on the Budget.

Mr. ARRINGTON. Mr. Speaker, policies have consequences. Over the last 2 years, we have seen a string of self-inflicted crises because of the policies of my Democratic colleagues and this President.

Let me give you examples: \$11 trillion over 2 years from my Democratic colleagues, \$6 trillion of which went to the national debt, all of which lit the fuse on this inflation firestorm, this cost-of-living crisis that is punishing working families from coast to coast. We have to stop the spending that is bankrupting this great country of ours.

This President’s dereliction of duty to uphold the laws of the land, his failure to provide for a common defense, to defend our sovereign borders, and to put the safety and security of the American people first has created an unmitigated and unprecedented crisis at the border, where we are being flooded with criminal activity and drugs that are killing people—300 a day, the leading cause of death in the United States.

We have a plan, and my Democratic colleagues are going to have to respond to that. We are going to fund the government and keep it open, but we are going to give you measures to secure the border and prioritize the safety of the American people and reduce spending. We are going to save this country and our children’s future while we are at it because that is the responsible thing to do not only for our country and the citizens of our country but for future generations of Americans who will inherit the whirlwind if we don’t start reining in this wasteful Washington spending.

Mr. Speaker, I rise in support of the Republican funding bill, and I ask my colleagues to do the same.

□ 1230

Ms. DELAURO. Mr. Speaker, I want to take a few seconds here to let the gentleman from Texas know that the State of Texas will lose almost 14,000 teachers. That is going to be really tough to explain that to families when their children do not have a teacher in the classroom.

In addition to that, almost 77,000 Texans will lose their low-income energy assistance benefits or have those benefits cut. It is going to be a tough time for folks, come the cooler months or the warmer months, to take advantage of this.

I think people need to be mindful of the consequences of a 30 percent cut, or

in the case of LIHEAP, a 74 percent cut, that they are proposing today.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. RAMIREZ).

Mrs. RAMIREZ. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I cannot believe that I am standing here again having to remind my colleagues that we are a nation of immigrants. I am going to come to this podium each time my Republican colleagues have amnesia about where their families came from or try to scapegoat the immigrant community.

Introducing a continuing resolution that cuts services and deports unaccompanied children, ending asylum, and jailing families betrays a truth about my colleagues.

They are more willing to scapegoat and sacrifice the well-being of immigrants, children—that they say they care so much about—babies—that they say they care so much about—veterans, the elderly and people experiencing poverty than they are to do the hard work of owning up to their failures, their hypocrisy, their ineffective leadership.

It is hypocritical to target immigrants when many of the people in this Chamber have reaped the benefits of immigrant labor and have become wealthy on the backs of immigrant sacrifice.

Let me tell you what my mother tells me about her journey. It takes courage to cross a border, to seek a job, or to pursue an opportunity to raise their children in safety.

The courage of our people stands in stark contrast to the cowardice of my colleagues. There is nothing people-centered about this Republican CR. There is nothing noble or redeeming about it. It is time for a clean CR that does not scapegoat the people this Nation has been built on, and let’s stop indulging the cowardice of my colleagues.

For this reason, Mr. Speaker, at the appropriate time I will offer a motion to recommit this bill back to committee. If the House rules permitted, I would have offered the motion with an important amendment to my bill. That amendment would strike the section that makes 30 percent cuts across the board.

Mr. Speaker, I ask unanimous consent to include the text of my amendment in the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. DIAZ-BALART. Mr. Speaker, I would remind my colleagues in the House and the American people that last year, 900 immigrants died trying to cross the border. That is not humane. That is insane, and that we are not willing to look away and tolerate in the name of what? No. That is what is intolerable.

I will not be lectured, Mr. Speaker, when 900 migrants died trying to get to the United States, and when there are thousands of children who are now missing that were supposed to be taken care of by the United States Federal Government.

You don't hear about that. That is not humane. This legislation puts an end to that insanity.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. JORDAN), the chairman of the Committee on the Judiciary.

Mr. JORDAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the fiscal year ends in 36 hours. This bill funds the government. We have a \$2 trillion deficit, \$33 trillion debt. This bill cuts spending.

We have a border that is wide open. This bill secures the border.

Those are three simple commonsense things, but the most important of those three is the one that Mr. DIAZ-BALART was just talking about, the border situation.

Mr. Speaker, 2021 was the highest number on record for illegal migrants entering the country, the highest year on record until 2022, and that was the highest year on record until this year. That is how bad this is.

Here is the important point: It is not just conservatives, it is not just Republicans talking about securing the border, the mayor of New York said the migrant crisis will "destroy New York City."

Everyone in the country knows what needs to be done. This bill does it and does it in a commonsense way. Reasonable cuts in spending to deal with the huge deficit we have, but most importantly it addresses the most pressing issue we have.

The most pressing issue in the country today is the border situation. Everyone in the country knows it, it seems, except Democrats in the United States Congress.

Mr. Speaker, I urge a "yes" vote.

Ms. DELAURO. Mr. Speaker, I would take a second to tell the gentleman from Ohio that 232,000 people in Ohio will be without low-income energy assistance benefits.

Further, there will be 5,500 teachers who will be pulled out of classrooms, and the families in both instances will suffer while the gentleman talks about issues that are not truly affecting what is happening in the everyday lives of the people that he represents.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me take a moment to offer my deepest sympathy to the people of California, her family, and the people of this Nation on the passing of Senator FEINSTEIN.

Mr. Speaker, this is a serious moment in history. This is a serious moment for patriots and persons courageous enough to do the right thing.

I started out this morning by saying it will be the American people that will

suffer, but it will be my neighbors in Houston and my fellow Texans.

We have a solution, and I think it should be very clearly stated. What my friends on the other side of the aisle are arguing is chaos and confusion. They are arguing no solution. They are shouting from the top of their lungs to be heard and to generate excitement for social media, but we have a very calm situation.

The Senate has voted 77–19 to put forward a reasoned extension, keeping the funding as it is, making sure our military is being paid, not cutting off women and children from supplemental nutrition—these are infants we are talking about—and taking care of communities, like the firefighters in the West who are suffering after fighting fires and other natural disasters.

They have a CR. It will come here. It has a privileged status. That status will allow us to vote. The government will be open, and then the engagement on issues that are in disagreement or agreement could be worked out.

If we continue this shrill talk and don't reasonably act courageously as patriots to be able to stop the suffering of the American people, we will have 50,000 pounds of cocaine here because we won't have Customs and Border officers.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. DELAURO. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman for yielding additional time.

Mr. Speaker, we will have 110,000 children—where their parents are going to work—that will have no Head Start slots; 65,000 will not have access to childcare; 60,000 seniors will be robbed of nutrition programs. Then we will have 2.3 million women, infants, and children, as I said, without WIC. No educational dollars, fewer teachers, 4,000 fewer safety inspections, and we will be undermining law enforcement.

So if everyone wants to be shrill, here is a solution. Bring the temperature down, pass the Senate CR, open the doors, and stop these draconian cuts because you are hurting the American people and my fellow Houstonians.

Mr. Speaker, I rise to speak in opposition to H.R. 5525 Continuing Appropriations and Border Security Enhancement Act, 2024.

The reckless funding proposal included in this bill would painfully impact the lives of millions of Americans by making disastrous cuts to programs that workers and families count on every day.

Mr. Speaker, my colleagues on the other side of the aisle are more focused on introducing unpopular and dangerous funding bills that cut virtually all non-defense discretionary funding by 8 percent than working on a bipartisan solution that could be enacted.

The Republican funding bill is a short-term radical solution and would only keep the government open until October 31, 2023.

This deadline guarantees Congress will need to pass another Continuing Resolution

(CR) and means either House Republicans will slash critical resources again at the end of October or the dangerous cuts in this extreme bill will be in place until Congress is able to pass all 12 full-year bills.

In exchange for keeping the government open, House Republicans are:

Slashing investments in the National Institutes of Health (NIH). Medical research into treatments and cures for diseases like cancer, Alzheimer's, and heart disease would be cut with the reduction of 2,000 research grants.

Furthering their goal of eliminating public education by cutting funding for Title I, IDEA, and Head Start. Cuts to Title I and IDEA would be the equivalent of removing more than 40,000 teachers and service providers from classrooms serving low-income students and students with disabilities. And approximately 100,000 children would lose access to Head Start, undermining early education for children in low-income communities and parents' ability to go to work.

Failing to support communities recovering from natural disasters. In the midst of hurricane season and with several response and recovery efforts to major disasters underway, this bill harms FEMA's readiness by failing to address the urgent need for additional Disaster Relief Funds to address existing shortfalls and respond to future unknown disasters.

Cutting border security funding. Despite claims that this bill prioritizes border security, it does the opposite by cutting funding critical to those operations. The bill would ensure disruption and chaos at the border, harm our economy, empower transnational criminal organizations, endanger communities, and put our agents' and officers' lives at risk.

Neglecting our water infrastructure by cutting funds to the Army Corps of Engineers. House Republicans are cutting funds to the Army Corps of Engineers Construction activities by 21 percent. With \$444 million slashed from the Corps of Engineers' Construction activities, projects critical to waterway navigation of supply chains, reducing flood and storm damage, or providing ecosystem restoration would freeze.

Taking food out of the mouths of children, families, and seniors. House Republicans are threatening food safety, raising the costs of food, and killing jobs in rural communities by slashing the Food Safety and Inspection Service (FSIS) by 11 percent (or \$124 million).

Turning their backs on America's small businesses. The Small Business Administration (SBA), Entrepreneurial Development Programs would be cut by 8.1 percent. This means approximately 107,000 fewer small businesses would be assisted. This would have a significant impact on underserved communities such as Veterans, Women, and Native American entrepreneurs.

Slashing resources for the 988 Suicide & Crisis Lifeline and Opioid Use Disorder treatment. The Republican CR cuts funding for the 988 Suicide and Crisis Lifeline by 18 percent. Nearly 1 million people facing a suicidal or mental health crisis would be unable to access support services through the 988 Suicide and Crisis Lifeline, and thousands of individuals would be denied admission to opioid use disorder treatment, denying them a potentially life-saving path to recovery.

Mr. Speaker, their unrealistic proposals almost guarantee that our government will shut down tomorrow at midnight.

A Republican government shutdown would hurt hard working families in Texas:

172,877 active duty and reserve personnel serving our nation's armed forces in Texas would be forced to go without the pay they earn during a shutdown.

The Small Business Administration would stop processing small business loans, halting a program that provides \$2,742,702,800 in funding to small businesses in Texas every year.

176,276 people flying through Texas airports every day would face potential delays and safety concerns due to staffing impacts on TSA agents and air traffic controllers.

786,686 people in Texas would soon lose access to Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits.

168,413 federal workers in Texas would be furloughed or forced to work without pay, in addition to the many employees of businesses with government contracts who could be laid off, furloughed, or see their hours cut.

Workers at the Food and Drug Administration (FDA) would be sidelined, risking interruptions and delays to the 892 food safety, pharmaceutical manufacturing, and other inspections conducted in Texas last year.

The Department of Agriculture would be forced to stop processing housing loans, which provide \$456,125,359 in funding to help 2,742 families in rural Texas communities buy homes every year.

The Department of Agriculture would be forced to stop processing farm loans which provide \$209,391,000 in funding for farmers in Texas every year.

3,291,584 Supplemental Nutrition Assistance Program (SNAP) beneficiaries in Texas would lose access to benefits in a prolonged shutdown.

5,413,161 people who visit national parks in Texas every year would be turned away or unable to fully access parks, monuments, and museums.

State governments would be forced to pay for federal services like the Temporary Assistance for Needy Families (TANF) program, potentially risking benefits for the 20,846 TANF beneficiaries in Texas.

Mr. Speaker, I urge all my colleagues to oppose H.R. 5525 as its passage would be detrimental to lives of millions of Americans.

Mr. DIAZ-BALART. Mr. Speaker, I will remind everyone what we are talking about today.

This keeps the government open. It secures the border, and it, frankly, reduces wasteful spending. That is what we are dealing with here.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ROY).

Mr. ROY. Mr. Speaker, I thank my friend from Florida for yielding.

Mr. Speaker, I rise in support of this legislation, strongly in support of this legislation.

This is legislation that will make sure our troops are paid. It will make sure that our military can continue to do its job. It will make sure that our border is secured, and it will simply return funding of the Federal bureaucracy to pre-COVID levels. That is what we are talking about here. That is what my colleagues on the other side of the aisle are so up in arms about,

that we must have a bureaucracy, bloated with massive expenditures in a post-COVID universe, or your life, as you know it, is going to end.

When the Declaration of Independence was written, when our unalienable rights to life, liberty, and the pursuit of happiness were drafted, those rights did not emanate from this floor.

That pursuit of happiness did not come from this floor or anywhere in this building because this building didn't exist. It didn't come from Congress because Congress didn't exist.

The fact is that no matter what happens heading into this weekend, whatever the result, there are 50 State governments that are continuing to operate. There are 3,000 counties, county governments operating. There are 20,000 city and municipalities with governments operating; 12,000 independent school districts, because we have a Federal system of government and we are supposed to take care of ourselves and our families and our communities. We are not supposed to bankrupt our country and devalue the dollar and drive up inflation such that the American people can no longer afford to live.

That is what my colleagues on the other side of the aisle are doing with blank checks, with more borrowing, more taxing, more spending, destroying the future of this country. That stops now. We stand up on this side of the aisle for sanity and a secure border.

Mr. Speaker, I support this legislation.

Ms. DELAURO. Mr. Speaker, I find it hard to believe that the gentleman from Texas believes that wasteful spending is on teachers who really teach our youngsters, and 14,000 of them will be gone in the State of Texas.

I find it hard to believe that it is wasteful spending to deal with 77,000 people who will lose their LIHEAP benefits. Is that wasteful spending, for people to have heat or be cooled or kids being taught in school?

Let's talk about wasteful spending and the tax cuts my colleagues on the other side of the aisle are willing to give the richest one-tenth of 1 percent of the people in this country and the richest corporations, and tax cheats, I might add, as well.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ESPAILLAT), the distinguished ranking member of the Legislative Branch Subcommittee.

Mr. ESPAILLAT. Mr. Speaker, I rise in strong opposition to H.R. 5525, the so-called spending reduction and border security act.

You want border security, Mr. Speaker, let's do comprehensive immigration reform. Let's do it the way Ronald Reagan did it back in the day: He looked at everybody, all the families, and allowed the men to work and contribute to our economy.

This is a reprehensible and irascible spending bill that slashes critical resources from working-class families.

House Republicans are defunding law enforcement. The so-called party of public safety is now defunding law enforcement. So if something is happening in your district or your neighborhood and you call the police and they are late, law enforcement should blame it on these cuts. The response time will be impacted dramatically.

Social Security offices will be closing. Yes, I have seen the lines going around the block with seniors as early as 6 o'clock in the morning.

Guess what? They will be closing.

This bill is taking food out of children's mouths, and the mouths of families, impacting Title 1 schools with poverty levels—never seen before poverty levels, and Title 3 students, English language learners, and taking thousands upon thousands of teachers out of the classroom. Is this the way to avoid a shutdown?

□ 1245

This is a way to hurt families—working-class families, middle-class families—that depend on these vital programs, Mr. Speaker, to survive and move forward.

Nearly 150,000 teachers and service providers will be removed from the classroom serving low-income students and students with disabilities.

In addition to that, approximately 275,000 kids will lose access to Head Start—Head Start, the only surviving program from the sixties that gives a head start to children will be cut.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DONALDS), a friend and neighbor of my district.

Mr. DONALDS. Mr. Speaker, \$2 trillion deficit, \$33 trillion in debt, and Washington just wants to continue to grow.

Mr. Speaker, 20 percent inflation year over year is crippling every family in our country, and 8 percent mortgage rates are squeezing our real estate market, and Washington just wants to grow and grow.

Our cities are overrun with migrants because of the reckless policies of the President of the United States. Fentanyl is killing 85,000 Americans year over year, and congressional Democrats refuse to secure the border.

Mr. Speaker, enough is enough. This bill does one very important thing—really two very important things.

Number one, it returns our government back to pre-COVID spending levels of 2019. COVID-19 is over. Why can't our government live within its means? Our people have to live within their means; our government should, as well.

I remember when there was a baby formula shortage and mothers couldn't get food for their infants. Joe Biden was nowhere. Congressional Democrats were nowhere. All they said was spend more money while the problems persisted.

They are building shelters in parks in New York City to house migrants, and congressional Democrats say there is

no issue at the border even though everybody sees the problems that exist.

This is the time to secure the border of our Nation and to cut wasteful spending in our government. If we are going to have a society and a government worthy of the people that we serve, Washington has to do something that Washington never seems to want to do: restrain itself.

We have a fundamental obligation to secure this Nation and to secure the people that we all serve.

Coming out here talking about what is going to happen with WIC is not going to solve the problem. Talking about the fiscal health of this Nation is going to solve the problem.

Our national debt has been downgraded twice now. The Democrats want to spend more money. Support this measure.

Ms. DELAURO. Mr. Speaker, to both of the gentlemen from Florida, 8,500 teachers, gone. Think about the kids who are going to school and there is no teacher for them. Think about folks who need to heat or cool their homes. We are looking at 36,000 households that will be without those benefits.

Do they really care about those folks? Probably not.

As a Democrat, I took the lead on the infant formula crisis—I don't know where my colleague was during that crisis—and called to attention a company that knowingly sold tainted product and wound up killing three or four people. I don't know where he was during that. I know where I was, and I know where the administration was.

Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the distinguished ranking member of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding.

I rise today in strong opposition to H.R. 5525, a bill more designed to appease the extreme MAGA wing of the Republican Party than to stave off a government shutdown.

With just hours remaining before our Nation is thrust into an unnecessary shutdown, the House is being forced to waste time on a measure that would impose draconian cuts to vital Federal programs and compel the enactment of H.R. 2, the child deportation act.

When we considered H.R. 2 in May, I called it a cruel, extreme, unworkable immigration and border security measure.

Time has not been kind to the bill.

It still would wreck our economy, cripple our ports of entry, destroy the asylum system, criminalize visa overstays, force unaccompanied children into dangerous situations, jail families and children indefinitely, and on top of all that, worsen conditions at the border.

The child deportation act would upend CBP's ability to process migrants at ports of entry and bar funding to humanitarian organizations that

provide shelter, transportation, and legal assistance to children and families fleeing horrific conditions.

Moreover, it does nothing to stem the deadly flow of fentanyl into the United States.

The Senate will not take up H.R. 5525, and it will never go to the President's desk. The House must come together today and stop coddling extreme MAGA members looking to get former President Trump's failed illegal and immoral policies enacted into law. I urge my colleagues to join me in defeating H.R. 5525 and call upon the Speaker to have the House consider the Senate's bipartisan continuing resolution.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. CISCOMANI), a Member whose life story symbolizes what the American Dream is all about, and a member of the Appropriations Committee.

Mr. CISCOMANI. Mr. Speaker, I thank my friend for yielding. We are living in a border crisis, the worst one that we have ever seen. The numbers show what used to be bi-annual numbers are now monthly and even weekly numbers. There is no denying where we are.

The Tucson sector, which is where I live, has seen the worst of this, Mr. Speaker. We are at home seeing street releases now, just last week allowing 11,000 apprehensions and during this month about 40,000. These are, again, annual numbers in the past, and now they are what we consider almost on a weekly basis.

Now, I live in a county that is on the border, and we are seeing it firsthand. I know exactly how life is there. As MARIO DIAZ-BALART, my good friend from Florida mentioned, I am an immigrant myself. I know the journey. I became a U.S. citizen in 2006 and became a U.S. Congressman in 2022, 16 years later.

I know this country is the country of opportunity. I get why people want to come here. However, this administration has allowed the cartels to run amuck and handle the border and abuse people as they are trying to do so.

Our local communities are suffering because of that. They are the ones carrying the burden. We have cries from help from both sides of the aisle. I hear from mayors that are Democrats, mayors that are Republicans. It doesn't matter the party, they are all being impacted the same way.

This administration has not prioritized this crisis.

I will tell you, living on the border I understand what I call the three buckets. We can talk about immigration, we can talk about trade and commerce, and we can talk about security, and all three are suffering right now because of the lack of attention on this issue.

It is also a humanitarian problem when this administration has lost track of 85,000 minors. This is nothing short of a humanitarian crisis, as well.

Not even that will make the President wake up to this.

This is the worst time to be on the verge of a shutdown in less than 48 hours. We cannot shut down. We have to do what we can to protect our border and keep our government funded.

Mr. DIAZ-BALART. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Florida has 10 minutes remaining. The gentlewoman from Connecticut has 10½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I remind the gentleman from Arizona that there will be 63,000 households in Arizona that will be without the low-income energy assistance benefits. These are not just numbers. These are people, and we are making their lives more difficult at a time when there is serious inflation and when there is, in fact, a high cost of living.

My colleagues on the other side of the aisle are only adding and increasing to that high cost of living.

I might also remind the gentleman from Arizona that we are looking at about 2,800 teachers.

Now, again, these are not just numbers. Children go to school. If there is no teacher to teach them, what is the result? What happens to parents when they find out that their child's teacher is gone? If there was a teaching shortage before, this will make it even worse. That is the result of the cuts that my colleagues on the other side of the aisle want to make. It is there. It is in black and white. You can't make up the numbers.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Mr. Speaker, there are human beings behind every single number that we talk about. Folks want to debate policy and different kinds of extremist agenda items when they are in charge. They can have committee hearings and deal with it separately, but right now we are literally hours away from direct impact on children and families and even the Federal workers, many of whom are living paycheck-to-paycheck.

A government shutdown will harm the American people. That should be at the center of the urgency that needs to be met in this Chamber as we move forward.

I know in Michigan I am going to see 207,000 women and children lose the WIC program that provides nutrition assistance, and literally 120,000 of them are children.

I still remember, Mr. Speaker, in 2019 there was a shutdown for 35 days. Colleagues were wondering why the Federal workers were in food bank lines. Why can't they get loans, one of them said. What are you talking about? These are Federal workers who are living—like a majority of Americans—paycheck-to-paycheck, and you are expecting them to pay their rent, get

food on the table, all the utilities which continue to go up, but let's go ahead and cut LIHEAP by 75 percent.

Republicans' priorities in this Chamber are clear: starve, evict families living in poverty, and cut people from essential services. They don't care. You don't care because they are going to continue to get paid. You all are going to continue to get paid while your residents are being impacted. If I hear you lying one more time to the American people and saying that Federal employees are going to get paid, they are not. They are going to be forced to work with no pay, especially those on military bases, especially those that, again, are on the front lines that cannot just sit at home while you all fight amongst each other.

It is time for Republicans to stop playing these games with the American people's lives. They know this is an extremist bill; many of them know. It is not going to go anywhere.

The American people, Mr. Speaker, deserve better.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PFLUGER).

Mr. PFLUGER. Mr. Speaker, I rise in strong support of House Republicans' plan to cut spending to keep government open and to shut down the border. The President has failed Americans. He has failed Texans. He has failed us by not securing our border.

Mr. Speaker, 7½ million illegal immigrants, 150 people just this year who matched the terror watch list, 13,000 criminals, 100,000-plus fentanyl poisoning deaths is unacceptable. Enough is enough.

This plan, which would also include H.R. 2, the most secure border act in decades, puts the President on notice.

Now is the time.

This is the most important border security vote in 20 years. This vote right here not only cuts spending, but it shuts down the border and the disaster, the chaos, and the unacceptable level of death that our President has caused.

This bill deserves our attention. I urge my colleagues to cut the spending, to keep the government open, and to shut down the border.

Ms. DELAURO. Mr. Speaker, I remind the gentleman from Texas that the eyes of the people of Texas are upon you when you are thinking about really 77,000 seniors and kids without any benefits from the low-income energy assistance program and also 14,000 teachers will be gone from Texas schools.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. CLARKE).

□ 1300

Ms. DELAURO. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Mr. Speaker, I rise on this day in opposi-

tion to the continuing resolution, which includes the Republican extreme and restrictive immigration and border security legislation, H.R. 2.

This cruel legislation would force draconian restrictions and punishments on migrants and asylum seekers and set America's immigration priorities back decades. This bill would damage the asylum system, a process millions upon millions of vulnerable and desperate people and families have long depended on for their safety and future.

Instead of putting forth legislation that can pass the Senate and avert a government shutdown, extreme Republicans would rather hold the economy and border security hostage, throwing millions of lives into a tailspin.

Let's be clear. Any bill that would allow vulnerable migrant children to be inhumanely detained by Border Patrol for up to a month, to be ripped from their families and locked up from the world, is unacceptable. It is fundamentally un-American.

To treat innocent people who are looking for a better life in our Nation with such contempt, such vitriol, such callousness, while also making American families vulnerable in putting food on their tables, that is not leadership. It is called cowardice.

Every American, no matter how long their families have called this country their own, should be outraged at the GOP embracing the Trump administration's failed and immoral border policies to keep the government open.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. JOHNSON), an author of this bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, so often around here, we vote on half measures, narrow bills that, at best, address one issue in only a modest way. This is not that bill. This is an opportunity in one vote to shut the border, to keep the government open, and to reduce spending.

The five conservative leaders who, with me, crafted this proposal knew that bold action was needed.

Crisis one: We are \$33 trillion in debt. That is pushing us toward insolvency. That number has grown by 50 percent in just the last 4 years. This bill puts us back on the right track and cuts billions of spending, even just in the next month.

Two, a shutdown accomplishes nothing. It does not save a nickel. In fact, it costs the American taxpayers billions. This stopgap funding measure makes sure our government stays open.

Three, 1.8 million illegal crossings at our southern border is unacceptable. This bill puts into place the policies that we know work to secure our border.

Mr. Speaker, I will admit to not understanding fully those who oppose this bill. I do not understand why anyone would choose open borders over an open government.

Mr. Speaker, we are here to solve problems. Chaos is not a legislative

strategy. In a few moments, I will vote to keep the government open, to cut spending, and to secure our border. I urge my colleagues to do the same.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

It is almost laughable to think about chaos. I think the majority has demonstrated overwhelmingly in the last several days, the last several months, an unwillingness to govern, an inability to govern, and chaos, general chaos, here.

It is interesting. The gentleman is from South Dakota, where, last I understood, a little bit like the Northeast, in New England, it gets cold. It gets cold in the wintertime in South Dakota. The gentleman is happy to see 24,000 individuals not get energy assistance, low-income heating assistance. We may be taking up a collection of hats and coats and gloves, et cetera, because they are not going to get their LIHEAP benefits in a cold climate.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Speaker, we are here today because we think the government is going to shut down on Sunday. That is because there are supposed to be 12 separate bills that comprise our budget that were supposed to be passed by now. We have passed the four most important. Unfortunately, the Senate has not passed any, so we have to move forward from here.

We don't know what the shutdown means. I hope the press is on the ball and pays careful attention if anything is shut down that President Trump did not shut down a few years ago. There is a lot of flexibility for Presidents to show if they are compassionate or not. If there is anything shut down that President Trump didn't shut down, it is something we have to talk about.

Let's look at the problems we have in this country right now, two big problems. The first is what is going on at the border. We used to have about 10,000 cross the border. We are now over 200,000. We are addressing it. The American public is tired of paying more taxes and spending money and seeing an open border every night.

That is one of the reasons why we have to pass the bill. The other reason is we have to make a little bit of a dent in the out-of-control spending.

Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 5525.

Ms. DELAURO. Mr. Speaker, I want to let the gentleman from Wisconsin know that 195,000 households are beneficiaries of the LIHEAP program. They will be jettisoned from that program. If you think it is cold in this Chamber, head to Wisconsin and you will know how cold it is in the wintertime. Think twice about whether or not you will vote to cut 195,000 people's benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Chair, I yield 1 minute to the gentleman from Georgia (Mr. AUSTIN SCOTT).



Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I thought I would go ahead and respond because I know as soon as I sit down, the gentlewoman from Connecticut is going to talk about the schoolteachers in Georgia, and my sister is one of them. She gets her check from the county, in case you didn't know it. It kind of bothers me that you seem to think that they get a check from the Federal Government. They actually get paid by the county, as do our sheriff's deputies.

How did we get here? I have heard the left talk about the chaos caucus that we have, candidly, as Republicans and what gives them the power. It only takes five of them to create a disruption. How do five get the power? The five in our party get the power because the 212 of you on the Democratic side are going to vote with them to shut down the government.

Now, a continuing resolution is a 30-day piece of legislation that I will admit is not perfect, but it is better than a shutdown or the chaos that comes with a shutdown.

The idea that we as Republicans and the American citizens have to eat a \$2 trillion deficit or else you are going to shut down the government is absolutely ridiculous.

We are not at war. We are not in a recession. We are in no health emergency. Show a little responsibility.

The SPEAKER pro tempore (Mr. LAWLER). Members are reminded to direct their remarks to the Chair.

Ms. DELAURO. Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. MALLIOTAKIS).

Ms. MALLIOTAKIS. Mr. Speaker, I hope the American people are listening right now. The Democrats would rather shut down the government than end an unsustainable and unsafe border crisis that has flooded our streets with fentanyl, an unsustainable flow of illegal immigrants destroying New York City, as Mayor Adams says, and only enriching the drug cartels.

This bill is common sense, and everyone should support it. It does three things that the American people want. It avoids a shutdown; it cuts excessive, wasteful spending that has led us to a \$33 trillion debt; and it secures our border. It stops an unsustainable and unsafe crisis.

Mr. Speaker, I urge my colleagues to put taxpaying, hardworking American citizens and their safety first.

I heard my colleague from New York City say that it was cruel that we want to secure our borders. Do you know what is cruel? In New York City yesterday, at one of the migrant shelters, a 7-year-old girl was sexually abused. Do you know what is cruel? Somebody was stabbed at the Roosevelt shelter in Manhattan. The fact is, there are dozens of crimes being committed, and our mayor and you guys are doing nothing about it.

Mr. DIAZ-BALART. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Florida has 4¼ minutes remaining. The gentlewoman from Connecticut has 3½ minutes remaining.

Ms. DELAURO. Mr. Speaker, I find it unbelievable that the gentlewoman from New York would support a bill that cuts \$1 billion from our ally in the Middle East—that is, from Israel.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HILL).

Mr. HILL. Mr. Speaker, this is an important day. This Congress needs to come together to go back and get our spending under control and also get our border under control.

Both are of concern to the American people. We hear about it in our offices every day. The spending is unsustainable, but 200,000 people a month coming across the border and living in this country illegally is also unsustainable.

This bill is a product of hard work for weeks to give us time to complete our appropriations work, to negotiate with the Senate while at the same time reducing spending, which has been an avalanche of out-of-control spending for the last 2 years, and to secure our border.

Mr. Speaker, I stand in support of it, and I urge my colleagues to support it.

Ms. DELAURO. Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. MOLINARO).

Mr. MOLINARO. Mr. Speaker, after pouring trillions of dollars into the American economy, after ignoring the crisis at our southern border, after closing schools and forcing kids to learn from home, after denying life-affirming services to young people with disabilities, we have been lectured about how great these last 2 years have been for the American people.

We have, in this very moment, the ability to avert a government shutdown and, at the same time, finally take some responsibility for reckless, wasteful Federal spending.

There is no excuse to pick the pockets of hardworking American families who are already overburdened because of inflation, the high cost of gas, the high cost of groceries, the inability to access or find a job, and running up their credit cards.

We have the ability now to avert a government shutdown, control Federal spending, and secure the border, an open border that is taking too many American children's lives because of fentanyl and destroying communities all across this country.

The mayor of New York is saying the President has ignored his call and that inaction at the border is destroying the city of New York. We have, in this very moment, the ability to avert a shutdown, respect American taxpayers, and secure the American borders.

Ms. DELAURO. Mr. Speaker, I yield myself the balance of my time.

What we are looking at here is a piece of legislation that makes a 30 percent cut in programs that have a serious effect on the lives of the people in this country.

Let me just lay out some of them because these have not been talked about so far.

The National Institutes of Health will be cut. There would be a reduction of 7,000 research grants.

□ 1315

I think we have people in this Chamber on both sides of the aisle who have had a loved one with a cancer diagnosis or Alzheimer's or heart disease, but there is a willingness to cut the National Institutes of Health and thereby cut 7,000 research grants.

Let's take a look at our allies. We speak about Israel and Ukraine. Israel will receive a \$1 billion cut in the funds that the U.S. provides. We talk about Israel as being our closest ally in the Middle East.

People should understand what is in this bill. We defund—not we—my Republican colleagues defund law enforcement, reduce drug enforcement administration agents, Federal law enforcement officers, eliminate hundreds of State and local law enforcement.

They talk about crime, and they talk about law and order, but there is a willingness to cut the funds in order for us to make our communities safe.

Social Security offices, the field offices, would be forced to close down, reducing access to in-person services.

People applying for disability benefits will wait additional months for the processing of claims. That is what is in store with this bill if you support it.

Wildfire suppression efforts will be hindered, 57 percent cuts, and we know what devastation wildfires have had all over our country. Look at what happened in Maui.

Unbelievable that they would talk about a bill, extol a bill that has such devastating repercussions on the people of this country.

They slashed the resources for the 988 Suicide & Crisis Lifeline. Opioid use disorder. They are worried and talk about an opioid crisis, but let's cut off the avenue where people can get treatment and help and potentially save their lives.

Education. It is an abomination, what they will do to education because they are on a march to eliminate public education in the United States of America; that opportunity that all of our families have said: Go to school, get an education so that you can succeed.

Rural America? Let's care about rural America, not cutting the loans and grants for farmers and rural communities.

They will make it harder for farmers to access loans and grants, making home farm ownership more difficult. They cut rural housing, rural utility,

broadband to keep people in touch, and they eliminate health services for rural and underserved families.

Mr. Speaker, 2 million vulnerable individuals and families will lose access to healthcare services. They take food out of the mouths of children, families, and seniors.

Mr. Speaker, there needs to be a “no” vote on this irresponsible continuing resolution. I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, oh, so many words. Allow me, Mr. Speaker, to cut to the chase. We have a choice right now.

Vote “yes” to keep the Federal Government open, to control inflation-causing overspending, and to secure the southern border. That is a “yes” vote, or vote “no” to shut down the Federal Government, to keep the narco cartels in control of the southern border.

This is pretty simple. Government likes to complicate things. As politicians, we like to try to obfuscate reality.

This is very simple. We have a choice. I ask our colleagues to do the responsible thing; secure the border, stop out-of-control, inflation-causing spending, and, yes, keep the government open by voting “yes.”

Mr. Speaker, I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Speaker, in just over 24 hours, if we cannot come to an honest, responsible, and bipartisan solution on a continuing resolution to fund federal agencies, we will be forced into a government shutdown.

Our constituents are relying on us to work together to fulfill our constitutional responsibility to fund their government. Failing to do so will harm this nation’s children and families, our service members and veterans, our seniors and our next generation, and all those who depend on the services and investments our government provides.

Let me be clear: This is a completely avoidable, politically-manufactured crisis, but it will have real consequences for the American people.

The looming shutdown is the result of a failure to govern by the House Republican Majority, who have allowed this body’s legislative work to be undermined by an extreme MAGA faction that controls GOP leadership. Democrats in the House, President Biden, and a bipartisan Senate have been working for a solution to prevent a shutdown. This included compromising to meet Republican demands to cap spending levels for the next two years under the Fiscal Responsibility Act, which passed both the House and the Senate with bipartisan support and was signed into law by President Biden less than four months ago. But that wasn’t enough for these GOP extremists.

Instead of doing the serious work of moving bipartisan bills at those agreed upon levels, this Republican Majority has chosen chaos. They have chosen to waste months pursuing devastating cuts to the services the American people rely on, slashing investments in keeping people and our planet healthy—all while loading up their appropriations bills with toxic culture war provisions that are discriminating

and harmful to our families and our communities.

And the Continuing Resolution they have brought to the floor today is nothing more than a continuation of their denial of the serious work that needs to be done. It does nothing to avoid a shutdown.

Instead, Republicans are holding the American people hostage with a demand for a 30 percent cut across the board to federal agencies.

This would result in a 74 percent cut to our federal investments in the Low Income Home Energy Assistance Program (LIHEAP), literally leaving families in the cold that is already settling in back home in Minnesota.

They are proposing to cut nutrition support for Women, Infants, and Children by 30 percent, taking away a lifeline for hungry families and pregnant women.

They want to see investments in the health of our communities gutted:

Their bill would mean the loss of thousands of research grants to cure Alzheimer’s disease, cancers, and heart disease;

Thousands of my constituents would lose access to care at their Community Health Centers, as would millions more rural and underserved families nationwide;

Millions more who are struggling with opioid addiction or mental health crises would be denied life-saving support services.

There is no end to the harm and hurt that this extreme Republican Continuing Resolution would cause to our families, our economy, and our communities if passed into law. But Speaker MCCARTHY knows that there is no chance that this bill will become law because Democrats in the House, a bipartisan majority of Senators, and President Biden would never support this betrayal of our responsibilities to our fellow Americans.

Until the House Republican Majority stops catering to the bullies in their caucus, we cannot move forward on funding the federal government.

So I invite my colleagues on the other side of the aisle to stop the chaos.

Join us in doing the serious work of funding our government and meeting the needs of our constituents. With just five reasonable Republican votes, we can force Speaker MCCARTHY to take up a vote on a bipartisan solution.

America deserves better leadership than what the Chaos Caucus has to offer.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 741, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. RAMIREZ. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Ramirez of Illinois moves to recommit the bill H.R. 5525 to the Committee on Appropriations.

The material previously referred to by Mrs. RAMIREZ is as follows:

Ms. Ramirez moves to recommit the bill H.R. 5525 to the Committee on Appropriations with the following amendment:

Strike subsection (b) of section 101 of division A.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. RAMIREZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 210, nays 216, not voting 6, as follows:

[Roll No. 510]

YEAS—210

Adams	Garcia (TX)	Neal
Aguilar	Garcia, Robert	Neguse
Allred	Golden (ME)	Nickel
Auchincloss	Goldman (NY)	Norcross
Balint	Gomez	Ocasio-Cortez
Barragan	Gonzalez,	Omar
Beatty	Vicente	Pallone
Bera	Gottheimer	Panetta
Beyer	Green, Al (TX)	Pappas
Bishop (GA)	Grijalva	Pascarell
Blumenauer	Harder (CA)	Payne
Blunt Rochester	Hayes	Pelosi
Bonamici	Higgins (NY)	Perez
Bowman	Himes	Peters
Boyle (PA)	Horsford	Pettersen
Brown	Houlahan	Phillips
Brownley	Hoyer	Pingree
Budzinski	Hoyle (OR)	Pocan
Caraveo	Huffman	Porter
Carbajal	Ivey	Pressley
Cardenas	Jackson (IL)	Quigley
Carson	Jackson (NC)	Ramirez
Carter (LA)	Jackson Lee	Raskin
Cartwright	Jacobs	Ross
Casar	Jayapal	Ruiz
Case	Jeffries	Ruppersberger
Casten	Johnson (GA)	Ryan
Castor (FL)	Kamlager-Dove	Salinas
Castro (TX)	Kaptur	Sanchez
Cherfilus-	Keating	Sarbanes
McCormick	Kelly (IL)	Scanlon
Chu	Khanna	Schakowsky
Clark (MA)	Kildee	Schiff
Clarke (NY)	Kilmer	Schneider
Cleaver	Kim (NJ)	Scholten
Clyburn	Krishnamoorthi	Schrier
Cohen	Kuster	Scott (VA)
Connolly	Landsman	Scott, David
Correa	Larsen (WA)	Sewell
Costa	Larson (CT)	Sherman
Courtney	Lee (CA)	Sherrill
Craig	Lee (NV)	Slotkin
Crockett	Lee (PA)	Smith (WA)
Crow	Leger Fernandez	Sorensen
Cuellar	Levin	Soto
Davids (KS)	Lieu	Spanberger
Davis (IL)	Lofgren	Stansbury
Davis (NC)	Lynch	Stanton
Dean (PA)	Magaziner	Stevens
DeGette	Manning	Strickland
DeLauro	Matsui	Swalwell
DelBene	McBath	Sykes
Deluzio	McClellan	Takano
DeSaulnier	McCollum	Thanedar
Dingell	McGovern	Thompson (CA)
Doggett	McGovern	Thompson (MS)
Escobar	Meeks	Titus
Eshoo	Menendez	Tlaib
Espallat	Meng	Tokuda
Evans	Mfume	Tonko
Fletcher	Moore (WI)	Torres (CA)
Foster	Morelle	Torres (NY)
Foushee	Moskowitz	Trahan
Frankel, Lois	Moulton	Trone
Frost	Mirman	Underwood
Gallego	Mullin	Vargas
Garamendi	Nadler	Vasquez
Garcia (IL)	Napolitano	Veasey

Velázquez	Waters	Wild
Wasserman	Watson Coleman	Williams (GA)
Schultz	Wexton	Wilson (FL)

NAYS—216

Aderholt	Gallagher	Mills
Alford	Garbarino	Molinaro
Allen	Garcia, Mike	Moolenaar
Amodei	Gimenez	Mooney
Armstrong	Gonzales, Tony	Moore (AL)
Arrington	Good (VA)	Moore (UT)
Babin	Gooden (TX)	Moran
Bacon	Gosar	Murphy
Baird	Granger	Nehls
Balderson	Graves (LA)	Newhouse
Banks	Graves (MO)	Norman
Barr	Green (TN)	Nunn (IA)
Bean (FL)	Greene (GA)	Obernolte
Bentz	Griffith	Ogles
Bergman	Grothman	Owens
Bice	Guest	Palmer
Biggs	Guthrie	Pence
Bilirakis	Hageman	Perry
Bishop (NC)	Harris	Pfleger
Boebert	Harshbarger	Posey
Bost	Hern	Reschenthaler
Brecheen	Higgins (LA)	Rodgers (WA)
Buchanan	Hill	Rogers (AL)
Buck	Hinson	Rogers (KY)
Bucshon	Houchin	Rose
Burchett	Hudson	Rosendale
Burgess	Huizenga	Rouzer
Burlison	Hunt	Roy
Calvert	Issa	Rutherford
Cammack	Jackson (TX)	Salazar
Carey	James	Santos
Carl	Johnson (LA)	Scalise
Carter (GA)	Johnson (OH)	Schweikert
Chavez-DeRemer	Johnson (SD)	Scott, Austin
Ciscomani	Jordan	Self
Cline	Joyce (OH)	Sessions
Cloud	Joyce (PA)	Simpson
Cole	Kean (NJ)	Smith (MO)
Collins	Kelly (MS)	Smith (NE)
Comer	Kelly (PA)	Smith (NJ)
Crane	Kiggans (VA)	Smucker
Crawford	Kiley	Spartz
Crenshaw	Kim (CA)	Staubert
Curtis	Kustoff	Steel
D'Esposito	LaHood	Stefanik
Davidson	LaLota	Steil
De La Cruz	Lamborn	Steube
DesJarlais	Langworthy	Strong
Diaz-Balart	Latta	Tenney
Donalds	LaTurner	Thompson (PA)
Duarte	Lawler	Lee (FL)
Duncan	Lee (FL)	Tiffany
Dunn (FL)	Lesko	Timmons
Edwards	Letlow	Turner
Ellzey	Loudermilk	Valadao
Emmer	Lucas	Van Drew
Estes	Luetkemeyer	Van Duyne
Ezell	Luttrell	De La Cruz
Fallon	Mace	DesJarlais
Ferguson	Malliotakis	Diaz-Balart
Finstad	Mann	Donalds
Fischbach	Mast	Duarte
Fitzgerald	McCaul	Duncan
Fitzpatrick	McClain	Dunn (FL)
Fleischmann	McClintock	Edwards
Flood	McCormick	Ellzey
Foxx	McHenry	Emmer
Franklin, C.	Meuser	Estes
Scott	Miller (IL)	Ezell
Fry	Miller (OH)	Fallon
Fulcher	Miller (WV)	Feenstra
Gaetz	Miller-Meeks	Ferguson
		Finstad
		Fischbach
		Fitzgerald
		Fitzpatrick
		Fleischmann
		Flood
		Foxx
		Franklin, C.
		Scott
		Fry
		Fulcher
		Gallagher
		Garbarino

NOT VOTING—6

Bush	Clyde	Luna
Carter (TX)	LaMalfa	Peltola

□ 1339

Messrs. DUNCAN, BURCHETT, TURNER, DESJARLAIS, GREEN of Tennessee, COLE, BUCSHON, and Mrs. RODGERS of Washington changed their vote from “yea” to “nay.”

Messrs. GALLEGO and CLYBURN changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. DELAURO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 198, nays 232, not voting 3, as follows:

[Roll No. 511]

YEAS—198

Aderholt	Garcia, Mike	Miller-Meeks
Alford	Gimenez	Molinaro
Allen	Gonzales, Tony	Moolenaar
Amodei	Good (VA)	Moore (UT)
Armstrong	Gooden (TX)	Moran
Arrington	Granger	Murphy
Babin	Graves (LA)	Newhouse
Bacon	Graves (MO)	Norman
Baird	Green (TN)	Nunn (IA)
Balderson	Griffith	Obernolte
Banks	Grothman	Owens
Barr	Guest	Palmer
Bean (FL)	Guthrie	Pence
Bentz	Hageman	Perry
Bergman	Harris	Pfleger
Bice	Harshbarger	Posey
Bilirakis	Hern	Reschenthaler
Bost	Higgins (LA)	Rodgers (WA)
Brecheen	Hill	Rogers (AL)
Buchanan	Hinson	Rogers (KY)
Bucshon	Houchin	Rose
Burgess	Hudson	Rouzer
Calvert	Huizenga	Roy
Cammack	Issa	Rutherford
Carey	Jackson (TX)	Salazar
Carl	James	Santos
Carter (GA)	Johnson (LA)	Scalise
Chavez-DeRemer	Johnson (OH)	Schweikert
Ciscomani	Johnson (SD)	Scott, Austin
Cline	Jordan	Sessions
Cloud	Joyce (OH)	Simpson
Cole	Joyce (PA)	Smith (MO)
Collins	Kean (NJ)	Smith (NE)
Comer	Kelly (MS)	Smith (NJ)
Crane	Kelly (PA)	Smucker
Crawford	Kiggans (VA)	Spartz
Crenshaw	Kiley	Staubert
Curtis	Kim (CA)	Steel
D'Esposito	Kustoff	Stefanik
Davidson	Kustoff	Steil
De La Cruz	LaHood	Steube
DesJarlais	LaLota	Strong
Diaz-Balart	LaMalfa	Tenney
Donalds	LaMalfa	Thompson (PA)
Duarte	Lamborn	Tiffany
Duncan	Langworthy	Timmons
Dunn (FL)	Latta	Turner
Edwards	LaTurner	Valadao
Ellzey	Lawler	Van Drew
Emmer	Lee (FL)	Van Duyne
Estes	Lesko	Van Orden
Ezell	Letlow	Wagner
Fallon	Loudermilk	Walberg
Feenstra	Lucas	Walt
Ferguson	Luetkemeyer	Weber (TX)
Finstad	Luttrell	Webster (FL)
Fischbach	Malliotakis	Wenstrup
Fitzgerald	Mann	Westerman
Fitzpatrick	Massie	Williams (NY)
Fleischmann	Mast	Williams (TX)
Flood	McCarthy	Wilson (SC)
Foxx	McCaul	Wittman
Franklin, C.	McClain	Womack
Scott	McClintock	Yakym
Fry	McCormick	Zinke
Fulcher	McHenry	
Gallagher	Meuser	
Garbarino	Miller (OH)	
	Miller (WV)	

NAYS—232

Adams	Bowman
Aguilar	Boyle (PA)
Allred	Brown
Auchincloss	Brownley
Balint	Buck
Barragán	Budzinski
Beatty	Burchett
Bera	Burlison

Bush	Houlahan	Payne
Caraveo	Hoyer	Pelosi
Carbajal	Hoyle (OR)	Perez
Cárdenas	Huffman	Peters
Carson	Hunt	Petterson
Carter (LA)	Ivey	Phillips
Cartwright	Jackson (IL)	Pingree
Casar	Jackson (NC)	Pocan
Case	Jackson Lee	Porter
Casten	Jacobs	Pressley
Castor (FL)	Jayapal	Quigley
Castro (TX)	Jeffries	Ramirez
Cherfilus-	Johnson (GA)	Raskin
McCormick	Kamlager-Dove	Rosendale
Chu	Kaptur	Ross
Clark (MA)	Keating	Ruiz
Clarke (NY)	Kelly (IL)	Ruppersberger
Cleaver	Khanna	Ryan
Cloud	Kildee	Salinas
Clyburn	Kilmer	Sánchez
Cohen	Kim (NJ)	Sarbanes
Connolly	Krishnamoorthi	Scanlon
Correa	Kuster	Schakowsky
Courtney	Costa	Landsman
Craig	Larsen (WA)	Schiff
Crane	Larson (CT)	Schneider
Crockett	Lee (CA)	Scholten
Crow	Lee (NV)	Schrier
Cuellar	Lee (PA)	Scott (VA)
Davids (KS)	Leger Fernandez	Scott, David
Davis (IL)	Levin	Self
Davis (NC)	Lieu	Sewell
Dean (PA)	Lofgren	Sherman
DeGette	Lynch	Sherrill
DeLauro	Mace	Slotkin
DelBene	Magaziner	Smith (WA)
Deluzio	Manning	Sorensen
DeSaulnier	Matsui	Soto
Dingell	McBath	Spanberger
Doggett	McClellan	Stansbury
Escobar	McColum	Stanton
Eshoo	McGarvey	Stevens
Espallat	McGovern	Strickland
Evans	Meeks	Swalwell
Fletcher	Menendez	Sykes
Foster	Meng	Takano
Foushee	Mfume	Thanedar
Frankel, Lois	Miller (IL)	Thompson (CA)
Frost	Mills	Thompson (MS)
Gaetz	Mooney	Titus
Gallego	Moore (AL)	Tlaib
Garamendi	Moore (WI)	Tokuda
Garcia (IL)	Morelle	Tonko
Garcia (TX)	Moskowitz	Torres (CA)
Garcia, Robert	Moulton	Torres (NY)
Golden (ME)	Mrvan	Trahan
Goldman (NY)	Mullin	Trone
Gomez	Nadler	Underwood
Gonzalez,	Napolitano	Vargas
Vicente	Neal	Vasquez
Gosar	Neguse	Veasey
Gottheimer	Nehls	Velázquez
Green, Al (TX)	Nickel	Wasserman
Greene (GA)	Norcross	Schultz
Grijalva	Ocasio-Cortez	Waters
Harder (CA)	Ogles	Watson Coleman
Hayes	Orten	Wexton
Higgins (NY)	Pallone	Wild
Himes	Panetta	Williams (GA)
Horsford	Pappas	Wilson (FL)
	Pascrell	

NOT VOTING—3

Carter (TX)	Luna	Peltola
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□ 1346

So the bill was not passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1400

REMEMBERING THE HONORABLE DIANNE FEINSTEIN

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today to honor the late U.S. Senator DIANNE FEINSTEIN.