

Secure America Act

[Public Law 119–98]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 119–98. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To provide for reconciliation pursuant to title II of S. Con. Res. 33.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Sec. 101. U.S. Customs and Border Protection personnel.

Sec. 102. U.S. Immigration and Customs Enforcement.

Sec. 103. Border security, technology, and screening.

Sec. 104. Additional Department of Homeland Security appropriations.

TITLE II—COMMITTEE ON THE JUDICIARY

Sec. 201. U.S. Customs and Border Protection.

Sec. 202. U.S. Immigration and Customs Enforcement.

Sec. 203. Additional Department of Homeland Security appropriations.

TITLE I—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SEC. 101. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) PERSONNEL.—In addition to amounts otherwise available, there is appropriated to the Commissioner of U.S. Customs and Border Protection for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, \$9,550,000,000, to remain

available until September 30, 2029, to hire, pay, train, and equip Border Patrol agents and Border Patrol support personnel to conduct functions other than immigration enforcement and customs functions.

(b) RESTRICTION.—None of the funds made available by subsection (a) may be used to recruit, hire, or train personnel for the duties of processing coordinators after October 31, 2028.

SEC. 102. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

In addition to amounts otherwise available, there is appropriated to the Director of U.S. Immigration and Customs Enforcement for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, \$7,450,000,000, to remain available until September 30, 2029, to hire, pay, train, and equip Homeland Security Investigations agents and support personnel and to provide other necessary expenses for Homeland Security Investigations' mission support and operations and maintenance, of which \$108,500,000 shall be used to hire, pay, and equip additional child exploitation investigators and forensics analysts at the Victim Identification Laboratory of the Child Exploitation Investigations Unit of Homeland Security Investigations and at the Homeland Security Investigations offices of the Special Agent in Charge to support the identification and rescue of victims of child sexual exploitation and abuse, and to train such personnel and State and local law enforcement regarding identifying victims of child sexual exploitation and abuse within the Homeland Security Investigations Cyber Crimes Center, except that funds provided in this section shall be used for functions other than those related to Homeland Security Investigations' immigration enforcement and customs enforcement missions.

SEC. 103. BORDER SECURITY, TECHNOLOGY, AND SCREENING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Commissioner of U.S. Customs and Border Protection for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2029, \$3,450,000,000 for the following:

(1) Procurement and integration of new nonintrusive inspection equipment and associated civil works, including artificial intelligence, machine learning, and other innovative technologies, as well as other mission support, to combat the entry or exit of illicit narcotics at ports of entry and along the southwest, northern, and maritime borders.

(2) Air and Marine operations' upgrading and procurement of new platforms for rapid air and marine response capabilities.

(3) Upgrades and procurement of border surveillance technologies along the southwest, northern, and maritime borders.

(4) Necessary expenses, including the deployment of technology, relating to the biometric entry and exit system under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b).

(5) Enhancing border security by combating drug trafficking, including fentanyl and its precursor chemicals, at the southwest, northern, and maritime borders.

(6) Necessary expenses for U.S. Customs and Border Protection's mission support and operations and maintenance for functions other than those related to its immigration enforcement and customs missions.

(b) RESTRICTIONS.—None of the funds made available under subsection (a) may be used for the procurement or deployment of surveillance towers along the southwest border and northern border that have not been tested and accepted by U.S. Customs and Border Protection to deliver autonomous capabilities.

(c) DEFINITION OF AUTONOMOUS.—In this section, with respect to capabilities, the term “autonomous” means a system designed to apply artificial intelligence, machine learning, computer vision, or other algorithms to accurately detect, identify, classify, and track items of interest in real time such that the system can make operational adjustments without the active engagement of personnel or continuous human command or control.

SEC. 104. ADDITIONAL DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS.

In addition to amounts otherwise available, there are appropriated to the Secretary of Homeland Security for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, \$2,500,000,000, to remain available until September 30, 2029, for the purposes provided in this title.

TITLE II—COMMITTEE ON THE JUDICIARY

SEC. 201. U.S. CUSTOMS AND BORDER PROTECTION.

In addition to amounts otherwise available, there is appropriated to the Commissioner of U.S. Customs and Border Protection for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, \$13,020,000,000, to remain available until September 30, 2029, for hiring, paying, training, and equipping U.S. Customs and Border Protection agents, and the necessary support staff, and to provide other necessary expenses for U.S. Customs and Border Protection mission support and operations and maintenance, in order to carry out immigration enforcement activities.

SEC. 202. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

In addition to amounts otherwise available, there is appropriated to the Director of U.S. Immigration and Customs Enforcement for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, \$31,075,000,000, to remain available until September 30, 2029, for the following purposes:

(1) HIRING, PAYING, AND TRAINING.—Hiring, paying, training, and equipping U.S. Immigration and Customs Enforcement personnel and the personnel for all its directorates, including officers, agents, investigators, attorneys and support staff, to carry out immigration enforcement activities.

(2) TRANSPORTATION.—Funding for transportation costs and related costs associated with alien departure or removal operations.

(3) INFORMATION TECHNOLOGY.—Funding for information technology maintenance and sustainment to support enforcement and removal operations, including improvements to fee collections and body-worn cameras.

(4) FACILITY MAINTENANCE AND SUSTAINMENT.—Funding for facility maintenance and sustainment to support enforcement and removal operations.

(5) FLEET MAINTENANCE AND SUSTAINMENT.—Funding for fleet maintenance and sustainment to support enforcement and removal operations.

(6) 287(G) AGREEMENTS.—Supporting coordination with state and local authorities by expanding, facilitating, and implementing agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(7) OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—Hiring and paying attorneys and the necessary support staff within the Office of the Principal Legal Advisor to represent the Department in immigration enforcement and removal proceedings.

(8) OPERATION AND MAINTENANCE.—Necessary expenses for U.S. Immigration and Customs Enforcement’s mission support, including awards, and operations and maintenance for its immigration enforcement functions.

(9) OPERATIONS BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT TO ARREST RELEASED COVERED UNLAWFUL ALIENS.—

(A) IN GENERAL.—Not less than \$350,000,000 for U.S. Immigration and Customs Enforcement for necessary expenses, in accordance with existing law, of detainer management, detainer issuance, custodial transfer, release monitoring, transportation, and arrests of covered unlawful aliens encountered in jurisdictions that are not qualified cooperating jurisdictions, except that no Indian tribal government shall be treated as a jurisdiction that is not a qualified cooperating jurisdiction for purposes of this subparagraph.

(B) QUALIFIED COOPERATING JURISDICTION DEFINED.—In this paragraph, the term “qualified cooperating jurisdiction” means a State or political subdivision of a State that, as of the date of the enactment of this Act—

(i) is party to a written agreement in effect under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(ii) has in effect, and has filed with the Secretary in such form and manner as the Secretary may prescribe, a certification that such State or political subdivision is in compliance with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644).

(C) LIMITATION ON USE OF FUNDS.—None of the funds appropriated pursuant to this paragraph may be used, except as required by existing law, to release, parole, place on alternatives to detention, transport for purposes of re-

lease, or otherwise facilitate the release into the community of any covered unlawful alien encountered.

(D) COVERED UNLAWFUL ALIEN DEFINED.—In this paragraph, the term “covered unlawful alien” means an adult alien who—

(i) is described in section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1));

(ii) is inadmissible under section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2));

(iii) is deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(iv) following an arrest, charge, booking, or conviction for a criminal offense under Federal, State, or local law, other than a minor traffic offense, is the subject of an immigration detainer, notice request, or custody-transfer request issued by the Department of Homeland Security pursuant to section 236, 241(a), or 287 of such Act (8 U.S.C. 1226, 1231(a), or 1357); or

(v) has been charged with or convicted of an offense described in section 275 or 276 of such Act (8 U.S.C. 1325 or 1326).

SEC. 203. ADDITIONAL DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, \$2,500,000,000, to remain available until September 30, 2029, for the purposes provided in this title or in paragraph (3) or (7) of section 100051 of Public Law 119-21.