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Senate

The Senate met at 3 p.m. and was called to order by the Honorable TAMMY DUCKWORTH, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Lord of all nations, illuminate the hearts of our Senators today. Enable them to shine Your light into our Nation and world, not to glorify themselves but to honor You. Give them the power of ethical fitness that will enable them to reinforce lofty rhetoric with righteous actions. As they face daunting challenges, lift the light of Your countenance upon them. Lord, keep them from growing weary in doing what is right as You remind them of the certainty of a bountiful harvest. Help them to see the great results that come from seeking to do Your will.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 5, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TAMMY DUCKWORTH, a Senator from the State of Illinois, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Ms. DUCKWORTH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SUPPLEMENTAL FUNDING

Mr. SCHUMER. Madam President, yesterday evening, after months of persistence, hard work, and arduous negotiations, a bipartisan group of Senators released the text of the emergency national security supplemental package. The bipartisan package is 4 long, tireless months in the making. Everyone worked doggedly to piece this bill together, from Senators to Senate staff, to the Biden administration. I must have called the negotiators hundreds of times, calling every day, multiple times a day.

I want to thank President Biden for his leadership and for making it clear from day one that he was willing to compromise with Republicans to get this agreement done.

I wish to thank my Senate colleagues who worked ceaselessly on this package—including Senators MURPHY, SINEMA, LANKFORD, MURRAY, COLLINS—as well as Secretary Mayorkas and the rest of the administration. And all of our staffs worked so long and so diligently. We are blessed in the Senate to have great, hard-working, dedicated staffs.

Now, at times, I know it seemed as if negotiations would fall off the tracks. Many on the outside rooted loudly for this effort to fail. But everyone persisted and persisted. Even in dark moments, I reminded my colleagues of the immense stakes in this bill, and, to their everlasting credit, they kept moving forward. And now we have a bill.

The $64,000 question now is whether or not Senators can drown out the outside noise, drown out people like Donald Trump who want chaos, and do the right thing for America. I urge Senators of goodwill on both sides of the aisle to do the right thing and tune the chaos out. History is going to look over our shoulders and ask if the Senate rose to the occasion. We must—we must—act.

In a few moments, I will file cloture on the motion to proceed to the vehicle of the national security supplemental. This vote will be the most important that the Senate has taken in a very long time to ensure America's future prosperity and security. That is how important the vote on this national security supplemental is.

Senators should expect the first vote on this bill to come Wednesday. Everyone will have had 3 days to read this bill before taking a vote. We must keep working until the job is done. Passing this bill is too important to let the calendar get in the way.

Getting to this point was never guaranteed. A security package that includes bipartisan border legislation is one of the hardest things the Senate has tackled in years. From the start, I said the only way we would succeed was if both sides were serious about reaching a bipartisan package. I worked very hard to give negotiators the space they needed to do their work and to create an environment where bipartisanship could take root.

Many on the hard right wanted to hijack this process by demanding we take up H.R. 2, but I made clear the

only bill I would bring to the floor was one that could win bipartisan support. Not a single Democrat in the House or Senate voted for H.R. 2.

Today, I am proud that, after 4 months of hard negotiations, we indeed have a bipartisan agreement that is a product of compromise, hard work, and persistence. I am hopeful that enough Senators understand that this bill is too important—too important—to let politics get in the way, because, if we fail the Ukrainian people, then Vladimir Putin will likely succeed in his invasion of Ukraine. Putin will be emboldened, and Western democracy will face the greatest threat it has seen in decades.

If we don't help Israel defend itself against Hamas, the dangers of another October 7 will persist, and the war in the Middle East could grow much worse.

If we don't deliver humanitarian aid to Gaza, countless of innocent Palestinian civilians will be denied lifesaving assistance that cannot wait.

And if we don't secure our border right now, the crisis our Republican colleagues talk about so much is only—only—going to get worse.

Everyone agrees the border is a mess. For years—years—our Republican colleagues have demanded we fix the border. All along, they said it should be done through legislation. Only recently did they change that, when it looked like we might actually produce legislation.

Well, we are producing legislation in a bipartisan way, and, now, unfortunately, many on the hard right are running, are turning their back on this package. Everyone is asking the same question: Are MAGA Republicans serious about fixing the border or is this merely political?

If Senate Democrats wrote this national security supplemental entirely on our own, of course, it would look different. But we live in an era of divided government, and that means that both sides have to compromise if we want to pass a bill.

This bipartisan agreement is not perfect, but given all the dangers facing America, it is the comprehensive package our country needs right now. It will provide tens of billions in military assistance for Ukraine so they have more access to Javelins, ammunitions, Stingers, howitzers, and more. It gives Israel the security assistance it needs to resist those who wish to wipe a Jewish State off the map. It delivers lifesaving humanitarian assistance—food, water, medicine, clothing—not just for innocent civilians in Gaza but for growing humanitarian needs around the world. And it holds the line against the Chinese Communist Party in the Indo-Pacific.

It has other items we are very proud of too: hundreds of millions for the Nonprofit Security Grant Program to protect synagogues, churches, mosques, HBCUs, and other nonprofit organizations victimized by discrimination and hate. This is something I have worked very hard to secure for years.

It also includes the FEND Off Fentanyl Act, something we worked very hard on to pass in the Defense authorization bill. We are glad it has been included here.

And, of course, thanks to months and months and months of hard work by Senators MURPHY, SINEMA, LANKFORD, MURRAY, and COLLINS, and our staffs, and many, many others who provided their input, this supplemental package is a real opportunity for Congress to finally address America's borders and make progress toward a more efficient and well-resourced system. It will cut years of delay in the asylum process, while ensuring fair outcomes. It will invest in more frontline personnel and provide more funding for the border.

Make no mistake about it. Fixing our immigration system will not finish with this bill. Democrats will keep fighting to reach our ultimate goal of comprehensive immigration reform.

I believe so strongly in comprehensive reform. As you will recall, I led the Gang of 8 in 2013 to pass it, and we will keep fighting for it once our work on this supplemental is done.

In the coming days, I urge Senators on both sides to think carefully about what is at stake in this legislation. This moment, this bill, the actions here in the next few days are an inflection point in history, where the security of our Nation and of the world hangs in the balance. I know a majority of Senators want to get this done, and I know it will take bipartisan cooperation to move quickly. It is not going to be easy, but Senators owe it to the American people to tune out the political noise coming from the outside and do the right thing for our country—our beloved country.

This moment demands the Senate to show leadership. It hearkens back to the decades and moments when Senators did rise to the occasion. It demands the Senate's decisive action. In the coming days, I hope the Senate can, once again, rise to the occasion and lead America forward.

LEGISLATIVE SESSION

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

Mr. SCHUMER. Madam President, I move to proceed to Calendar No. 30, H.R. 815.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

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

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 30, H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

Charles E. Schumer, Patty Murray, Benjamin L. Cardin, Robert P. Casey, Jr., Mark R. Warner, Michael F. Bennet, Catherine Cortez Masto, Margaret Wood Hassan, Richard J. Durbin, Martin Heinrich, Tim Kaine, Kyrsten Sinema, Jack Reed, Angus S. King, Jr., Richard Blumenthal, Christopher Murphy, Brian Schatz.

Mr. SCHUMER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

SUPPLEMENTAL FUNDING

Mr. MCCONNELL. Madam President, 4 years ago, as a candidate for the Democratic nomination, President Biden promised his base functionally open borders:

I would in fact make sure that . . . we immediately surge to the border all those people who are seeking asylum.

That was President Biden when he took office 3 years ago. As people surged to the border, they insisted that the President had told them to come, and by his actions, we know they were exactly right.

The Biden administration invited a crisis at our southwest border. In the tradition of Washington Democrats dating back decades, they chose an issue over its solution, and then they made it worse. The President of the United States threw out essential border security tools like ''Remain in Mexico,'' froze new funds for commonsense measures like border wall construction, and abandoned the brave men and women of the CPB and ICE to clean up his mess.

President Biden's border crisis has upended life in communities across America. Flows of deadly fentanyl have snuffed out precious lives in States like Kentucky. Catch-and-release has confronted even the bluest so-called sanctuary cities with the harsh realities of unchecked illegal immigration.

For 3 years, the President and his administration have tried to convince the American people not to believe their own eyes. They tried in vain to pretend that we weren't facing a crisis, but the country knows better. This is a humanitarian and security crisis of historic proportions.

Senate Republicans have insisted—not just for months but for years—that this urgent crisis demanded action. Three months ago, we asked our colleague Senator LANKFORD to lead that action. In just the time since Washington Democrats finally decided to join him at the negotiating table, the President's border crisis made history all over again. December saw the highest daily and monthly tallies of illegal border crossings ever on record. The crisis has literally never been worse. This is the reality as the Senate begins careful consideration of the border security agreement announced last night.

The gaping hole in our Nation's sovereign borders on President Biden's watch is not going to heal itself, and the crater of American credibility after 3 years of the President's foreign policy will not repair itself either.

Today, our adversaries are emboldened. As terrorists and authoritarian thugs challenge the strongest military in the world, our Commander in Chief is hesitant—hesitant—and self-deterred. It is long past time for the President to demonstrate more resolve and start imposing decisive costs on those who dare to attack America, and it is now time for Congress to take action on supplemental national security legislation that finally meets those challenges head-on.

I have spoken at length for months about the urgent need to invest in American hard power, stand with our allies, and start showing our adversaries that the world's foremost superpower intends to start acting like one again.

My colleagues know where I stand. They know as well as I do that America's adversaries in Moscow, Beijing, and Tehran are working together to undermine us, and they know that the time has finally come for the Senate to respond with strength.

The national security legislation we are preparing to take up will invest heavily in the capabilities and capacity America and our allies need to regain the upper hand over this emerging axis of authoritarians. Make no mistake, the gauntlet has been thrown, and America needs to pick it up.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kurt Campbell, of the District of Columbia, to be Deputy Secretary of State.

The ACTING PRESIDENT pro tempore. The senior Senator from Illinois.

SUPPLEMENTAL FUNDING

Mr. DURBIN. Madam President, I am heartened and encouraged that there is finally a bipartisan agreement to provide Ukraine, Israel, Gaza, and Taiwan critical funding to meet their urgent national security and humanitarian needs. It should have happened months ago, but Republicans demanded that any discussion of this assistance be tied to changes in border policy here in the United States, using national security as a bargaining chip and gambling, sadly, with people's lives. The future and fate of Europe, the Middle East, and the Indo-Pacific hung in the balance.

Last week, the European Union reached an agreement to provide an additional $54 billion to stand by Ukraine and shore up its war-ravaged economy, bringing the total European Union support to well over $100 billion and comparable to what the United States has done.

Meanwhile, Vladimir Putin continues to think he has more resolve than we do, reveling in his belief that Western democracy is unable to sustain its rejection of Russian tyranny. But more than just Putin, other destabilizing forces around the world are watching what we do, from Iran to North Korea. We must prove to them our commitment to democratic ideals.

Our response to Putin's aggression has consequences—not just in Ukraine or even in Russia but global and historic consequences. In fact, NATO's Secretary General Stoltenberg recently issued a very plain warning to all of us in the West. He said:

> If Putin wins . . . there is a real risk that his aggression will not end there.

Putin will continue to wage his war beyond Ukraine. Further, if other despots sense Western weakness, they will be emboldened to attempt their own aggression.

Stoltenberg went on to say:

> Our support is not charity. It is an investment in our security.

It is time for Speaker Johnson and Republicans to realize that bipartisanship is the only—the only—way to ensure that Ukraine, Israel, Taiwan, and innocent civilians in Gaza will receive critical, lifesaving assistance.

Let's not flinch when it comes to standing up to such obvious threats to democracy and the rule of law. The world is watching. That is why we must pass this national security package.

But this agreement also addresses our immigration policy. And let me be clear. We do need to fix our disastrous immigration laws and secure the border. That has been a fact for more than three decades. That is why I have worked for years to pass bipartisan legislation that would fix our immigration system.

Leader SCHUMER came to the floor earlier and recalled the time when the so-called Gang of 8—four Democrats and four Republicans—worked for months to put together a measure which passed with a bipartisan rollcall on the floor of the Senate. I was honored to be part of that effort.

This bill that we have before us includes important measures, such as a one-time increase in green cards and protections for the children of H–1B visa holders who age out of legal status when they turn 21.

I am deeply, deeply disappointed that this bill does not include a path to citizenship for Dreamers, recipients of temporary protected status, farmworkers, or other essential people who have spent years contributing to our society. These individuals fill a critical role in America.

A study showed that undocumented immigrants—undocumented immigrants—pay nearly $80 billion in Federal and $40 billion in State and local taxes every single year. Many of these immigrants were brought to the United States as children. They don't know any other home. Yet, without congressional action, they spend each day in fear of being deported.

Madam President, 12 years ago, in response to a bipartisan request from myself and the late Senator Richard Lugar of Indiana, President Obama established the DACA Program, Deferred Action for Childhood Arrivals. It really was a reflection of the DREAM Act, which I had introduced over 20 years ago.

DACA has protected more than 800,000 young people from deportation, all of whom arrived in our country as children. These young people are known today as Dreamers. They grew up alongside our kids, and many have gone on to serve our Nation as servicemembers, doctors, first responders. They believe in the American dream.

I have come to the floor of the Senate 138 times—this is it—to tell their stories. I don't think there is any more compelling argument to be made for the Dreamers and DACA than to let people know exactly who they are, what they have done, and what they dream of.

This is a story of a young woman who came to America at the age of 4, Alyssandra Abrenica. She first arrived in Orange County, CA, from the Philippines, and she vividly remembers sharing a single, tiny room with all six of her family members.

While attending college, Alyssandra discovered a passion for healthcare, and she applied to the only medical school which was accepting Dreamers at the time, Loyola University Stritch School of Medicine in Chicago. In 2020, she was accepted to the school and received one of the first of the American Medical Association's DREAM MD Equity Scholarships, which is given to DACA recipients or first-generation immigrants to study medicine.

DACA was always intended to be a temporary solution, and since President Obama established the program, Republicans, for reasons I cannot explain to you in any political or human terms, have waged a relentless campaign to overturn it and to deport these Dreamers back to countries they may not even remember.

Last September, a Federal judge in Texas declared the DACA Program illegal. Although the decision left in place protections for current DACA recipients like Alyssandra while the appeal is pending, they live in fear the next court decision will end their careers and upend their lives.

Until a permanent solution is written into law, Alyssandra's service to her community is at risk, as is the service of other Dreamers who work as teachers, doctors, engineers, and in so many more important professions. The permanent solution is enacting the DREAM Act, a piece of legislation which I have mentioned that I introduced two decades ago. It would provide a path to citizenship for Dreamers across America and allow them to live stable lives and to live out the American dream, which they richly deserve.

Immigrants have been a vital part of the American success story. Our Nation still needs them. If DACA is struck down, experts predict that our economy will lose over $11 billion a year in lost wages. Moreover, as we face a decreasing population and shortages of medical professionals, immigrants can help mitigate that gap. Without continued immigration, the U.S. working-age population will shrink by over 6 million by the year 2040. As Americans retire, this could lead to a 23-percent reduction in monthly Social Security payouts to retirees. Remember, these immigrants, even undocumented, and Dreamers are paying taxes and paying into Social Security for us, for our children, for the next generation.

To resolve these challenges, we need to create additional lawful pathways for immigrants while also providing legal status for our undocumented population who have been here for decades. That is why good-faith efforts to reform and improve our broken immigration system cannot stop with this bill.

Madam President, I think about the situation with these Dreamers and what they are facing and how many of them I have met over the years. When I first introduced the bill, they used to come up to me in Chicago, wait until it got dark outside so that no one would see them, and they would whisper to me: ''I am a Dreamer. Can you help me?''

It became a cause for me, and certainly I have worked at it. I am disappointed that I cannot tell a story of success even greater than we have achieved with DACA. But they are still waiting to hear.

This bill that we are considering gives some help to what they call documented Dreamers. Here is how it works. The H–1B visa is offered to foreign experts and professionals to come to the United States and work for 3 years—renewable 3 years. They can bring their families with them.

A lot of people from China, from India, and from other places come and take some critically important jobs in our economy under this program of H–1B. They are accompanied by their families. They continue to work, extending year after year, in the hopes that eventually they will become citizens themselves of the United States through what is called a green card. While they are doing this, their spouses cannot legally work in many instances, and their children are running a real risk.

You see, when these kids reach the age of 21, they are no longer eligible to stay with their families. Now, these kids could have spent their whole lives in America because their families came here. They could have gone to school and succeeded over and over again. But to have a future in America, they need a green card. And if they don't get it by age 21, they are eligible for deportation.

Does that make any sense at all? Well, this bill starts to solve that problem. And I certainly support the efforts to solve it and applaud those who are behind it.

But the same conditions apply to Dreamers, brought here as little children. They were raised in the United States, went to school in the United States, stood up and pledged allegiance to that flag in the classroom every single morning. And they asked to be a part of our future. They did nothing wrong. They were kids when they were brought here. Why they weren't included in this bill, I don't know.

I am sorry to say, I think there are a few Senators who are just dead-set on stopping the Dreamers and DACA every chance they get. What a loss that would be to America—for us to lose that talent, that drive, that determination, that important part of our future. And what a commentary it is on us as Americans that our Nation of immigrants has no room for Alyssandra and so many others who can make this a better nation.

There are thousands of them. There were 800,000 under DACA, initially; and there are many more who are still eligible. I am sorry this bill does not include that provision for the Dreamers. But I will tell you this: I will fight for every opportunity I have to bring the Dream Act before the U.S. Senate in the hope that one day we will give these young people exactly what they deserve—part of America's future.

I yield the floor.

I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. I ask unanimous consent that the vote that was scheduled to begin in 3 minutes start immediately.

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

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Joseph Albert Laroski, Jr., of Maryland, to be a Judge of the United States Court of International Trade.

NOMINATION OF JOSEPH ALBERT LAROSKI

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Joseph Laroski to the U.S. Court of International Trade.

Mr. Laroski earned his B.S.F.S. from the Georgetown University School of Foreign Service and his J.D. from Fordham University School of Law. After graduating, he clerked for Judge Dominick L. DiCarlo on the Court of International Trade. Following his clerkship, Mr. Laroski joined the firm Skadden, Arps, Slate, Meagher & Flom as an associate. During his time in private practice, Mr. Laroski represented a host of clients, including domestic companies, international producers and exporters, industry associations, U.S. importers, and trade unions. He has also spent 9 years in the Federal Government, serving as associate general counsel at the Office of the U.S. Trade Representative, advisor to the Office of the General Counsel at the U.S. International Trade Commission, and Director of Police and Deputy Assistant Secretary for Police and Negotiations at the International Trade Administration. In these roles, he represented the United States in dispute settlements under free trade agreements, served as agency counsel on import injury investigations, advised senior Department of Commerce officials on trade policy matters, and oversaw negotiation and compliance efforts on international trade agreements.

Over the course of his career, Mr. Laroski has handled trade matters before the International Trade Commission, the Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, the World Trade Organization, and regional trade agreement dispute bodies.

The American Bar Association unanimously rated Mr. Laroski ''qualified.'' His extensive experience in international trade litigation, both in private practice and the Federal Government, ensures that he will be an asset to the Court of International Trade. I will vote in favor of his confirmation and encourage my colleagues to do the same.

VOTE ON LAROSKI NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Laroski nomination?

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from West Virginia (Mr. MANCHIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Indiana (Mr. BRAUN), the Senator from North Carolina (Mr. BUDD), the Senator from West Virginia (Mrs. CAPITO), the Senator from Louisiana (Mr. CASSIDY), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), the Senator from Montana (Mr. DAINES), the Senator from Missouri (Mr. HAWLEY), the Senator from Wyoming (Ms. LUMMIS), the Senator from Kansas (Mr. MORAN), the Senator from Nebraska (Mr. RICKETTS), the Senator from Idaho (Mr. RISCH), the Senator from Utah (Mr. ROMNEY), the Senator from Florida (Mr. RUBIO), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from North Carolina (Mr. BUDD) would have voted ''yea'' and the Senator from North Carolina (Mr. TILLIS) would have voted ''yea.''

The result was announced—yeas 76, nays 0, as follows:

[Rollcall Vote No. 34 Ex.]

YEAS—76

Baldwin	Heinrich	Reed
Bennet	Hirono	Rosen
Blumenthal	Hoeven	Rounds
Booker	Hyde-Smith	Schatz
Boozman	Johnson	Schmitt
Britt	Kaine	Schumer
Brown	Kelly	Scott (FL)
Butler	Kennedy	Scott (SC)
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Lankford	Smith
Casey	Lee	Stabenow
Collins	Luján	Tester
Coons	Markey	Thune
Cortez Masto	Marshall	Tuberville
Cotton	McConnell	Van Hollen
Crapo	Menendez	Vance
Duckworth	Merkley	Warner
Durbin	Mullin	Warnock
Ernst	Murkowski	Welch
Fischer	Murphy	Whitehouse
Gillibrand	Murray	Wicker
Graham	Ossoff	Wyden
Grassley	Padilla	Young
Hagerty	Paul	
Hassan	Peters	

NOT VOTING—24

Barrasso	Cruz	Ricketts
Blackburn	Daines	Risch
Braun	Fetterman	Romney
Budd	Hawley	Rubio
Capito	Hickenlooper	Sanders
Cassidy	Lummis	Sullivan
Cornyn	Manchin	Tillis
Cramer	Moran	Warren

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ARMS SALES NOTIFICATION

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(6)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24–07, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and services estimated to cost $3.99 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 24–07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of India.

(ii) Total Estimated Value:
Major Defense Equipment* $1.70 billion.
Other $2.29 billion.
Total $3.99 billion.
Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:
Major Defense Equipment (MDE):
Thirty-one (31) MQ–9B Sky Guardian Aircraft.
One hundred sixty-one (161) Embedded Global Positioning & Inertial Navigation Systems (EGIs).
Thirty-five (35) L3 Rio Grande Communications Intelligence Sensor Suites.
One hundred seventy (170) AGM–114R Hellfire Missiles.
Sixteen (16) M36E9 Hellfire Captive Air Training Missiles (CATM).
Three hundred ten (310) GBU–39B/B Laser Small Diameter Bombs (LSDB).
Eight (8) GBU–39B/B LSDB Guided Test Vehicles (GTVs) with live fuzes.
Non-MDE: Also included are Certifiable Ground Control Stations; TPE–331–10–GD engines; M299 Hellfire missile launchers; KIV–77 cryptographic appliques and other Identification Friend or Foe (IFF) equipment; KOR–24A Small Tactical Terminals (STT); AN/SSQ–62F, AN/SSQ–53G, and AN/SSQ–36 sonobuoys; ADU–891/E Adapter Group Test Sets; Common Munitions Built-In-Test (BIT) Reprogramming Equipment (CMBRE); GBU–398/B tactical training rounds, Weapons Load Crew Trainers, and Reliability Assessment Vehicles Instrumented; Portable Pre-flight/Post-flight Equipment (P3E); CCM–700A encryption devices; KY–100M narrowband/wideband terminals; KI–133 cryptographic units; AN/PYQ–10 Simple Key Loaders; Automatic Identification System (AIS) transponders; ROVER 6Si and TNR2x transceivers; MR6000 ultra high frequency (UHF) and very high frequency (VHF) radios; Selex SeaSpray Active Electronically Scanned Array (AESA) surveillance radars; HISAR–300 radars; SNC 4500 Auto Electronic Surveillance Measures (ESM) Systems; SAGE 750 ESM systems; Due Regard Radars (DRR); MX–20 Electro-Optical Infrared (EO–IR) Laser Target Designators (LTDs); Ku-Band SATCOM GAASI Transportable Earth Stations (GATES); C–Band Line-of-Sight (LOS) Ground Data Terminals; AN/DPX–7IFF transponders; Compact Multi-band Data Links (CMDL); initial spare and repair parts, consumables, accessories, and repair and return support; secure communications, precision navigation, and cryptographic equipment; munitions support and support equipment; testing and integration support and equipment; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; transportation support; warranties; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) Military Department: Air Force (IN–D–SAF).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc.. Paid, Offered, or Agreed to be Paid: None known at this time.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 1, 2024.

*As defined in Section 47(6) of the Anns Export Control Act.

POLICY JUSTIFICATION

India—MQ–9B Remotely Piloted Aircraft

The Government of India has requested to buy thirty-one (31) MQ–9B Sky Guardian aircraft; one hundred sixty-one (161) Embedded Global Positioning & Inertial Navigation Systems (EGis); thirty-five (35) L3 Rio Grande Communications lntelligence Sensor Suites; one hundred seventy (170) AGM–114R Hellfire missiles; sixteen (16) M36E9 Hellfire Captive Air Training Missiles (CATM); three hundred ten (310) GBU–39B/B Laser Small Diameter Bombs (LSDB); and eight (8) GBU–398/B LSDB Guided Test Vehicles (GTVs) with live fuzes. Also included are Certifiable Ground Control Stations; TPE–331–10–0D engines; M299 Hellfire missile launchers; KIV–77 cryptographic appliques and other Identification Friend or Foe (IFF) equipment; KOR 24A Small Tactical Terminals (STT); AN/SSQ–62F, AN/SSQ–53G, and AN/SSQ–36 sonobuoys; ADU–891/E Adapter Group Test Sets; Common Munitions Built-In-Test (BIT) Reprogramming Equipment (CMBRE); GBU–39B/B tactical training rounds, Weapons Load Crew Trainers, and Reliability Assessment Vehicles-Instrumented; Portable Preflight/Post-flight Equipment (P3E); CCM–700A encryption devices; KY–100M Narrowband/wideband terminals; KI–133 cryptographic units; AN/PYQ–10 Simple Key Loaders; Automatic Identification System (AIS) transponders; ROVER 6Si and TNR2x transceivers; MR6000 ultra high frequency (UHF) and very high frequency (VHF) radios; Selex SeaSpray Active Electronically Scanned Array (AESA) surveillance radars; HISAR–300 Radars; SNC 4500 Auto Electronic Surveillance Measures (ESM) Systems; SAGE 750 ESM systems; Due Regard Radars (DRR); MX–20 Electro-Optical Infrared (EO–IR) Laser Target Designators (LTDs); Ku–Band SATCOM GAASI Transportable Earth Stations (GATES); C-Band Line-of-Sight (LOS) Ground Data Terminals; AN/DPX–7 IFF transponders; Compact Multi-band Data Links (CMDL); initial spare and repair parts, consumables, accessories, and repair and return support; secure communications, precision navigation, and cryptographic equipment; munitions support and support equipment; testing and integration support and equipment; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; transportation support; warranties; studies, and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $3.99 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to strengthen the U.S.-Indian strategic relationship and to improve the security of a major defensive partner which continues to be an important force for political stability, peace, and economic progress in the Indo-Pacific and South Asia region.

The proposed sale will improve India's capability to meet current and future threats by enabling unmanned surveillance and reconnaissance patrols in sea lanes of operation. India has demonstrated a commitment to modernizing its military and will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be General Atomics Aeronautical Systems, Poway, CA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to India.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 24–07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The MQ–9B Remotely Piloted Aircraft (RPA) is a weapons-ready aircraft designed for Medium-Altitude Long-Endurance (MALE); Intelligence, Surveillance, and Reconnaissance (ISR); Target Acquisition; and Strike Missions. The MQ–9B RPA is not a USAF program of record, but has close ties to, and builds upon, the proven success of the MQ–9A Reaper. The MQ–9B is a highly modular, easily configurable aircraft that contains the necessary hard points, power, and data connections to accommodate a variety of payloads and munitions to meet multiple missions—including counter-land, counter-sea, and anti-submarine strike operations. The system is designed to be controlled by two operators within a Certifiable Ground Control Station (CGCS). The MQ–9B is able to operate using a direct Line-of-Sight (LOS) dtalink or Beyond Line-of-Sight (BLOS) through satellite communications (SATCOM). The MQ–9B system can be deployed from a single site that supports launch, recovery, mission control, and maintenance. The system also supports remote-split operations where launch, recovery, and maintenance occur at a Forward Operating Base and mission control is conducted from another location or Main Operating Base (MOB).

a. The Honeywell TPE–331–10–GD is a turboprop engine with power output ranging from 429 to 1,230 kW.

b. The M-Code capable Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI), with an embedded GPS Precise Positioning Service (PPS) Receiver Application Module-Standard Electronic Module (GRAM–S/M), is a self-contained navigation system that provides acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. The embedded GRAM–S/M enables access to both the enrypted P(Y) and M-Code signals, providing protection against active spoofing attacks, enhanced military exclusivity, integrity, and anti-jam.

c. The MX–20HD is a gyro-stabilized, multispectral, multi-field-of-view (FOV) Electro-Optical/Infrared (EO/IR) targeting system. The system provides surveillance laser illumination and laser designation through use of an externally mounted turret sensor unit and internally mounted master control. Sensor video imagery is displayed in the aircraft in real time and may be recorded for subsequent analysis.

2. The Ground Control Station (GCS) can be either fixed or mobile. The fixed GCS is enclosed in a customer-specified shelter. It incorporates workstations that allow operators to control and monitor the aircraft, as well as record and exploit downlinked payload data. The mobile GCS allows operators to perform the same functions and is contained on a mobile trailer. Workstations in either GCS can be tailored to meet customer requirements.

3. L3 Rio Grande capabilities meet rigorous mission requirements for small, manned and unmanned intelligence, surveillance, and reconnaissance (ISR) platforms. Rio Grande intercepts, locates, monitors, and records communications signals using a common set of software applications. Rio Grande operates open architecture design, supports third-party special signals applications, real-time audio recording and playback, and a three-dimensional display of the area of interest.

4. The AGM–114R Hellfire is a missile equipped with a Semi-Active Laser (SAL) seeker that homes-in on the reflected light of a laser designator. The AGM–114R can be launched from higher altitudes than previous variants because of its enhanced guidance and navigation capabilities, which include a Height-of-Burst (HOB) proximity sensor. With its multi-purpose warhead, the missile can destroy hard, soft, and enclosed targets. The sale will include Captive Air Flight Training Missiles (CATM), which are inert devices used for training to handle Hellfire missiles.

5. The GBU–39B/B Laser Small Diameter Bomb (LSDB) All Up Round (AUR) is a 250-pound OPS and semi-active laser guided, small autonomous, day or night, adverse weather, conventional, air-to-ground precision glide weapon able to strike fixed and stationary, relocatable, non-hardened targets from standoff ranges. The LSDB's laser guidance set enables the weapon to strike moving targets. It is intended to provide aircraft with an ability to carry a high number of bombs. Aircraft are able to carry four SDBs in place of one 2,000–pound bomb. The Guided Test Vehicle, Reliability Assessment Vehicle-Instrumented, Tactical Training Round (TTR), and Weapons Load Crew Trainer are LSDB configurations with telemetry kits or inert fills in place of the warhead, and are used to test the LSDB weapon system or for flight and ground crew training.

6. The M299 launcher provides a mechanical and electrical interface between the Hellfire missile and aircraft.

7. The KIV–77 is a cryptographic applique for IFF. It can be loaded with Mode 5 classified elements.

8. The KOR–24A Small Tactical Terminal is a command, control, communications, and intelligence (C3I) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

9. AN/SSQ–62F is a sixth-generation, Directional Command Active Sonobuoy System (DICASS) sonobuoy used for detecting and localizing submarines. The DICASS sonobuoy can provide both range and bearing to the target for accurate position fixing. Like the AN/SSQ–62E, the AN/SSQ–62F sonobuoy can support any of the four acoustic frequencies as selected via the Electronic Function Select.

10. AN/SSQ–53G is a sonobuoy which combines a passive directional and calibrated wide-band omni capability into a single multi-functional sonobuoy. It features both Electronic Function Select (EFS) for use prior to loading and launching and Command Function Select (CFS) to allow the operator to modify the sonobuoy's modes of operation after it has been deployed in the water.

11. AN/SSQ–36 is a sonobuoy which provides vertical temperature profiles for Anti-Submarine Warfare (ASW) applications to evaluate local effects of seawater temperature on sonar propagation and acoustic range prediction.

12. The Portable Pre-flight/Post-flight Equipment (P3E) is used by the ground crew at the MQ–9B operating sites to interface with the aircraft for performing maintenance functions. The P3E is a ruggedized computer assembly that interfaces directly

with the aircraft via a cable and provides functionality for conducting pre and post-flight checks, and to establish the aircraft on the SATCOM datalink for handover to the flight crew in the Ground Control Station. The ADU–891 Adapter Group Test Set provides the physical and electrical interface between the Common Munitions Built-in-Test Reprogramming Equipment (CMBRE) and the missile.

13. Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is support equipment used to interface with weapon systems to initiate and-report BIT results and upload and download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, periodic maintenance checks, loading of Operational Flight Program (OFP) data, loading of munitions mission planning data, loading of Global Positioning System (GPS) cryptographic keys, and declassification of munitions memory.

14. The KY–100M is a cryptographic-modernized lightweight terminal for secure voice and data communications. The KY–100M provides wideband and narrowband half-duplex communication. Operating in tactical ground, marine, and airborne applications, the KY–100M enables secure communication with a broad range of radio and satellite equipment.

15. The KI–133 is used with a MQ–9B unique radio implementation, specifically using X Band. The KI–133 does not operate with a modem and is not a radio, rather it is an inline encryptor utilizing the KIV 700A for encryption and decryption.

16. The AN/PYQ–10 Simple Key Loader is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

17. The Automatic Identification System (AIS) transponder provides maritime patrol and Search and Rescue (SAR) aircraft with the ability to track and identify AIS-equipped vessels over a dedicated very high frequency (VHF) data link. AIS is a key component of any maritime ISR network and offers maritime authorities with the ability to better coordinate air and sea search, rescue, surveillance, and interdiction operations.

18. The L3Harris ROVER 6Si and TNR2x transceivers provide real-time, full-motion video (FMV) and other network data for situational awareness, targeting, battle damage assessment, surveillance, relay, convoy overwatch operations, and other situations where eyes-on-target are required. It provides expanded frequencies and additional processing resources from previous ROVER versions, allowing increased levels of collaboration and interoperability with numerous manned and unmanned airborne platforms.

19. The SAGE 750 Electronic Surveillance Measures (ESM) System is a UK-produced, digital electronic intelligence (ELINT) sensor which analyzes the electromagnetic spectrum to map the source of active emissions. Using highly accurate Direction Finding (DF) antennas, SAGE builds target locations and provides situational awareness, advance warning of threats, and the ability to cue other sensors.

20. The Selex SeaSpray is an Active Electronically Scanned Array (AESA) surveillance radar suitable for a range of capabilities from long-range search to small target detection.

21. HISAR–300 radar provides superior long range, real-time, high-resolution imaging and wide area search capability for overland and maritime surveillance missions, day or night and in all weather conditions.

22. The SNC 4500 Auto Electronic Surveillance Measures (ESM) System is a digital electronic intelligence (ELINT) sensor which analyzes the electromagnetic spectrum to map the source of active emissions. Using highly accurate Direction Finding (DF) antennas, the SNC 4500 builds target locations and provides situational awareness, advance warning of threats, and the ability to cue other sensors.

23. Due Regard Radar (DRR) is a collision avoidance air-to-air radar. DRR is a key component of GA-ASI's overall airborne Detect and Avoid System (DAAS) architecture for the MQ–9B. By tracking non-cooperative aircraft, DRR enables a collision avoidance capability onboard the RPA and allows the pilot to separate the aircraft from other air traffic in cooperation with Air Traffic Control (ATC).

24. The AN/DPX–7 is an Identification Friend or Foe (IFF) transponder used to identify and track aircraft, ships, and some ground forces to reduce friendly fire incidents.

25. The MR6000 ultra high frequency (UHF) and very high frequency radio (VHF) is a multi-band, portable, two-way communication radio.

26. The C-Band Line-of-Sight (LOS) Ground Data Terminals and Ku-Band SATCOM GA-ASI Transportable Earth Stations (GATES) provide command, control, and data acquisition for the MQ–9B.

27. The Compact Multi-band Data Link (CMDL) is a miniaturized, high-performance, wide-band data links operating in Ku, C, L, or S-band, with both analog and digital waveforms. It is interoperable with military and commercial products including Tactical Common Data Link (TCDL) terminals, the complete line of ROVER systems, and coded orthogonal frequency-division multiplexing (COFDM) receivers.

28. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

29. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

30. A determination has been made that India can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

31. All defense articles and services listed in this transmittal have been authorized for release and export to India.

ADDITIONAL STATEMENTS

RECOGNIZING MONONA COUNTY IRON

● Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Monona County Iron of Mapleton, IA, as the Senate Small Business of the Week.

In 2005, Monona County Iron was founded in Mapleton as a single building on Sioux Street. Over the years, the small business has expanded from a handful of employees to multiple buildings with more than 40 employees. Monona County Iron provides tungsten inert gas welding services to the manufacturing, construction, and automotive industries, as well as fabrication and metalworking services for projects in Texas, Washington, and across the Midwest.

Monona County Iron facility is active in the Mapleton and Monona County communities, and the team proudly supports the Maple Valley-Anthon Oto community schools. Recently, they fabricated the ''MVAOCOU'' letters for the school district with students in Mr. Miller's Construction Systems class. In addition to supporting local schools, Monona County Iron contributes to the Monona County Fair. In 2023, they sponsored the Monona County Iron Award trophies. The team has also collaborated with the Monona County Farm Bureau, the Monona County Cattlemen's Association, Monona County 4–H, and the Monona County Demolition Derby. Due to the hard work of leadership and employees, the business celebrated its 19th business anniversary in 2024.

Monona County Iron's commitment to giving back and providing high-quality services is clear. I want to congratulate the entire team for their continued dedication to excellence in their field and for supporting future generations. I look forward to seeing their continued growth and success in Iowa.●

RECOGNIZING MOODY AIR FORCE BASE 38TH AND 41ST RESCUE SQUADRONS

● Mr. OSSOFF. Mr. President, I rise today to commend the extraordinary efforts of the airmen assigned to the 38th and 41st Rescue Squadrons of Moody Air Force Base, GA, for their lifesaving mission conducted on December 1, 2023.

On this day, these squadrons demonstrated skill, readiness, and unwavering dedication to their motto and mission. Facing a life-or-death medical emergency in North Florida, the Rescue Squadrons were called in to assist with a rapid patient transport from Ascension Sacred Heart Emerald Coast Hospital in Miramar Beach, FL, to the Mayo Clinic in Jacksonville, as adverse weather conditions rendered all civilian aerial transportation options infeasible. The squadron's ability to conduct search and rescue operations in challenging weather conditions, where civilian resources could not, highlights the unique and indispensable role they play in our Nation's emergency response framework.

As Georgia's U.S. Senator, I commend and celebrate the heroic actions of the 38th and 41st Rescue Squadrons at Moody Air Force Base and thank them for their service to our country.●

TRIBUTE TO VICTORIA CHACON

● Mr. OSSOFF. Mr. President, I rise to commend Victoria Chacon for her leadership, commitment to local journalism, and passion for keeping Georgia's Latino community informed.

Born in Chancay, Peru, Ms. Chacon arrived in the United States without speaking any English. She worked many different jobs in construction, commercial and residential cleaning, and maintenance in Atlanta before becoming a small business owner in the cleaning and maintenance industry. She later founded Atlanta's first bilingual newspaper, La Vision, which is now distributed across the State of Georgia. Ms. Chacon has dedicated more than 30 years to helping the Latino community in Georgia.

As Georgia's U.S. Senator, I commend Victoria Chacon for her leadership, her work to uplift Georgia's Latino community, and her commitment to keeping Georgia's Spanish-speaking community informed.●

TRIBUTE TO JUDY MURPHY

Mr. OSSOFF. Mr. President, I rise to commend Judy Murphy for her commitment to the well-being of residents across Augusta.

● For nearly two decades, Ms. Murphy has been volunteering at nursing and retirement communities across the Augusta area. Her weekly craft class at Thrive Senior Living in Augusta is frequently attended because of her passion and commitment to serving her community. Ms. Murphy recently received WJBF Augusta's Giving Your Best award after being nominated by Thrive's Social Network director, Robbie Harrell. As a retired nurse, Ms. Murphy remains committed to a life of service and finds joy in the life lessons and friendships she has earned because of her commitment to doing good.

As Georgia's U.S. Senator, I commend Judy Murphy for her service and commitment to her community.●

TRIBUTE TO HAROLD SANDERS

● Mr. OSSOFF. Mr. President, I rise to commend Harold ''Harry'' Sanders III for being named the 2022–2023 Georgia Logger of the Year.

A third-generation logger, Mr. SANDERS serves as vice president of Sanders Logging Company based in Cochran, GA.

The Georgia Forestry Association—GFA—and Southeastern Wood Producers Association—SWPA—bestowed Mr. SANDERS the award in recognition of his company's work and involvement in the community. Following in the footsteps of his father and grandfather, Mr. SANDERS took over daily operations of the family business in 2014 after receiving his B.S. in forestry from the University of Georgia's Warnell School of Forestry and Natural Resources.

As Georgia's U.S. Senator, I commend and congratulate Harold ''Harry'' Sanders III, the 2022–2023 Georgia Logger of the Year.●

RECOGNIZING GRANNIES ON GUARD

● Mr. OSSOFF. Mr. President, I rise to commend Grannies on Guard for their work to keep the Chattahoochee River Valley safe.

Grannies on Guard was cofounded in 2021 by Charlie Adams and Rasheeda Ali, who lost her grandson Jaleel Rasheed Ali to gun violence. Their organization works to create a positive community environment for children ages 5 to 12. Partnering with parents, schools, civic and faith-based organizations, Grannies on Guard helps provide an alternative to gangs and violence through monthly meetings and community events at no cost to families.

As Georgia's U.S. Senator, I commend Rasheeda Ali, Charlie Adams, and the Grannies on Guard team for their work in the Columbus community and for their commitment to our children.●

TRIBUTE TO SERGEANT LLOYD MICHAEL AUSTIN

● Mr. TUBERVILLE. Mr. President, many of our veterans come home with scars, including scars you can't see. After fighting America's battles, they come home to fight their own personal battles. One American warrior who knows this well is SGT Lloyd Michael Austin of Mobile.

He grew up in a military family, the son of a World War II veteran. After graduating from Williamson High School, he enlisted in the Army to continue his dad's legacy of military service. Sergeant Austin deployed overseas during Desert Storm and Desert Shield. There, he drove a truck for multiple combat missions. After being diagnosed with PTSD from his time in combat, Sergeant Austin returned home to Alabama.

He found himself fighting a different war, as he struggled with substance abuse. He became isolated from family and friends, and even attempted to take his life. Thankfully, he survived and found help. Now, after more than 17 years sober, Sergeant Austin uses his own experience to help others. He works with Vets Recover, where he helps veterans struggling with drug and alcohol addiction. He is also a pastor at Love Me Anyway Ministries.

Sergeant Austin visits hospitals and treatment centers to encourage people, with special help from his poodle and service dog Ivy. His story has given hope to many Alabamians during some of the darkest moments in their lives. Alabama is grateful to have compassionate servant leaders like Sergeant Austin. It is my honor to recognize him as the February Veteran of the Month.●

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6678. An Act to amend the immigration and Nationality Act to provide that aliens who have been convicted of or who have committed Social Security fraud are inadmissible and deportable.

H.R. 6976. An act to amend the Immigration and Nationality Act to provide that aliens who have been convicted of or who have committed an offense for driving while intoxicated or impaired are inadmissible and deportable.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6678. An act to amend the Immigration and Nationality Act to provide that aliens who have been convicted of or who have committed Social Security fraud are inadmissible and deportable; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

**EC–3445 was mistitled when printed in the Congressional Record of February 5, 2024. A RECORD correction has been made. For that reason, the Senate considers this EC to have been received on February 12, 2024.*

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3445. A communication from the Director of Oversight, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fresh Beef From Paraguay'' ((RIN0579–AE73) (Docket No. APHIS–2018–0007)) received in the Office of the President of the Senate on January 30, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3446. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on the Presidential $1 Dollar Coin Program''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3447. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13882 with respect to Mali; to the Committee on Banking, Housing, and Urban Affairs.

EC–3448. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13566 with respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC–3449. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13581 with respect to significant transnational criminal organizations; to the Committee on Banking, Housing, and Urban Affairs.

EC–3450. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Principles for Climate-Related Financial Risk Management for Large Financial Instructions'' (Docket No. OP–1793) received in the Office of the President of the Senate on January 25, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC–3451. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Principles for Climate-Related Financial Risk Management for Large Financial Institutions'' (RIN3064–ZA32) received in the Office of the President of the Senate on January 25, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC–3452. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act'' (RIN7100–AG29) received during adjournment of the Senate in the Office of the President of the Senate on January 25, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC–3453. A communication from the Departmental Privacy Officer, Office of Law Enforcement and Security, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Regulations; Exemptions for Investigative Records'' (RIN1090–AB27) received in the Office of the President of the Senate on January 25, 2024; to the Committee on Energy and Natural Resources.

EC–3454. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Guide (RG) 1.73 Rev 2, 'Qualification of Safety-Related Actuators in Production and Utilization Facilities''' received in the Office of the President of the Senate on January 30, 2024; to the Committee on Environment and Public Works.

EC–3455. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''HOLTEC International Topical Report HI–2210161, 'Topical Report on the Radiological Fuel Qualification Methodology for Dry Storage Systems''' received in the Office of the President of the Senate on January 30, 2024; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PETERS (for himself and Ms. STABENOW):

S. 3733. A bill to require the Secretary of Health and Human Services to conduct a national, evidence-based education campaign to increase public and health care provider awareness regarding the potential risks and benefits of human cell and tissue products transplants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ERNST:

S. 3734. A bill to require submission of the National Security Strategy and the budget of the President before the President may deliver the State of the Union address; to the Committee on Rules and Administration.

By Mr. PAUL:

S.J. Res. 60. A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Government of Turkiye of certain defense articles and services; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. BUTLER (for herself, Mrs. CAPITO, Mrs. MURRAY, Ms. CANTWELL, Ms. HIRONO, Mrs. BRITT, Mr. DURBIN, Ms. COLLINS, Ms. BALDWIN, Mrs. BLACKBURN, Ms. CORTEZ MASTO, Ms. ROSEN, and Mrs. SHAHEEN):

S. Res. 542. A resolution supporting the observation of ''National Girls & Women in Sports Day'' on February 7, 2024, to raise awareness of and celebrate the achievements of girls and women in sports; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 547

At the request of Mr. WHITEHOUSE, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 547, a bill to award a Congressional Gold Medal, collectively, to the First Rhode Island Regiment, in recognition of their dedicated service during the Revolutionary War.

S. 703

At the request of Ms. ROSEN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 703, a bill to amend title XVIII of the Social Security Act to make improvements to the redistribution of residency slots under the Medicare program after a hospital closes.

S. 815

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 815, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the ''Hello Girls''.

S. 1187

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 1187, a bill to establish the right to counsel, at Government expense for those who cannot afford counsel, for people facing removal.

S. 1199

At the request of Mr. DURBIN, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 1199, a bill to combat the sexual exploitation of children by supporting victims and promoting accountability and transparency by the tech industry.

S. 1654

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1654, a bill to amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive consumer credit information to consumer reporting agencies, and for other purposes.

S. 2757

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2757, a bill to limit the Secretary of Veterans Affairs from modifying the rate of payment or reimbursement for transportation of veterans or other individuals via special modes of transportation under the laws administered by the Secretary, and for other purposes.

S. 3374

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 3374, a bill to waive General Schedule qualification standards related to work experience for nurses at military medical treatment facilities, and for other purposes.

S. 3459

At the request of Ms. CORTEZ MASTO, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3459, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with consumer claim awards.

S. 3490

At the request of Mr. TUBERVILLE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 3490, a bill to prohibit the Secretary of Veterans Affairs from providing health care to, or engaging in claims processing for health care for, any individual unlawfully present in the United States who is not eligible for health care under the laws administered by the Secretary.

S. 3681

At the request of Mr. MARKEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3681, a bill to direct the Secretary of Education to carry out a grant program to support the recruitment and retention of paraprofessionals in public elementary schools, secondary schools, and preschool programs, and for other purposes.

S. 3708

At the request of Mr. KENNEDY, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. 3708, a bill to reprogram Federal funds appropriated for UNRWA to construct the southwest border wall and to prohibit future funding for UNRWA.

S. 3723

At the request of Mr. COTTON, the name of the Senator from Missouri (Mr. SCHMITT) was added as a cosponsor of S. 3723, a bill to prohibit funding for the United Nations Relief and Works Agency, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 542—SUPPORTING THE OBSERVATION OF ''NATIONAL GIRLS & WOMEN IN SPORTS DAY'' ON FEBRUARY 7, 2024, TO RAISE AWARENESS OF AND CELEBRATE THE ACHIEVEMENTS OF GIRLS AND WOMEN IN SPORTS

Ms. BUTLER (for herself, Mrs. CAPITO, Mrs. MURRAY, Ms. CANTWELL, Ms.

HIRONO, Mrs. BRITT, Mr. DURBIN, Ms. COLLINS, Ms. BALDWIN, Mrs. BLACKBURN, Ms. CORTEZ MASTO, Ms. ROSEN, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 542

Whereas ''National Girls & Women in Sports Day'' began in 1987 as a day to recognize and acknowledge the success and progress of girls and women in sports;

Whereas athletic participation helps develop self-discipline, initiative, confidence, and leadership skills, and opportunities for athletic participation should be available to all individuals;

Whereas, because the people of the United States remain committed to protecting equality, it is imperative to eliminate the existing disparities between male and female youth athletic programs;

Whereas the share of athletic participation opportunities of high school girls has increased more than sixfold since the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (referred to in this preamble as ''title IX''), but high school girls still experience—

(1) a lower share of athletic participation opportunities than high school boys; and

(2) a lower level of athletic participation opportunities than high school boys enjoyed over 50 years ago;

Whereas 60 percent of high school girls participate in a sport;

Whereas the share of women participating in college sports has nearly tripled since the enactment of title IX, but female college athletes still comprise only 44 percent of the total collegiate athlete population, 30 percent of whom are white women and only 14 percent of whom are Black, Indigenous, and People of Color (referred to in this preamble as ''BIPOC'') women;

Whereas, in 1971, women coached 90 percent of collegiate women's teams, but as of 2024, women coach only 41.2 percent of all National Collegiate Athletic Association (referred to in this preamble as ''NCAA'') women's teams and BIPOC women represent only 7 percent of head coaches;

Whereas there is a need to restore women to those positions to ensure fair representation and provide role models for young female athletes;

Whereas, for too long, the many achievements of women in sports have not received fair recognition;

Whereas the long history of women in sports in the United States—

(1) features many contributions made by female athletes that have enriched the national life of the United States; and

(2) includes inspiring figures, such as Billie Jean King, Flo Hyman, Gertrude Ederle, Wilma Rudolph, Althea Gibson, Mildred Ella ''Babe'' Didrikson Zaharias, Mary Lou Retton, and Patty Berg, whose stories and adversity faced have helped strengthen women sports by—

(A) advancing participation by women in sports; and

(B) setting positive examples for the generations of female athletes who continue to inspire people in the United States today;

Whereas the United States must do all it can to break down the barriers of discrimination, inequality, and injustice in sports;

Whereas girls and young women in minority communities are doubly disadvantaged because—

(1) schools in minority communities have fewer athletic opportunities than schools in predominately White communities; and

(2) the limited resources for athletic opportunities in minority communities exacerbates the existing gender inequity between girls and boys;

Whereas the 4-time World Cup champion United States Women's National Soccer Team has led the fight domestically and internationally for equal treatment and compensation for female athletes;

Whereas United States women athletes will compete on the world stage in 2024 at the Paris 2024 Summer Olympics;

Whereas, with the recent enactment of laws such as the Equal Pay for Team USA Act of 2022 (Public Law 117–340), Congress has taken steps—

(1) to ensure all athletes representing the United States in global competition receive equal pay and benefits regardless of gender; and

(2) to represent to the world, and especially young girls, that everyone deserves equal pay and benefits; and

Whereas, with increased participation by women and girls in sports, it is more important than ever to continue protecting title IX and upload the mandate of the law of equitable and fair treatment and more general principles of gender equity throughout the sport system: Now, therefore, be it

Resolved, That the Senate supports—

(1) observing ''National Girls & Women in Sports Day'' on February 7, 2024, to recognize—

(A) all women athletes who represent schools, universities, and the United States in their athletic pursuits; and

(B) the vital role that the people of the United States have in empowering girls and women in sports;

(2) marking the observation of National Girls & Women in Sports Day with appropriate programs and activities, including legislative efforts—

(A) to build on the success of the Equal Pay for Team USA Act of 2022 (Public Law 117–340) and ensure equal pay for all female athletes; and

(B) to protect and uphold title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) so that future generations of athletes will not have to experience the inequitable and unfair treatment that many athletes have had to endure, and continue to endure, today; and

(3) all ongoing efforts—

(A) to promote gender equity in sports, including equal pay and equal access to athletic opportunities for girls and women; and

(B) to support the commitment of the United States to expanding athletic participation for all girls and future generations of women athletes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1386. Mrs. MURRAY (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1386. Mrs. MURRAY (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency National Security Supplemental Appropriations Act, 2024''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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—NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2024

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2024, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $207,158,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $3,538,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $23,302,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, SPACE FORCE

For an additional amount for ''Military Personnel, Space Force'', $4,192,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $4,887,581,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $1,534,163,000, to remain available until December 31, 2024, to respond to the situation in Ukraine, to support improvements to the submarine industrial base, and for related expenses: *Provided,* That of the total amount provided under this heading in this Act, $976,405,000 shall be to respond to the situation in Ukraine and for related expenses: *Provided further,* That of the total amount provided under this heading in this Act, $557,758,000, to remain available until September 30, 2024, shall be to support improvements to the submarine industrial base and for related expenses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $69,045,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $846,869,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, SPACE FORCE

For an additional amount for ''Operation and Maintenance, Space Force'', $8,443,000, to remain available until December 31, 2024, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $34,230,780,000, to remain available until December 31, 2024, to respond to the situations in Israel, Ukraine, and Taiwan and for related expenses: *Provided,* That of the total amount provided under this heading in this Act, $13,772,460,000, to remain available until September 30, 2025, shall be for the Ukraine Security Assistance Initiative: *Provided further,* That such funds for the Ukraine Security Assistance Initiative shall be available to the Secretary of Defense under the same terms and conditions as are provided for under this heading in the Additional Ukraine Supplemental Appropriations Act, 2023 (division M of Public Law 117–328), and shall be available notwithstanding section 8135 of the Department of Defense Appropriations Act, 2023 (division C of Public Law 117–328) or any similar provision in any other Act making appropriations for the Department of Defense: *Provided further,* That of the total amount provided under this heading in this Act, up to $4,400,000,000, to remain available until September 30, 2025, may be transferred to accounts under the headings ''Operation and Maintenance'', ''Procurement'', and ''Revolving and Management Funds'' for replacement, through new procurement or repair of existing unserviceable equipment, of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to or identified for provision to the Government of Israel or to foreign countries that have provided support to Israel at the request of the United States: *Provided further,* That up to $13,414,432,000, to remain available until September 30, 2025, may be transferred to accounts under the headings ''Operation and Maintenance'', ''Procurement'', and ''Revolving and Management Funds'' for replacement, through new procurement or repair of existing unserviceable equipment, of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to or identified for provision to the Government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States: *Provided further,* That up to $1,900,000,000, to remain available until September 30, 2025, may be transferred to accounts under the headings ''Operation and Maintenance'', ''Procurement'', and ''Revolving and Management Funds'' for replacement, through new procurement or repair of existing unserviceable equipment, of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to or identified for provision to the Government of Taiwan or to foreign countries that have provided support to Taiwan at the request of the United States: *Provided further,* That funds transferred pursuant to the preceding three provisos shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of the details of such transfers not less than 15 days before any such transfer: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back and merged with this appropriation: *Provided further*, That any transfer authority provided herein is in addition to any other transfer authority provided by law: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $2,742,757,000, to remain available until September 30, 2026, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $6,414,300,000, to remain available until September 30, 2026, to respond to the situations in Israel and Ukraine and for related expenses: *Provided,* That of the total amount provided under this heading in this Act, $801,400,000 shall be to respond to the situation in Israel and for related expenses: *Provided further,* That of the total amount provided under this heading in this Act, $5,612,900,000 shall be to respond to the situation in Ukraine and for related expenses: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $308,991,000, to remain available until September 30, 2026, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $706,976,000, to remain available until September 30, 2026, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for ''Shipbuilding and Conversion, Navy'', $2,155,000,000, to remain available until September 30, 2028, to support improvements to the submarine industrial base and for related expenses: *Provided,* That of the total amount provided under this heading in this Act, funds shall be available as follows:

Columbia Class Submarine (AP), $1,955,000,000; and

Virginia Class Submarine (AP), $200,000,000: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $319,570,000, to remain available until September 30, 2026, to respond to the situation in Ukraine, to support improvements to the submarine industrial base, and for related expenses: *Provided,* That of the total amount provided under this heading in this Act, $26,000,000 shall be to respond to the situation in Ukraine and for related expenses: *Provided further,* That of the total amount provided under this heading in this Act, $293,570,000 shall be to support improvements to the submarine industrial base and for related expenses: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $212,443,000, to remain available until September 30, 2026, to respond to the situation in Ukraine and for related expenses: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $366,001,000, to remain available until September 30, 2026, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,808,678,000, to remain available until September 30, 2026, to respond to the situation in Ukraine and for other expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $5,246,780,000, to remain available until September 30, 2026, to respond to the situations in Israel and Ukraine and for related expenses: *Provided*, That of the total amount provided under this heading in this Act, $4,000,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome and David's Sling defense systems to counter short-range rocket threats: *Provided further*, That of the total amount provided under this heading in this Act, $1,200,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Beam defense system to counter short-range rocket threats: *Provided further*, That funds in the preceding provisos shall be transferred pursuant to an exchange of letters and are in addition to funds provided pursuant to the U.S.-Israel Iron Dome Procurement Agreement, as amended: *Provided further*, That nothing under this heading in this Act shall be construed to apply to amounts made available in prior appropriations Acts for the procurement of the Iron Dome and David's Sling defense systems or for the procurement of the Iron Beam defense system: *Provided further*, That of the total amount provided under this heading in this Act, $46,780,000 shall be to respond to the situation in Ukraine and for related expenses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE PRODUCTION ACT PURCHASES

For an additional amount for ''Defense Production Act Purchases'', $331,200,000, to remain available until expended, for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533): *Provided*, That such amounts shall be obligated and expended by the Secretary of Defense as if delegated the necessary authorities conferred by the Defense Production Act of 1950: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $18,594,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $20,825,000, to remain available until September 30, 2025, to respond to the situation in Ukraine, to support improvements to the submarine industrial base, and for related expenses: *Provided*, That of the total amount provided under this heading in this Act, $13,825,000 shall be to respond to the situation in Ukraine and for related expenses: *Provided further*, That of the total amount provided under this heading in this Act, $7,000,000 shall be to support improvements to the submarine industrial base and for related expenses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $406,834,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $194,125,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $8,000,000, to remain available until December 31, 2024, which shall be for operation and maintenance of the Office of the Inspector General, including the Special Inspector General for Operation Atlantic Resolve, to carry out reviews of the activities of the Department of Defense to execute funds appropriated in this Act, including assistance provided to Ukraine: *Provided*, That the Inspector General of the Department of Defense shall provide to the congressional defense committees a briefing not later than 90 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $2,000,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. (a) Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Director of the Office of Management and Budget, transfer up to $1,000,000,000 only between the appropriations or funds made available in this title to the Department of Defense to respond to the situation in Ukraine and for related expenses: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this subsection: *Provided further*, That such authority is in addition to any transfer authority otherwise provided by law and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2023, or any similar provision in any subsequent Act making appropriations for the Department of Defense for Fiscal Year 2024, except for monetary limitations concerning the amount of authority available.

(b) Upon the determination by the Director of National Intelligence that such action is necessary in the national interest, the Director may, with the approval of the Director of the Office of Management and Budget, transfer up to $250,000,000 only between the appropriations or funds made available in this title for the National Intelligence Program: *Provided*, That the Director of National Intelligence shall notify the Congress promptly of all transfers made pursuant to the authority in this subsection: *Provided further*, That such authority is in addition to any transfer authority otherwise provided by law and is subject to the same terms and conditions as the authority provided in section 8093 of the Department of Defense Appropriations Act, 2023, or any similar provision in any subsequent Act making appropriations for the Department of Defense for Fiscal Year 2024, except for monetary limitations concerning the amount of authority available.

SEC. 102. Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit a report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate on measures being taken to account for United States defense articles designated for Ukraine since the February 24, 2022, Russian invasion of Ukraine, particularly measures with regard to such articles that require enhanced end-use monitoring; measures to ensure that such articles reach their intended recipients and are used for their intended purposes; and any other measures to promote accountability for the use of such articles: *Provided*, That such report shall include a description of any occurrences of articles not reaching their intended recipients or used for their intended purposes and a description of any remedies taken: *Provided further*, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

SEC. 103. Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter through fiscal year 2025, the Secretary of Defense, in coordination with the Secretary of State, shall provide a written report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate describing United States security assistance provided to Ukraine since the February 24, 2022,

Russian invasion of Ukraine, including a comprehensive list of the defense articles and services provided to Ukraine and the associated authority and funding used to provide such articles and services: *Provided*, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

SEC. 104. For an additional amount for the Department of Defense, $2,440,000,000, to remain available until September 30, 2024, for transfer to military personnel accounts, operation and maintenance accounts, procurement accounts, research, development, test and evaluation accounts, and the Defense Working Capital Funds, in addition to amounts otherwise made available for such purpose, only for U.S. operations, force protection, deterrence, and the replacement of combat expenditures in the United States Central Command region: *Provided*, That none of the funds provided under this section may be obligated or expended until 30 days after the Secretary of Defense provides to the congressional defense committees an execution plan: *Provided further*, That not less than 15 days prior to any transfer of funds, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer: *Provided further*, That upon transfer, the funds shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That any transfer authority provided herein is in addition to any other transfer authority provided by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 105. For an additional amount for the Department of Defense, $542,400,000, to remain available until September 30, 2024, for transfer to operation and maintenance accounts, procurement accounts, and research, development, test and evaluation accounts, in addition to amounts otherwise made available for such purpose, only for unfunded priorities of the United States Indo-Pacific Command for fiscal year 2024 (as submitted to Congress pursuant to section 1105 of title 31, United States Code): *Provided*, That none of the funds provided under this section may be obligated or expended until 30 days after the Secretary of Defense, through the Under Secretary of Defense (Comptroller), provides the Committees on Appropriations of the House of Representatives and the Senate a detailed execution plan for such funds: *Provided further*, That not less than 15 days prior to any transfer of funds, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer: *Provided further*, That upon transfer, the funds shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That any transfer authority provided herein is in addition to any other transfer authority provided by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'', $98,000,000, to remain available until expended, for acquisition, distribution, and equipment for development and production of medical, stable, and radioactive isotopes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $143,915,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL SALARIES AND EXPENSES

For an additional amount for ''Federal Salaries and Expenses'', $5,540,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. (a) Of the unobligated balances from amounts previously appropriated under the heading ''Department of Energy—Energy Programs—Nuclear Energy'' in division J of the Infrastructure Investment and Jobs Act (Public Law 117–58) that were made available for fiscal years 2022, 2023, and 2024, up to $2,720,000,000 shall be available, in addition to amounts otherwise available, for necessary expenses to carry out the Nuclear Fuel Security Act of 2023 (section 3131 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31)): *Provided*, That if insufficient unobligated balances are available from such fiscal year 2022, 2023, and 2024 amounts to fund a total amount for such purpose of up to $2,720,000,000, then up to $800,000,000 from amounts previously appropriated under the heading ''Department of Energy—Energy Programs—Nuclear Energy'' in division J of the Infrastructure Investment and Jobs Act (Public Law 117–58) that are made available for fiscal year 2025, may be made available, in additional to amounts otherwise available, for such purpose to meet such total amount: *Provided further*, That amounts repurposed pursuant to this section may be transferred to ''Department of Energy—Energy Programs—American Energy Independence Fund'' in either fiscal year 2024 or fiscal year 2025: *Provided further*, That amounts repurposed or transferred by this section shall be subject to the same authorities and conditions as if such section were included in the Department of Energy title of the Energy and Water Development and Related Agencies Appropriations Act for fiscal year 2024: *Provided further*, That the Secretary of Energy may use the amounts repurposed, transferred, or otherwise made available pursuant to this section to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, as authorized by section 646(a) of the Department of Energy Organization Act (42 U.S.C. 7256(a)), for such periods of time and subject to such terms and conditions as the Secretary deems appropriate, without regard to section 161(u) of Atomic Energy Act of 1954 (42 U.S.C. 2201(u)): *Provided further*, That notwithstanding 31 U.S.C. 3302, receipts from the sale or transfer of LEU and HALEU or from any other transaction in connection with the amounts repurposed, transferred, or otherwise made available pursuant to this section shall hereafter be credited to the ''American Energy Independence Fund'' as discretionary offsetting collections and shall be available, for the same purposes as funds repurposed or transferred pursuant to this section, to the extent and in the amounts provided in advance in appropriations Acts: *Provided further*, That receipts may hereafter be collected from transactions entered into pursuant to section 2001(a)(2)(F)(iii) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2)(F)(iii)) and, notwithstanding 31 U.S.C. 3302, receipts from any transaction entered into pursuant to section 2001(a)(2)(F)(ii) and (iii) of such Act (42 U.S.C. 16281(a)(2)(F)(ii) and (iii)) shall hereafter be credited to the ''American Energy Independence Fund'' as discretionary offsetting collections and shall be available, for the same purposes as funds repurposed or transferred pursuant to this section, to the extent and in the amounts provided in advanced in appropriations Acts: *Provided further*, That the Secretary of Energy may use funds repurposed, transferred, or otherwise made available pursuant to this section for a commitment only if the full extent of the anticipated costs stemming from that commitment is recorded as an obligation at the time that the commitment is made and only to the extent that up-front obligation is recorded in full at that time: *Provided further*, That amounts repurposed or transferred pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the Budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and to legislation establishing fiscal year 2024 budget enforcement in the House of Representatives.

(b) Amounts may not be repurposed or transferred pursuant to this section until a law is enacted or administrative action is taken to prohibit or limit importation of LEU and HALEU from the Russian Federation or by a Russian entity into the United States.

(c) The Nuclear Fuel Security Act of 2023 (section 3131 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31)) is amended—

(1) in subsections (f)(1)(B)(i) and (h)(4)(B)(i) to read as follows:

''(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; and''; and

(2) in subjection (j) to read as follows:

''(j) REASONABLE COMPENSATION.—In carrying out activities under this section, the Secretary shall ensure that any LEU and HALEU made available by the Secretary under 1 or more of the Programs is subject to reasonable compensation, taking into account the fair market value of the LEU or HALEU and the purposes of this section.''.

TITLE III

DEPARTMENT OF HOMELAND SECURITY

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For an additional amount for ''Federal Emergency Management Agency—Operations and Support'', $10,000,000, to remain

available until September 30, 2027, for necessary expenses related to the administration of nonprofit security grants: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL ASSISTANCE

For an additional amount for ''Federal Emergency Management Agency—Federal Assistance'', $390,000,000, of which $160,000,000 shall remain available until September 30, 2024, and $230,000,000 shall remain available until September 30, 2026, for Nonprofit Security Grant Program under section 2009 of the Homeland Security Act of 2002 (6 U.S.C. 609a) for eligible nonprofit organizations to prevent, prepare for, protect against, and respond to acts of terrorism or other threats: *Provided,* That the Administrator of the Federal Emergency Management Agency shall make programmatic adjustments as necessary to expedite the disbursement of, and provide flexibility in the use of, amounts made available under this heading in this Act: *Provided further,* That notwithstanding any provision of 6 U.S.C. 609a, and in addition to amounts available under 6 U.S.C. 609a(c)(2), the Administrator of the Federal Emergency Management Agency may permit a State to use up to two percent of a grant awarded under this heading in this Act to provide outreach and technical assistance to eligible nonprofit organizations to assist them with applying for Nonprofit Security Grant Program awards under this heading in this Act: *Provided further,* That such outreach and technical assistance should prioritize rural and underserved communities and nonprofit organizations that are traditionally underrepresented in the Program: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for ''Refugee and Entrant Assistance'', $2,334,000,000, to remain available until September 30, 2025, for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980: *Provided,* That amounts made available under this heading in this Act may be used for grants or contracts with qualified organizations, including nonprofit entities, to provide culturally and linguistically appropriate services, including wraparound services, housing assistance, medical assistance, legal assistance, and case management assistance: *Provided further,* That amounts made available under this heading in this Act may be used by the Director of the Office of Refugee Resettlement (Director) to issue awards or supplement awards previously made by the Director: *Provided further,* That the Director, in carrying out section 412(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1552(c)(1)(A)) with amounts made available under this heading in this Act, may allocate such amounts among the States in a manner that accounts for the most current data available: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 401. Section 401(a)(1)(A) of the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128) is amended by striking ''September 30, 2023'' and inserting ''September 30, 2024'': *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $281,914,000, to remain available until September 30, 2028, to support improvements to the submarine industrial base and for related expenses: *Provided,* That not later than 60 days after the date of enactment of this Act, the Secretary of the Navy, or their designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for funds provided under this heading in this Act: *Provided further,* That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For an additional amount for ''Diplomatic Programs'', $210,000,000, to remain available until September 30, 2025, to respond to the situations in Israel and Ukraine and areas and countries impacted by the situations in Israel and Ukraine: *Provided,* That of the total amount provided under this heading in this Act, $100,000,000, to remain available until expended, shall be for Worldwide Security Protection, including to respond to the situation in Israel and areas impacted by the situation in Israel: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $12,000,000, to remain available until September 30, 2025: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for ''Emergencies in the Diplomatic and Consular Service'', $50,000,000, to remain available until expended, to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $39,000,000, to remain available until September 30, 2025, to respond to the situations in Israel and Ukraine and countries impacted by the situations in Israel and Ukraine: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $13,000,000, to remain available until September 30, 2025: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $5,655,000,000, to remain available until expended, to address humanitarian needs in response to the situations in Israel and Ukraine, including the provision of emergency food and shelter, and for assistance for other vulnerable populations and communities: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $25,000,000, to remain available until expended, for assistance for Ukraine and countries impacted by the situation in Ukraine: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $7,899,000,000, to remain available until September 30, 2025: *Provided,* That of the total amount provided under this heading in this Act, $7,849,000,000 shall be for assistance for Ukraine, which may include budget support and which may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided further,* That none of the funds made available for budget support pursuant to the preceding proviso may be made available for the reimbursement of pensions: *Provided further,* That of the total amount provided under this heading in this Act, $50,000,000 shall be to prevent and respond to food insecurity: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for ''Assistance for Europe, Eurasia and Central Asia'', $1,575,000,000, to remain available until September 30, 2025, for assistance and related programs for Ukraine and other countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5402(c)): *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $3,495,000,000, to remain available until expended, to address humanitarian needs and assist refugees in response to the situations in Israel and Ukraine, and for assistance for other vulnerable populations and communities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $375,000,000, to remain available until September 30, 2025: *Provided*, That of the total amount provided under this heading in this Act, $300,000,000 shall be for assistance for Ukraine and countries impacted by the situation in Ukraine: *Provided further*, That funds made available in the preceding proviso may be made available to support the State Border Guard Service of Ukraine and National Police of Ukraine, including units supporting or under the command of the Armed Forces of Ukraine: *Provided further*, That of the total amount provided under this heading in this Act, $75,000,000 shall be for assistance for the Middle East, following consultation with the appropriate congressional committees, including to enhance law enforcement capabilities, counter terrorism, combat narcotics trafficking, and meet other critical partner requirements: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', $100,000,000, to remain available until September 30, 2025, for assistance for Ukraine and countries impacted by the situation in Ukraine: *Provided*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations on the prioritization of demining efforts and how such efforts will be coordinated with development activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2025, for a United States contribution to the Multinational Force and Observers mission in the Sinai to enhance force protection capabilities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $7,100,000,000, to remain available until September 30, 2025: *Provided*, That of the total amount provided under this heading in this Act, $3,500,000,000 shall be for assistance for Israel and for related expenses: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading in this Act shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which up to $769,300,000 may be available for the procurement in Israel of defense articles and defense services: *Provided further*, That the limitation in the preceding proviso may be exceeded, if agreed by the United States and Israel, following consultation with the Committees on Appropriations: *Provided further*, That any congressional notification requirement applicable to funds made available under this heading in this Act for Israel may be waived if the Secretary of State determines that to do so is in the national security interest of the United States: *Provided further*, That of the total amount provided under this heading in this Act, $2,000,000,000 shall be for assistance for the Indo-Pacific region and for related expenses: *Provided further*, That of the total amount provided under this heading in this Act, $1,600,000,000 shall be for assistance for Ukraine and countries impacted by the situation in Ukraine and for related expenses: *Provided further*, That amounts made available under this heading in this Act and unobligated balances of amounts made available under this heading in Acts making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2024 and prior fiscal years shall be available for the cost of loans and loan guarantees as authorized by section 2606 of the Ukraine Supplemental Appropriations Act, 2022 (division N of Public Law 117–103), subject to the terms and conditions provided in such section, or as otherwise authorized by law: *Provided further*, That loan guarantees made using amounts described in the preceding proviso for loans financed by the Federal Financing Bank may be provided notwithstanding any provision of law limiting the percentage of loan principal that may be guaranteed: *Provided further*, That up to $5,000,000 of funds made available under this heading in this Act, in addition to funds otherwise available for such purposes, may be used by the Department of State for necessary expenses for the general costs of administering military assistance and sales, including management and oversight of such programs and activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ASSISTANCE PROGRAMS

MULTILATERAL ASSISTANCE

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For an additional amount for ''Contribution to the International Development Association'', $250,000,000, to remain available until expended, which shall be made available for a contribution to the International Development Association Special Program to Enhance Crisis Response Window: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. During fiscal year 2024, up to $250,000,000 of funds deposited in the Consular and Border Security Programs account in any fiscal year that are available for obligation may be transferred to, and merged with, funds appropriated by any Act making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic Programs'' (including for Worldwide Security Protection) and ''Emergencies in the Diplomatic and Consular Service'' for emergency evacuations or to prevent or respond to security situations and related requirements: *Provided*, That such transfer authority is in addition to any other transfer authority provided by law, and any such transfers are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SEC. 602. During fiscal year 2024, section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) shall be applied by substituting ''$7,800,000,000'' for ''$100,000,000''.

SEC. 603. During fiscal year 2024, section 506(a)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)(B)) shall be applied by substituting ''$400,000,000'' for ''$200,000,000'' in the matter preceding clause (i), and by substituting ''$150,000,000'' for ''$75,000,000'' in clause (i).

SEC. 604. During fiscal year 2024, section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)) shall be applied by substituting ''$50,000,000'' for ''$25,000,000''.

SEC. 605. Section 12001 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287) is amended as follows:

(1) In paragraph (2) of subsection (a), by striking ''armor'' and all that follows through the end of the paragraph and inserting ''defense articles that are in the inventory of the Department of Defense as of the date of transfer, are intended for use as reserve stocks for Israel, and are located in a stockpile for Israel as of the date of transfer''.

(2) In subsection (b), by striking ''at least equal to the fair market value of the items transferred'' and inserting ''in an amount to be determined by the Secretary of Defense''.

(3) In subsection (c), by inserting before the comma in the first sentence the following: '', or as far in advance of such transfer as is practicable as determined by the President on a case-by-case basis during extraordinary circumstances impacting the national security of the United States''.

SEC. 606. For fiscal year 2024, section 514(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)) shall not apply to defense articles to be set aside, earmarked, reserved, or intended for use as reserve stocks in stockpiles in the State of Israel.

SEC. 607. Unobligated balances from amounts appropriated in prior Acts under the heading ''Multilateral Assistance—International Financial Institutions—Contributions to the International Monetary Fund Facilities and Trust Funds'' shall be available to cover the cost, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), of loans made by the Secretary of the Treasury only to the Poverty Reduction and Growth Trust of the International Monetary Fund, following consultation with the appropriate congressional committees: *Provided*, That such funds shall be available to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000,000 in the aggregate, and the Secretary of the Treasury is authorized to make such loans.

SEC. 608. Section 17(a)(6) of the Bretton Woods Agreements Act (22 U.S.C. 286e–2(a)(6)) is amended by striking ''December 31, 2025'' and inserting ''December 31, 2030''.

SEC. 609. (a) Funds appropriated by this Act under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' may be transferred to, and merged with, funds appropriated by this Act under such headings.

(b) Funds appropriated by this Act under the headings ''Economic Support Fund'' and

''Assistance for Europe, Eurasia and Central Asia'' to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine may be transferred to, and merged with, funds made available under the headings ''United States International Development Finance Corporation—Corporate Capital Account'', ''United States International Development Finance Corporation—Program Account'', ''Export-Import Bank of the United States—Program Account'', and ''Trade and Development Agency'' for such purpose.

(c) Funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' for assistance for countries in the Middle East may be transferred to, and merged with, funds appropriated by this Act under the headings ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Peacekeeping Operations'', and ''Foreign Military Financing Program'' for such purpose.

(d) The transfer authorities provided by this section are in addition to any other transfer authority provided by law, and are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

SEC. 610. Section 1705 of the Additional Ukraine Supplemental Appropriations Act, 2023 (division M of Public Law 117–328) shall apply to funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Ukraine.

SEC. 611. None of the funds appropriated or otherwise made available by this title in this Act may be made available for assistance for the Governments of the Russian Federation or Belarus, including entities owned or controlled by such Governments.

SEC. 612. (a) Section 2606 of the Ukraine Supplemental Appropriations Act, 2022 (division N of Public Law 117–103) is amended as follows:

(1) in subsection (a), by striking ''and North Atlantic Treaty Organization (NATO) allies'' and inserting '', North Atlantic Treaty Organization (NATO) allies, major non-NATO allies, and the Indo-Pacific region''; by striking ''$4,000,000,000'' and inserting ''$8,000,000,000''; and by striking '', except that such rate may not be less than the prevailing interest rate on marketable Treasury securities of similar maturity''; and

(2) in subsection (b), by striking ''and NATO allies'' and inserting '', NATO allies, major non-NATO allies, and the Indo-Pacific region; by striking ''$4,000,000,000'' and inserting ''$8,000,000,000''; and by inserting at the end of the second proviso ''except for guarantees of loans by the Federal Financing Bank''.

(b) Funds made available for the costs of direct loans and loan guarantees for major non-NATO allies and the Indo-Pacific region pursuant to section 2606 of division N of Public Law 117–103, as amended by subsection (a), may only be made available from funds appropriated by this Act under the heading ''Foreign Military Financing Program'' and available balances from under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs: *Provided,* That such funds may only be made available if the Secretary of State certifies and reports to the appropriate congressional committees, not less than 15 days prior to the obligation of such funds, that such direct loan or loan guarantee is in the national security interest of the United States, is being provided in response to exigent circumstances, is addressing a mutually agreed upon emergency requirement of the recipient country, and the recipient country has a plan to repay such loan: *Provided further,* That not less than 60 days after the date of enactment of this Act, the Secretary of State shall consult with such committees on the implementation of this subsection.

(c) Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the Budget are designated as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 613. Funds appropriated under the headings ''Economic Support Fund'' and ''Assistance for Europe, Eurasia and Central Asia'' in this title in this Act may be made available as contributions, following consultation with the Committees on Appropriations.

SEC. 614. None of the funds appropriated or otherwise made available by this division and division B of this Act, and prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be made available for a contribution, grant, or other payment to the United Nations Relief and Works Agency, notwithstanding any other provision of law.

SEC. 615. (a) CERTIFICATION.—The Secretary of State shall certify and report to the appropriate congressional committees not later than March 1, 2024, that—

(1) oversight policies, processes, and procedures have been established by the Department of State and the United States Agency for International Development, as appropriate, and are in use to prevent the diversion, misuse, or destruction of assistance, including through international organizations, to Hamas and other terrorist and extremist entities in Gaza; and

(2) such policies, processes, and procedures have been developed in coordination with other bilateral and multilateral donors and the Government of Israel, as appropriate.

(b) OVERSIGHT POLICY AND PROCEDURES.—The Secretary of State and the USAID Administrator shall submit to the appropriate congressional committees, concurrent with the submission of the certification required in subsection (a), a written description of the oversight policies, processes, and procedures for funds appropriated by this title that are made available for assistance for Gaza, including specific actions to be taken should such assistance be diverted, misused, or destroyed, and the role of Israel in the oversight of such assistance.

(c) REQUIREMENT TO INFORM.—The Secretary of State and USAID Administrator shall promptly inform the appropriate congressional committees of each instance in which funds appropriated by this title that are made available for assistance for Gaza have been diverted, misused, or destroyed, to include the type of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State or USAID, as appropriate.

(d) THIRD PARTY MONITORING.—Funds appropriated by this title shall be made available for third party monitoring of assistance for Gaza, including end use monitoring, following consultation with the appropriate congressional committees.

(e) OFFICES OF INSPECTORS GENERAL.—

(1) DEPARTMENT OF STATE.—Of the funds appropriated by this title under the heading ''Office of Inspector General'' for the Department of State, $7,000,000 shall be made available for the oversight and monitoring of assistance made available for Gaza by this title and in prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Of the funds appropriated by this title under the heading ''Office of Inspector General'' for USAID, $3,000,000 shall be made available for the oversight and monitoring of assistance made available for Gaza by this title and in prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(f) REPORT.—Not later than 90 days after the initial obligation of funds appropriated by this title that are made available for assistance for Gaza, and every 90 days thereafter until all such funds are expended, the Secretary of State and the USAID Administrator shall jointly submit to the appropriate congressional committees a report detailing the amount and purpose of such assistance provided during each respective quarter, including a description of the specific entity implementing such assistance.

(g) ASSESSMENT.—Not later than 90 days after the date of enactment of this Act and every 90 days thereafter until September 30, 2025, the Secretary of State, in consultation with the Director of National Intelligence and other heads of elements of the intelligence community that the Secretary considers relevant, shall submit to the appropriate congressional committees a report assessing whether funds appropriated by this title and made available for assistance for the West Bank and Gaza have been diverted by Hamas or other terrorist and extremist entities in the West Bank and Gaza: *Provided,* That such report shall include details on the amount and how such funds were made available and used by such entities: *Provided further,* That such report may be submitted in classified form, if necessary.

(h) CONSULTATION.—Not later than 30 days after the date of enactment of this Act but prior to the initial obligation of funds made available by this title for humanitarian assistance for Gaza, the Secretary of State and USAID Administrator, as appropriate, shall consult with the Committees on Appropriations on the amount and anticipated uses of such funds.

SEC. 616. Prior to the initial obligation of funds made available in this title in this Act, the Secretary of State, USAID Administrator, and the Secretary of the Treasury, as appropriate, shall submit to the Committees on Appropriations—

(1) spend plans, as defined in section 7034(s)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328), at the country, account, and program level, for funds appropriated by this Act under the headings ''Economic Support Fund'', ''Transition Initiatives'', ''Assistance for Europe, Eurasia and Central Asia'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Peacekeeping Operations'', ''Foreign Military Financing Program'', and ''Contribution to the International Development Association'': *Provided,* That plans submitted pursuant to this paragraph shall include for each program notified—(A) total funding made available for such program, by account and fiscal year; (B) funding that remains unobligated for such program from prior year base or supplemental appropriations; (C) funding that is obligated but unexpended for such program; and (D) funding committed, but not yet notified for such program; and

(2) operating plans, as defined in section 7062 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328), for funds appropriated by this title

under the headings ''Diplomatic Programs'', ''Emergencies in the Diplomatic and Consular Service'', and ''Operating Expenses''.

TITLE VII

GENERAL PROVISIONS—THIS ACT

SEC. 701. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 702. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 703. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2024.

SEC. 704. Not later than 45 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense, in consultation with the heads of other relevant Federal agencies, as appropriate, shall submit to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives a strategy regarding United States support for Ukraine against aggression by the Russian Federation: *Provided*, That such strategy shall be multi-year, establish specific and achievable objectives, define and prioritize United States national security interests, and include the metrics to be used to measure progress in achieving such objectives: *Provided further*, That such strategy shall include an estimate, on a fiscal year-by-fiscal year basis, of the resources required by the United States to achieve such objectives, including to help hasten Ukrainian victory against Russia's invasion forces in a manner most favorable to United States interests and objectives, and a description of the national security implications for the United States if those objectives are not met: *Provided further*, That such strategy shall describe how each specific aspect of U.S. assistance, including defense articles and U.S. foreign assistance, is intended at the tactical, operational, and strategic level to help Ukraine end the conflict as a democratic, independent, and sovereign country capable of deterring and defending its territory against future aggression: *Provided further*, That such strategy shall include a classified independent assessment from the Commander, U.S. European Command, describing any specific defense articles and services not yet provided to Ukraine that would result in meaningful battlefield gains in alignment with the strategy: *Provided further*, That such strategy shall include a classified assessment from the Chairman of the Joint Chiefs of Staff that the provision of specific defense articles and services provided to Ukraine does not pose significant risk to the defense capabilities of the United States military: *Provided further*, That the Under Secretary of Defense for Acquisition & Sustainment in coordination with the Director, Cost Assessment and Program Evaluation provide an assessment of the executability and a production schedule for any specific defense articles recommended by the Commander, U.S. European Command that require procurement: *Provided further*, That such strategy shall include information on support to the Government of the Russian Federation from the Islamic Republic of Iran, the People's Republic of China, and the Democratic People's Republic of Korea, related to the Russian campaign in Ukraine, and its impact on such strategy: *Provided further*, That such strategy shall be updated not less than quarterly, as appropriate, until September 30, 2025, and such updates shall be submitted to such committees: *Provided further*, That unless otherwise specified by this section, such strategy shall be submitted in unclassified form but may include a classified annex.

SEC. 705. (a) Not later than 45 days after the date of enactment of this Act, the Secretary of State, in consultation with the heads of other relevant Federal agencies, as appropriate, shall brief the appropriate congressional committees, in classified form, if necessary, on the status and welfare of hostages being held in Gaza.

(b) For purposes of this section, the term ''appropriate congressional committees'' means the following:

(1) The Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

(2) The Select Committee on Intelligence of the Senate.

(3) The Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

(4) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 706. Funds appropriated by this division and division B of this Act for foreign assistance (including foreign military sales), for the Department of State, for broadcasting subject to supervision of United States Agency for Global Media, and for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for the purposes of 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. 707. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or repurposed or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 708. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This division may be cited as the ''National Security Supplemental Appropriations Act, 2024''.

DIVISION B—BORDER SECURITY AND COMBATTING FENTANYL SUPPLEMENTAL APPROPRIATIONS ACT, 2024

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2024, and for other purposes, namely:

TITLE I

DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

For an additional amount for ''Executive Office for Immigration Review'', $440,000,000, to remain available until September 30, 2026: *Provided*, That of the total amounts provided under this heading in this Act, $404,000,000 shall be for Immigration Judge Teams, including appropriate attorneys, law clerks, paralegals, court administrators, and other support staff, as well as necessary court and adjudicatory costs, and $36,000,000 shall be for representation for certain incompetent adults pursuant to section 240(e) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)): *Provided further*, That not more than 3 percent of the funds available for representation for certain incompetent adults in the preceding proviso shall be available for necessary administrative expenses: *Provided further*, That with the exception of immigration judges appointed pursuant to section 1003.10 of title 8, Code of Federal Regulations, amounts provided under this heading in this Act for Immigration Judge Teams may not be used to increase the number of permanent positions: *Provided further*, That the Executive Office for Immigration Review shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $11,800,000, to remain available until September 30, 2026, for necessary expenses of the Criminal Division associated with the Joint Task Force Alpha's efforts to combat human trafficking and smuggling in the Western Hemisphere: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES MARSHALS SERVICE

FEDERAL PRISONER DETENTION

For an additional amount for ''United States Marshals Service—Federal Prisoner Detention'', $210,000,000, to remain available until expended, for detention costs due to enforcement activities along the southern and northern borders: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Federal Bureau of Investigation—Salaries and Expenses'', $204,000,000, to remain available until September 30, 2026, for expenses related to the analysis of DNA samples, including those samples collected from migrants detained by the United States Border Patrol: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Drug Enforcement Administration—Salaries and Expenses'', $23,200,000, to remain available until September 30, 2026, to enhance laboratory analysis of illicit fentanyl samples to trace illicit fentanyl supplies back to manufacturers, to support Operation Overdrive, and to bolster criminal drug network targeting efforts through data system improvements: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT, INTELLIGENCE, SITUATIONAL AWARENESS, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For an additional amount for ''Office of the Secretary and Executive Management—Operations and Support'', $33,000,000, to remain available until September 30, 2026, of which $30,000,000 shall be for necessary expenses relating to monitoring, recording, analyzing, public reporting on, and projecting migration flows and the impacts policy changes and funding have on flows and related resource requirements for border security, immigration enforcement, and immigration services and of which $3,000,000 shall be for the Office of the Immigration Detention Ombudsman for reporting and oversight relating to expanded detention capacity: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''U.S. Customs and Border Protection—Operations and Support'', $6,008,479,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $3,860,363,000 shall be for operational requirements relating to migration surges along the southwest border, counter-fentanyl activities, necessary expenses at ports of entry, reimbursement to the Department of Defense for border operations support, and other related expenses, of which $3,148,262,000 shall remain available until September 30, 2024; $584,116,000 shall be for the hiring of U.S. Customs and Border Protection personnel; $139,000,000 shall be for overtime costs for U.S. Border Patrol; $25,000,000 shall be for familial DNA testing; and $1,400,000,000 shall be transferred to ''Federal Emergency Management Agency—Federal Assistance'' to support sheltering and related activities provided by non-Federal entities through the Shelter and Services Program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'', $758,500,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $424,500,000 shall be for acquisition and deployment of non-intrusive inspection technology, $260,000,000 shall be for acquisition and deployment of border security technology, and $74,000,000 shall be for acquisition and deployment of air assets: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for ''U.S. Immigration and Customs Enforcement—Operations and Support'', $7,600,833,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $3,230,648,000 shall be for increased custodial detention capacity, $2,548,401,000 shall be for increased removal flights and related activities, including short-term staging facilities, $534,682,000 shall be for hiring U.S. Immigration and Customs Enforcement personnel, and $1,287,102,000 shall be for increased enrollment capabilities and related activities within the Alternatives to Detention program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for ''Federal Emergency Management Agency—Federal Assistance'', $100,000,000, to remain available until September 30, 2025, for Operation Stonegarden: *Provided*, That not less than 25 percent of the total amount provided under this heading in this Act shall be for States other than those located along the southwest border: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For an additional amount for ''U.S. Citizenship and Immigration Services—Operations and Support'', $3,995,842,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $3,383,262,000 shall be for hiring and associated costs, $112,580,000 shall be for non-personnel operations, including transcription services, and $500,000,000 shall be for facilities: *Provided further*, That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For an additional amount for ''Federal Law Enforcement Training Centers—Operations and Support'', $50,703,000, to remain available until September 30, 2026: *Provided*, That of the total amount provided under this heading in this Act, $49,603,000 shall be for training-related expenses, to include instructors, tuition, and overhead costs associated with the delivery of basic law enforcement training and $1,100,000 shall be for the necessary mission support activities and facility maintenance required for law enforcement training: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Federal Law Enforcement Training Centers—Procurement, Construction, and Improvements'', $6,000,000, to remain available until September 30, 2026, for necessary expenses of construction and improvements to existing facilities required to conduct training for Federal law enforcement personnel: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 201. (a) The Secretary shall, by March 1, 2025, and quarterly thereafter, provide to the Committees on Appropriations of the House of Representatives and the Senate a report describing changes in performance metrics and operational capabilities relating to border security, immigration enforcement, and immigration services, and the relationship of those changes to actual and projected encounters on the southwest border.

(b) The report required by subsection (a) shall also include an analytic assessment of how policy changes and resources provided in this title of this Act impact efficiencies and resource needs for—

(1) other programs within the Department; and

(2) other Federal Departments and agencies.

SEC. 202. (a) Amounts made available in this Act under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' for acquisition and deployment of border security technology shall be available only as follows:

(1) $170,000,000 for the procurement and deployment of autonomous surveillance towers systems in locations that are not currently covered by such systems or technology, as defined in subsection (d);

(2) $47,500,000 for the procurement and deployment of mobile surveillance capabilities, including mobile video surveillance systems and for obsolete mobile surveillance equipment replacement, counter-UAS, and small unmanned aerial systems;

(3) $25,000,000 for subterranean detection capabilities;

(4) $7,500,000 for seamless integrated communications to extend connectivity for Border Patrol agents; and

(5) $10,000,000 for the acquisition of data from long duration unmanned surface vehicles in support of maritime border security.

(b) None of the funds available under subsection (a)(1) shall be used for the procurement or deployment of border security technology that is not autonomous.

(c) For the purposes of this section, ''autonomous'' and ''autonomous surveillance tower systems'' are defined as integrated software and/or hardware systems that utilize sensors, onboard computing, and artificial intelligence to identify items of interest that would otherwise be manually identified by personnel.

(d) Not later than 90 days after the date of enactment of this Act, and monthly thereafter, U.S. Customs and Border Protection shall provide to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for the use of the funds available under subsection (a)(1) and such expenditure plan shall include the following:

(1) the number and type of systems that will be procured;

(2) the U.S. Border Patrol sectors where each system will be deployed;

(3) a timeline for system deployments, including a timeline for securing necessary approvals and land rights;

(4) estimated annual sustainment costs for the systems; and

(5) other supporting information.

SEC. 203. (a) Amounts made available in this Act under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' for acquisition and deployment of non-intrusive inspection technology shall be available only through an open competition occurring after the date of enactment of this Act to acquire innovative technologies that improve performance, including through the integration of artificial intelligence and machine learning capabilities.

(b) Beginning on March 1, 2025, the Commissioner of U.S. Customs and Border Protection shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly update on the impacts of deployments of additional non-intrusive inspection technology on key performance metrics and operational capabilities and such expenditure plan shall include the following:

(1) the percentage of passenger and cargo vehicles scanned;

(2) the percentage of seizures of narcotics, currency, weapons, and ammunition, and other illicit items at inbound and outbound operations at ports of entry, checkpoints, and other locations as applicable; and

(3) the impact on U.S. Customs and Border Protection workforce requirements resulting from the deployment of additional non-intrusive inspection technology.

SEC. 204. (a) Not later than 30 days after the date of enactment of this Act, the Under Secretary for Management at the Department of Homeland Security shall provide to the Committees on Appropriations of the House of Representatives and the Senate an expenditure and hiring plan for amounts made available in this title of this Act.

(b) The plan required in subsection (a) shall not apply to funds made available in this Act under the heading ''Federal Emergency Management Agency—Federal Assistance'' or to funds transferred by this Act to such heading.

(c) The plan required in subsection (a) shall be updated and submitted to the Committees on Appropriations of the House of Representatives and the Senate every 30 days and no later than the 5th day of each month to reflect changes to the plan and expenditures of funds until all funds made available in this title of this Act are expended or have expired.

(d) None of the funds made available in this title of this Act may be obligated prior to the submission of such plan.

SEC. 205. The remaining unobligated balances, as of the date of enactment of this Act, from amounts made available under the heading ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' in division D of the Consolidated Appropriations Act, 2020 (Public Law 116–93) and described in section 209(a)(1) of such division of that Act and division F of the Consolidated Appropriations Act, 2021 (Public Law 116–260) and described in section 210 of such division of that Act are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded pursuant to this section is hereby appropriated, for an additional amount for fiscal year 2024, to remain available until September 30, 2028, and shall be available for the same purposes and under the same authorities and conditions for which such amounts were originally provided in such Acts: *Provided*, That none of the funds allocated for pedestrian physical barriers pursuant to this section may be made available for any purpose other than the construction of steel bollard pedestrian barrier built at least 18 to 30 feet in effective height and augmented with anti-climb and anti-dig features: *Provided further*, That for purposes of this section, the term ''effective height'' refers to the height above the level of the adjacent terrain features: *Provided further*, That none of the funds allocated for pedestrian physical barriers pursuant to this section may be made available for any purpose other than construction of pedestrian barriers consistent with the description in the first proviso at locations identified in the Border Security Improvement Plan submitted to Congress on August 1, 2020: *Provided further*, That the Commissioner of U.S. Customs and Border Protection may reprioritize the construction of physical barriers outlined in the Border Security Improvement Plan and, with prior approval of the Committees on Appropriations of the House of Representatives and the Senate, add additional miles of pedestrian physical barriers where no such barriers exist, prioritized by operational requirements developed in coordination with U.S. Border Patrol leadership: *Provided further*, That within 180 days of the date of enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate detailing how the funds will be used, by sector, to include the number of miles to be built: *Provided further*, That none of the funds made available pursuant to this section shall be available for obligation until the Secretary submits the report detailed in the preceding proviso.

SEC. 206. (a) Not later than 60 days after the date of the enactment of this Act and monthly thereafter, the Director of U.S. Immigration and Customs Enforcement (in this section, referred to as the ''Director'') shall provide to the Committees on Appropriations of the House of Representatives and the Senate data detailing the number of weekly removal flights conducted by U.S. Immigration and Customs Enforcement, the cost per flight, the number of individuals by nationality on each flight, the average length of time by nationality between when the individual was removed and when the individual's final order of removal was issued, and the number of empty seats on each flight.

(b) The Director shall also provide to the Committees on Appropriations of the House of Representatives and the Senate data detailing the number of voluntary repatriations coordinated by U.S. Immigration and Customs Enforcement, the costs associated with each repatriation, the number of individuals by nationality, the average length of time by nationality between when the individual was removed and when the individual's final order of removal was issued, and the number of individuals that have opted into this program still awaiting repatriation.

SEC. 207. (a) Not later than 30 days after the date of enactment of this Act and weekly thereafter, the Director of U.S. Immigration and Customs Enforcement (in this section referred to as the ''Director'') shall provide to the Committees on Appropriations of the House of Representatives and the Senate a plan to increase custodial detention capacity using the funds provided for such purpose in this title of this Act, until such funds are expended.

(b) The plan required by subsection (a) shall also include data on all detention capacity to which U.S. Immigration and Customs Enforcement has access but cannot use, the reason that the capacity cannot be used, and a course of action for mitigating utilization issues.

(c) The Director shall provide notice to the Committees on Appropriations of the House of Representatives and the Senate in the plan required by subsection (a) of any planned facility acquisitions, cost data, utilization rates, increase of average daily population, and notice of any termination or reduction of a contract for detention space, whether such actions are funded by this Act or any other Act for this or prior fiscal years.

(d) The Director shall notify the Committees on Appropriations of the House of Representatives and the Senate not less than 30 days prior to the planned date of a contract termination or implementation of a reduction in detention capacity.

SEC. 208. None of the funds provided in this title of this Act for ''U.S. Immigration and Customs Enforcement—Operations Support'' may be used for community-based residential facilities.

SEC. 209. (a) Prior to the Secretary of Homeland Security (in this section referred to as the ''Secretary'') requesting assistance from the Department of Defense for border security operations, the Secretary shall ensure that an alternatives analysis and cost-benefit analysis is conducted that includes data on the cost effectiveness of obtaining such assistance from the Department of Defense in lieu of other options.

(b) The Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, a report detailing the types of support sought by the Secretary in any request for assistance from the Department of Defense for border security operations and the operational impact of such request on Department of Homeland Security operations within 30 days of the date of enactment of this Act and quarterly thereafter.

(c) The Secretary shall include with the data requested in subsection (b) the results of the alternatives analysis and cost-benefit analysis required under subsection (a).

SEC. 210. Eligibility for funding made available by this title of this Act for transfer from ''U.S. Customs and Border Protection—Operations and Support'' to ''Federal Emergency Management Agency—Federal Assistance'' for the Shelter and Services Program shall not be limited to entities that previously received or applied for funding for the Shelter and Services Program or the Emergency Food and Shelter-Humanitarian program.

SEC. 211. Of the total amount provided under the heading ''U.S. Customs and Border Protection—Operations and Support'' in this title of this Act for transfer to ''Federal Emergency Management Agency—Federal Assistance'' for the Shelter and Services Program—

(1) not more than $933,333,333 shall be available for transfer immediately upon enactment of this Act;

(2) an additional $350,000,000 shall be available for transfer upon submission of a written certification by the Secretary of Homeland Security, to the Committees on Appropriations of the House of Representatives and the Senate, that U.S. Immigration and Customs Enforcement has—

(A) the ability to detain 46,500 individuals and has increased the total number of Enforcement and Removal Operations deportation officers by 200 above the current on board levels as of the date of enactment of this Act;

(B) increased the total number of U.S. Customs and Border Protection officers by 200 above the current on board levels as of the date of enactment of this Act; and

(C) increased the total number of U.S. Citizenship and Immigration Services asylum officers by 800 above the current on board levels as of the date of enactment of this Act; and

(3) an additional $116,666,667 shall be available for transfer upon submission of a written certification by the Secretary of Homeland Security, to the Committees on Appropriations of the House of Representatives

and the Senate, that U.S. Immigration and Customs Enforcement has—

(A) conducted a total of 1,500 removal flights since the date of enactment of this Act; and

(B) ensured that at least 75 percent of Border Patrol agents assigned to duty along the southwest land border have been trained on the procedures included in sections 235B and 244B of the Immigration and Nationality Act.

TITLE III

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for ''Refugee and Entrant Assistance'', $350,000,000, to remain available until expended, for carrying out section 235(c)(5)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)(B)): *Provided*, That for the purposes of carrying out such section the Secretary of Health and Human Services may use amounts made available under this heading in this Act to award grants to, or enter into contracts with, public, private, or nonprofit organizations, including States: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF STATE AND RELATED AGENCY

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $850,000,000, to remain available until expended, to address humanitarian needs in the Western Hemisphere: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $415,000,000, to remain available until September 30, 2026: *Provided*, That of the total amount made available under this heading in this Act, $230,000,000 shall be made available to increase foreign country capacity to accept and integrate returned and removed individuals, which shall be administered in consultation with the Secretary of Homeland Security, including to address partner government requests that enable the achievement of such objectives, as appropriate: *Provided further*, That of the total amount made available under this heading in this Act, $185,000,000 shall be made available to reduce irregular migration within the Western Hemisphere: *Provided further*, That prior to the obligation of funds made available pursuant to the preceding proviso that are made available to support the repatriation operations of a foreign government, the Secretary of State shall submit to the appropriate congressional committees a monitoring and oversight plan for the use of such funds, and such funds shall be subject to prior consultation with such committees and the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to such committees the text of any agreements or awards related to such operations, which may include documents submitted in classified form, as appropriate, including any agreement with a foreign government, nongovernment entity, or international organization, as applicable, not later than 5 days after the effective date of such document: *Provided further*, That funds appropriated under this heading in this Act may be made available as contributions: *Provided further*, That funds appropriated under this heading in this Act shall not be used to support the refoulement of migrants or refugees: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $25,000,000, to remain available until September 30, 2025, to counter the flow of fentanyl, fentanyl precursors, and other synthetic drugs into the United States, following consultation with the Committees on Appropriations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985..

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 501. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2024.

SEC. 504. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or repurposed or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 505. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This division may be cited as the ''Border Security and Combatting Fentanyl Supplemental Appropriations Act, 2024''.

DIVISION C—BORDER ACT

SEC. 3001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Border Act''.

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

SEC. 3002. DEFINITIONS.

In this division:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise explicitly provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Homeland Security of the House of Representatives.

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

TITLE I—CAPACITY BUILDING

Subtitle A—Hiring, Training, and Systems Modernization

CHAPTER 1—HIRING AUTHORITIES

SEC. 3101. USCIS DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within the Refugee, Asylum and International Operations Directorate, the Field Operations Directorate, and the Service Center Operations Directorate of U.S. Citizenship and Immigration Services for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 3102. ICE DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within Enforcement and Removal Operations of U.S. Immigration and Customs Enforcement as a deportation officer or with duties exclusively relating to the Enforcement and Removal, Custody Operations, Alternatives to Detention, or Transportation and Removal program for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates the Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 3103. REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS.

(a) AUTHORITY.—The Secretary, after consultation with the Director of the Office of Personnel Management, may waive, with respect to any position in U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services, the application of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis, for employment of an annuitant in a position necessary to implement this Act and associated work, for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

(b) PROCEDURES.—The Secretary, after consultation with the Director of the Office of Personnel Management, shall prescribe procedures for the exercise of the authority under subsection (a), including procedures for a delegation of authority.

(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

SEC. 3104. ESTABLISHMENT OF SPECIAL PAY RATE FOR ASYLUM OFFICERS.

(a) IN GENERAL.—Subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after section 5332 the following:

''§ 5332a. Special base rates of pay for asylum officers

''(a) DEFINITIONS.—In this section—

''(1) the term 'asylum officer' has the meaning given such term in section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1));

''(2) the term 'General Schedule base rate' means an annual rate of basic pay established under section 5332 before any additions, such as a locality-based comparability payment under section 5304 or 5304a or a special rate supplement under section 5305; and

''(3) the term 'special base rate' means an annual rate of basic pay payable to an asylum officer, before any additions or reductions, that replaces the General Schedule base rate otherwise applicable to the asylum officer and that is administered in the same manner as a General Schedule base rate.

''(b) SPECIAL BASE RATES OF PAY.—

''(1) ENTITLEMENT TO SPECIAL RATE.—Notwithstanding section 5332, an asylum officer is entitled to a special base rate at grades 1 through 15, which shall—

''(A) replace the otherwise applicable General Schedule base rate for the asylum officer;

''(B) be basic pay for all purposes, including the purpose of computing a locality-based comparability payment under section 5304 or 5304a; and

''(C) be computed as described in paragraph (2) and adjusted at the time of adjustments in the General Schedule.

''(2) COMPUTATION.—The special base rate for an asylum officer shall be derived by increasing the otherwise applicable General Schedule base rate for the asylum officer by 15 percent for the grade of the asylum officer and rounding the result to the nearest whole dollar.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5332 the following:

''5332a. Special base rates of pay for asylum officers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning 30 days after the date of the enactment of this Act.

CHAPTER 2—HIRING WAIVERS

SEC. 3111. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

''(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency.

''(2) In the case of a current, full-time Federal law enforcement officer, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) has authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current background investigation, in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information.

''(3) In the case of an individual who is a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, Top Secret or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces, has not engaged in a criminal offense, has not committed a military offense under the Uniform Code of Military Justice, and does not have disciplinary, misconduct, or derogatory records; and

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of the Border Act.''.

SEC. 3112. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

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

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under subsection (b) of section 3 who holds a background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information shall be subject to an appropriate background investigation.

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

(b) REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104) is amended by adding at the end the following new section:

''SEC. 5. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter for three years, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period—

''(1) the number of waivers granted and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection;

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals; and

''(7) any disciplinary actions taken against law enforcement officers hired under the waiver authority authorized under section 3(b).

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

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

(c) GAO REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

''SEC. 6. GAO REPORT.

''(a) IN GENERAL.—Not later than five years after the date of the enactment of this section, and every five years thereafter, the Comptroller General of the United States shall—

''(1) conduct a review of the disciplinary, misconduct, or derogatory records of all individuals hired using the waiver authority under subsection (b) of section 3—

''(A) to determine the rates of disciplinary actions taken against individuals hired using such waiver authority, as compared to individuals hired after passing the polygraph as required under subsection (a) of that section; and

''(B) to address any other issue relating to discipline by U.S. Customs and Border Protection; and

''(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that appropriately protects sensitive information and describes the results of the review conducted under paragraph (1).

''(b) SUNSET.—The requirement under this section shall terminate on the date on which the third report required by subsection (a) is submitted.''.

(d) DEFINITIONS.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (c) of this section, is further amended by adding at the end the following new section:

''SEC. 7. DEFINITIONS.

''In this Act:

''(1) CRIMINAL OFFENSE.—The term 'criminal offense' means—

''(A) any felony punishable by a term of imprisonment of more than one year; and

''(B) any other crime for which an essential element involves fraud, deceit, or misrepresentation to obtain an advantage or to disadvantage another.

''(2) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(3) MILITARY OFFENSE.—The term 'military offense' means—

''(A) an offense for which—

''(i) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; or

''(ii) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, as pursuant to Army Regulation 635–200 chapter 14–12; and

''(B) an action for which a member of the Armed Forces received a demotion in military rank as punishment for a crime or wrongdoing, imposed by a court martial or other authority.

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

CHAPTER 3—ALTERNATIVES TO DETENTION IMPROVEMENTS AND TRAINING FOR U.S. BORDER PATROL

SEC. 3121. ALTERNATIVES TO DETENTION IMPROVEMENTS.

(a) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall certify to the appropriate committees of Congress that—

(1) with respect to the alternatives to detention programs, U.S. Immigration and Customs Enforcement's processes that release aliens under any type of supervision, consistent and standard policies are in place across all U.S. Immigration and Customs Enforcement field offices;

(2) the U.S. Immigration and Customs Enforcement's alternatives to detention programs use escalation and de-escalation techniques; and

(3) reports on the use of, and policies with respect to, such escalation and de-escalation techniques are provided to the public appropriately protecting sensitive information.

(b) ANNUAL POLICY REVIEW.—

(1) IN GENERAL.—Not less frequently than annually, the Director shall conduct a review of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs so as to ensure standardization and evidence-based decision making.

(2) SUBMISSION OF POLICY REVIEWS.—Not later than 14 days after the completion of each review required by paragraph (1), the Director shall submit to the appropriate committees of Congress a report on the results of the review.

(c) INDEPENDENT VERIFICATION AND VALIDATION.—Not less frequently than every 5 years, the Director shall ensure that an independent verification and validation of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs is conducted.

SEC. 3122. TRAINING FOR U.S. BORDER PATROL.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall require all U.S. Border Patrol agents and other employees or contracted employees designated by the Commissioner to participate in annual continuing training to maintain and update their understanding of—

(1) Department of Homeland Security policies, procedures, and guidelines;

(2) the fundamentals of law (including the Fourth Amendment to the Constitution of the United States), ethics, and professional conduct;

(3) applicable Federal law and regulations;

(4) applicable migration trends that the Commissioner determines are relevant;

(5) best practices for coordinating with community stakeholders;

(6) de-escalation training; and

(7) any other information the Commissioner determines to be relevant to active duty agents.

(b) TRAINING SUBJECTS.—Continuing training under this section shall include training regarding—

(1) the non-lethal use of force policies available to U.S. Border Patrol agents and de-escalation strategies and methods;

(2) identifying, screening, and responding to vulnerable populations, such as children, persons with diminished mental capacity, victims of human trafficking, pregnant mothers, victims of gender-based violence, victims of torture or abuse, and the acutely ill;

(3) trends in transnational criminal organization activities that impact border security and migration;

(4) policies, strategies, and programs—

(A) to protect due process, the civil, human, and privacy rights of individuals, and the private property rights of land owners;

(B) to reduce the number of migrant and agent deaths; and

(C) to improve the safety of agents on patrol;

(5) personal resilience;

(6) anti-corruption and officer ethics training;

(7) current migration trends, including updated cultural and societal issues of countries that are a significant source of migrants who are—

(A) arriving to seek humanitarian protection; or

(B) encountered at a United States international boundary while attempting to enter without inspection;

(8) the impact of border security operations on natural resources and the environment, including strategies to limit the impact of border security operations on natural resources and the environment;

(9) relevant cultural, societal, racial, and religious training, including cross-cultural communication skills;

(10) training required under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.);

(11) risk management and safety training that includes agency protocols for ensuring public safety, personal safety, and the safety of persons in the custody of the Department of Homeland Security; and

(12) any other training that meets the requirements to maintain and update the subjects identified in subsection (a).

(c) COURSE REQUIREMENTS.—Courses offered under this section—

(1) shall be administered by U.S. Customs and Border Protection; and

(2) shall be approved in advance by the Commissioner of U.S. Customs and Border Protection to ensure that such courses satisfy the requirements for training under this section.

(d) ASSESSMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that assesses the training and education provided pursuant to this section, including continuing education.

CHAPTER 4—MODERNIZING NOTICES TO APPEAR

SEC. 3131. ELECTRONIC NOTICES TO APPEAR.

Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(B) in paragraph (2)(A), in the matter preceding clause (i), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(2) in subsection (c)—

(A) by inserting ''the alien, or to the alien's counsel of record, at'' after ''delivery to''; and

(B) by inserting '', or to the email address or other electronic address at which the alien elected to receive notice under paragraph (1) or (2) of subsection (a)'' before the period at the end.

SEC. 3132. AUTHORITY TO PREPARE AND ISSUE NOTICES TO APPEAR.

Section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)) is amended by adding at the end the following:

''(4) AUTHORITY FOR CERTAIN PERSONNEL TO SERVE NOTICES TO APPEAR.—Any mission support personnel within U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement who reports directly to an immigration officer with authority to issue a notice to appear, and who has received the necessary training to issue such a notice, shall be authorized to prepare a notice to appear under this section for review and issuance by the immigration officer.''.

Subtitle B—Asylum Processing at the Border

SEC. 3141. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

''SEC. 235B. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

''(a) GENERAL RULES.—

''(1) CIRCUMSTANCES WARRANTING NONCUSTODIAL PROCEEDINGS.—The Secretary, based upon operational circumstances, may refer an alien applicant for admission for proceedings described in this section if the alien—

''(A) indicates an intention to apply for a protection determination; or

''(B) expresses a credible fear of persecution (as defined in section 235(b)(1)(B)(v)) or torture.

''(2) RELEASE FROM CUSTODY.—Aliens referred for proceedings under this section shall be released from physical custody and processed in accordance with the procedures described in this section.

''(3) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for a proceeding under this section shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement immediately upon release from physical custody and continuing for the duration of such proceeding.

''(4) FAMILY UNITY.—The Secretary shall ensure, to the greatest extent practicable, that the referral of a family unit for proceedings under this section includes all members of such family unit who are traveling together.

''(5) EXCEPTIONS.—

''(A) UNACCOMPANIED ALIEN CHILDREN.—The provisions under this section may not be applied to unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

''(B) APPLICABILITY LIMITATION.—

''(i) IN GENERAL.—The Secretary shall only refer for proceedings under this section an alien described in clause (ii).

''(ii) ALIEN DESCRIBED.— An alien described in this clause is an alien who—

''(I) has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States for more than the 14-day period immediately prior to the date on which

the alien was encountered by U.S. Customs and Border Protection; and

''(II) was encountered within 100 air miles of the international land borders of the United States.

''(6) TIMING.—The provisional noncustodial removal proceedings described in this section shall conclude, to the maximum extent practicable, not later than 90 days after the date the alien is inspected and determined inadmissible.

''(b) PROCEDURES FOR PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.—

''(1) COMMENCEMENT.—

''(A) IN GENERAL.—Provisional noncustodial removal proceedings shall commence under this section with respect to an alien immediately after the Secretary properly serves a notice of removal proceedings on the alien.

''(B) 90-DAY TIMEFRAME.—The 90-day period under subsection (a)(6) with respect to an alien shall commence upon an inspection and inadmissibility determination of the alien.

''(2) SERVICE AND NOTICE OF INTERVIEW REQUIREMENTS.—In provisional noncustodial removal proceedings conducted under this section, the Secretary shall—

''(A) serve notice to the alien or, if personal service is not practicable, to the alien's counsel of record;

''(B) ensure that such notice, to the maximum extent practicable, is in the alien's native language or in a language the alien understands; and

''(C) include in such notice—

''(i) the nature of the proceedings against the alien;

''(ii) the legal authority under which such proceedings will be conducted; and

''(iii) the charges against the alien and the statutory provisions the alien is alleged to have violated;

''(D) inform the alien of his or her obligation—

''(i) to immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any), at which the alien may be contacted respecting the proceeding under this section; and

''(ii) to provide to the Secretary, in writing, any change of the alien's mailing address or telephone number shortly after any such change;

''(E) include in such notice—

''(i) the time and place at which the proceeding under this section will be held, which shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding, which shall be provided not later than 10 days before the scheduled protection determination interview and shall be considered proper service of the commencement of proceedings; and

''(F) inform the alien of—

''(i) the consequences to which the alien would be subject pursuant to section 240(b)(5) if the alien fails to appear at such proceeding, absent exceptional circumstances;

''(ii) the alien's right to be represented, at no expense to the Federal Government, by any counsel or accredited representative selected by the alien who is authorized to represent an alien in such a proceeding; and

''(G) the information described in section 235(b)(1)(B)(iv)(II).

''(3) PROTECTION DETERMINATION.—

''(A) IN GENERAL.—To the maximum extent practicable, within 90 days after the date on which an alien is referred for proceedings under this section, an asylum officer shall conduct a protection determination of such alien in person or through a technology appropriate for protection determinations.

''(B) ACCESS TO COUNSEL.—In any proceeding under this section or section 240D before U.S. Citizenship and Immigration Services and in any appeal of the result of such a proceeding, an alien shall have the privilege of being represented, at no expense to the Federal Government, by counsel authorized to represent an alien in such a proceeding.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection determination. The testimony of the alien shall be under oath or affirmation administered by the asylum officer.

''(D) INTERPRETERS.—Whenever necessary, the asylum officer shall procure the assistance of an interpreter, to the maximum extent practicable, in the alien's native language or in a language the alien understands, during any protection determination.

''(E) LOCATION.—

''(i) IN GENERAL.—Any protection determination authorized under this section shall occur in—

''(I) a U.S. Citizenship and Immigration Services office;

''(II) a facility managed, leased, or operated by U.S. Citizenship and Immigration Services;

''(III) any other location designated by the Director of U.S. Citizenship and Immigration Services; or

''(IV) any other federally owned or federally leased building that—

''(aa) the Director has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the special rules under clause (ii) and the minimum requirements under clause (iii).

''(ii) SPECIAL RULES.—

''(I) LOCATION.—A protection determination may not be conducted in a facility that is managed, leased, owned, or operated by U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

''(II) REASONABLE TIME.—The Secretary shall ensure that a protection determination is conducted during a reasonable time of the day.

''(III) GEOGRAPHICAL LIMITATION.—The Secretary shall ensure that each protection determination for an alien is scheduled at a facility that is a reasonable distance from the current residence of such alien.

''(IV) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(iii) MINIMUM LOCATION REQUIREMENT.—Each facility that the Director authorizes to be used to conduct protection determinations shall—

''(I) have adequate security measures to protect Federal employees, aliens, and beneficiaries for benefits; and

''(II) ensure the best interests of the child or children are prioritized pursuant to clause (ii)(IV) if such children are present at the protection determination.

''(F) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection determination, which—

''(i) shall be provided to the alien, or to the alien's counsel of record, upon a decision; and

''(ii) shall include—

''(I) a summary of the material facts stated by the alien;

''(II) any additional facts relied upon by the asylum officer;

''(III) the asylum officer's analysis of why, in the light of the facts referred to in subclauses (I) and (II), the alien has or has not established a positive or negative outcome from the protection determination; and

''(IV) a copy of the asylum officer's interview notes.

''(G) RESCHEDULING.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations that permit an alien to reschedule a protection determination in the event of exceptional circumstances.

''(ii) TOLLING OF TIME LIMITATION.—If an interview is rescheduled at the request of an alien, the period between the date on which the protection determination was originally scheduled and the date of the rescheduled interview shall not count toward the 90-day period referred to in subsection (a)(6).

''(H) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(I) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(i) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(ii) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(J) PROTECTION OF INFORMATION.—

''(i) SENSITIVE OR LAW ENFORCEMENT INFORMATION.—Nothing in this section may be construed to compel any employee of the Department of Homeland Security to disclose any information that is otherwise protected from disclosure by law.

''(ii) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (F) to the alien or to the alien's counsel of record, the Director shall protect any information that is prohibited by law from being disclosed.

''(c) PROTECTION DETERMINATION.—

''(1) IDENTITY VERIFICATION.—The Secretary may not conduct the protection determination with respect to an alien until the identity of the alien has been checked against all appropriate records and databases maintained by the Attorney General, the Secretary of State, or the Secretary.

''(2) IN GENERAL.—

''(A) ELIGIBILITY.—Upon the establishing the identity of an alien pursuant to paragraph (1), the asylum officer shall conduct a protection determination in a location selected in accordance with this section.

''(B) OUTCOME.—

''(i) POSITIVE PROTECTION DETERMINATION OUTCOME.—If the protection determination conducted pursuant to subparagraph (A) results in a positive protection determination outcome, the alien shall be referred to protection merits removal proceedings in accordance with the procedures described in paragraph (4).

''(ii) NEGATIVE PROTECTION DETERMINATION OUTCOME.—If such protection determination results in a negative protection determination outcome, the alien shall be subject to the process described in subsection (d).

''(3) RECORD.—

''(A) USE OF RECORD.—In each protection determination, or any review of such determination, the record of the alien's protection determination required under subsection (b)(3)(F) shall constitute the underlying application for the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture for purposes of the protection merits interview.

''(B) DATE OF FILING.—The date on which the Secretary issues a notification of a positive protection determination pursuant to paragraph (2)(B)(i) shall be considered, for all purposes, the date of filing and the date of receipt of the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture, as applicable.

''(4) REFERRAL FOR PROTECTION MERITS REMOVAL PROCEEDINGS.—

''(A) IN GENERAL.—If the alien receives a positive protection determination—

''(i) the alien shall be issued employment authorization pursuant to section 235C; and

''(ii) subject to paragraph (5), the asylum officer shall refer the alien for protection merits removal proceedings described in section 240D.

''(B) NOTIFICATIONS.—As soon as practicable after a positive protection determination, the Secretary shall—

''(i) issue a written notification to the alien of the outcome of such determination;

''(ii) include all of the information described in subsection (b)(2); and

''(iii) ensure that such notification and information concerning the procedures under section 240D, shall be made, at a minimum, not later than 30 days before the date on which the required protection merits interview under section 240D occurs.

''(5) AUTHORITY TO GRANT RELIEF OR PROTECTION.—

''(A) IN GENERAL.—If an alien demonstrates, by clear and convincing evidence, that the alien is eligible for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture during the protection determination, the asylum officer, subject to the procedures under subparagraph (B), may grant an application for such relief or protection submitted by such alien without referring the alien to protection merits removal proceedings under section 240D.

''(B) SUPERVISORY REVIEW.—

''(i) IN GENERAL.—An application granted by an asylum officer under subparagraph (A) shall be reviewed by a supervisory asylum officer to determine whether such grant is warranted.

''(ii) LIMITATION.—A decision by an asylum officer to grant an application under subparagraph (A) shall not be final, and the alien shall not be notified of such decision, unless a supervisory asylum officer first determines, based on the review conducted pursuant to clause (i), that such a grant is warranted.

''(iii) EFFECT OF APPROVAL.—If the supervisor determines that granting an alien's application for relief or protection is warranted—

''(I) such application shall be approved; and

''(II) the alien shall receive written notification of such decision as soon as practicable.

''(iv) EFFECT OF NON-APPROVAL.—If the supervisor determines that the grant is not warranted, the alien shall be referred for protection merits removal proceedings under section 240D.

''(C) SPECIAL RULES.—Notwithstanding any other provision of law—

''(i) if an alien's application for asylum is approved pursuant to subparagraph (B)(iii), the asylum officer may not issue an order of removal; and

''(ii) if an alien's application for withholding of removal under section 241(b)(3) or for withholding or deferral of removal under the Convention Against Torture is approved pursuant to subparagraph (B)(iii), the asylum officer shall issue a corresponding order of removal.

''(D) BIANNUAL REPORT.—The Director shall submit a biannual report to the relevant committees of Congress that includes, for the relevant period—

''(i) the number of cases described in subparagraph (A) that were referred to a supervisor pursuant to subparagraph (B), disaggregated by asylum office;

''(ii) the number of cases described in clause (i) that were approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iii) the number of cases described in clause (i) that were not approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iv) a summary of the benefits for which any aliens described in subparagraph (A) were considered amenable and whose cases were referred to a supervisor pursuant to subparagraph (B), disaggregated by case outcome referred to in clauses (ii) and (iii);

''(v) a description of any anomalous case outcomes for aliens described in subparagraph (A) whose cases were referred to a supervisor pursuant subparagraph (B); and

''(vi) a description of any actions taken to remedy the anomalous case outcomes referred to in clause (v).

''(E) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subparagraph (D), the Director shall—

''(i) protect any personally identifiable information associated with aliens described in subparagraph (A); and

''(ii) comply with all applicable privacy laws.

''(6) EMPLOYMENT AUTHORIZATION.—An alien whose application for relief or protection has been approved by a supervisor pursuant to paragraph (5)(B) shall be issued employment authorization under section 235C.

''(d) NEGATIVE PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If an alien receives a negative protection determination, the asylum officer shall—

''(A) provide such alien with written notification of such determination; and

''(B) subject to paragraph (2), order the alien removed from the United States without hearing or review.

''(2) OPPORTUNITY TO REQUEST RECONSIDERATION OR APPEAL.—The Secretary shall notify any alien described in paragraph (1) immediately after receiving notification of a negative protection determination under this subsection that he or she—

''(A) may request reconsideration of such determination in accordance with paragraph (3); and

''(B) may request administrative review of such protection determination decision in accordance with paragraph (4).

''(3) REQUEST FOR RECONSIDERATION.—

''(A) IN GENERAL.—Any alien with respect to whom a negative protection determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination.

''(B) DECISION.—The Director, or designee, in the Director's unreviewable discretion, may grant or deny a request for reconsideration made pursuant to subparagraph (A), which decision shall not be subject to review.

''(4) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the administrative review of a protection determination with respect to an alien under this subsection shall be based on the record before the asylum officer at the time at which such protection determination was made.

''(B) EXCEPTION.—An alien referred to in subparagraph (A), or the alien's counsel of record, may submit such additional evidence or testimony in accordance with such policies and procedures as the Secretary may prescribe.

''(C) REVIEW.—Each review described in subparagraph (A) shall be conducted by the Protection Appellate Board.

''(D) STANDARD OF REVIEW.—In accordance with the procedures prescribed by the Secretary, the Protection Appellate Board, upon the request of an alien, or the alien's counsel of record, shall conduct a de novo review of the record of the protection determination carried out pursuant to this section with respect to the alien.

''(E) DETERMINATION.—

''(i) TIMING.—The Protection Appellate Board shall complete a review under this paragraph, to the maximum extent practicable, not later than 72 hours after receiving a request from an alien pursuant to subparagraph (D).

''(ii) EFFECT OF POSITIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a positive protection determination, the alien shall be referred for protection merits removal proceedings under section 240D.

''(iii) EFFECT OF NEGATIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a negative protection determination, the alien shall be ordered removed from the United States without additional review.

''(5) JURISDICTIONAL MATTERS.—In any action brought against an alien under section 275(a) or 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of removal entered pursuant to subsection (c)(5)(C)(ii).

''(e) SERVICE OF PROTECTION DETERMINATION DECISION.—

''(1) PROTECTION DETERMINATION DECISION.—

''(A) IN GENERAL.—Upon reaching a decision regarding a protection determination, the Secretary shall—

''(i) immediately notify the alien, and the alien's counsel of record, if applicable, that a determination decision has been made; and

''(ii) schedule the service of the protection determination decision, which shall take place, to the maximum extent practicable, not later than 5 days after such notification.

''(B) SPECIAL RULES.—

''(i) LOCATION.—Each service of a protection determination decision scheduled pursuant to subparagraph (A)(ii) may occur at—

''(I) a U.S. Immigration and Customs Enforcement facility;

''(II) an Immigration Court; or

''(III) any other federally owned or federally leased building that—

''(aa) the Secretary has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the minimum requirements under this subparagraph.

''(ii) MINIMUM REQUIREMENTS.—In conducting each service of a protection determination decision, the Director shall ensure compliance with the requirements set forth in clauses (ii)(II), (ii)(III), (ii)(IV), and (iii) of subsection (b)(3)(E).

''(2) PROCEDURES FOR SERVICE OF PROTECTION DETERMINATION DECISIONS.—

''(A) WRITTEN DECISION.—The Secretary shall ensure that each alien and the alien's

counsel of record, if applicable, attending a determination decision receives a written decision that includes, at a minimum, the articulated basis for the denial of the protection benefit sought by the alien.

''(B) LANGUAGE ACCESS.—The Secretary shall ensure that each written decision required under subparagraph (A) is delivered to the alien in—

''(i) the alien's native language, to the maximum extent practicable; or

''(ii) another language the alien understands.

''(C) ACCESS TO COUNSEL.—An alien who has obtained the services of counsel shall be represented by such counsel, at no expense to the Federal Government, at the service of the protection determination. Nothing in this subparagraph may be construed to create a substantive due process right or to unreasonably delay the scheduling of the service of the protection determination.

''(D) ASYLUM OFFICER.—A protection determination decision may only be served by an asylum officer.

''(E) PROTECTIONS FOR ASYLUM OFFICER DECISIONS BASED ON THE MERITS OF THE CASE.—The Secretary may not impose restrictions on an asylum officer's ability to grant or deny relief sought by an alien in a protection determination or protection merits interview based on a numerical limitation.

''(3) NEGATIVE PROTECTION DETERMINATION.—

''(A) ADVISEMENT OF RIGHTS AND OPPORTUNITIES.—If an alien receives a negative protection determination decision, the asylum officer shall—

''(i) advise the alien if an alternative option of return is available to the alien, including—

''(I) voluntary departure;

''(II) withdrawal of the alien's application for admission; or

''(III) voluntary repatriation; and

''(ii) provide written or verbal information to the alien regarding the process, procedures, and timelines for appealing such denial, to the maximum extent practicable, in the alien's native language, or in a language the alien understands.

''(4) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(5) FINAL ORDER OF REMOVAL.—If an alien receives a negative protection determination decision, an alien shall be removed in accordance with section 241 upon a final order of removal.

''(f) FAILURE TO CONDUCT PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If the Secretary fails to conduct a protection determination for an alien during the 90-day period set forth in subsection (b)(3)(A), such alien shall be referred for protection merits removal proceedings in accordance with 240D.

''(2) NOTICE OF PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—If an alien is referred for protection merits removal proceedings pursuant to paragraph (1), the Secretary shall properly file with U.S. Citizenship and Immigration Services and serve upon the alien, or the alien's counsel of record, a notice of a protection merits interview, in accordance with subsection (b)(2).

''(B) CONTENTS.—Each notice of protection merits interview served pursuant to subparagraph (A)—

''(i) shall include each element described in subsection (b)(2); and

''(ii) shall—

''(I) inform the alien that an application for protection relief shall be submitted to the Secretary not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(II) inform the alien that he or she shall receive employment authorization, pursuant to section 235C, not later than 30 days after filing the application required under subclause (I);

''(III) inform the alien that he or she may submit evidence into the record not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(IV) describe—

''(aa) the penalties resulting from the alien's failure to file the application required under subclause (I); and

''(bb) the terms and conditions for redressing such failure to file; and

''(V) describe the penalties resulting from the alien's failure to appear for a scheduled protection merits interview.

''(3) DATE OF FILING.—The date on which an application for protection relief is received by the Secretary shall be considered the date of filing and receipt for all purposes.

''(4) EFFECT OF FAILURE TO FILE.—

''(A) IN GENERAL.—Failure to timely file an application for protection relief under this subsection will result in an order of removal, absent exceptional circumstances.

''(B) OPPORTUNITY FOR REDRESS.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations authorizing a 15-day opportunity for redress to file an application for protection relief if there are exceptional circumstances regarding the alien's failure to timely file an application for protection relief.

''(ii) CONTENTS.—Each application submitted pursuant to clause (i) shall—

''(I) describe the basis for such request;

''(II) include supporting evidence; and

''(III) identify the exceptional circumstances that led to the alien's failure to file the application for protection relief in a timely manner.

''(C) DECISION .—In evaluating a request for redress submitted pursuant to subparagraph (B)(i), the Director, or designee—

''(i) shall determine whether such request rises to the level of exceptional circumstances; and

''(ii) may schedule a protection determination interview.

''(5) EMPLOYMENT AUTHORIZATION.—

''(A) IN GENERAL.—Employment authorization shall be provided to aliens described in this subsection in accordance with section 235C.

''(B) REVOCATION.—The Secretary may revoke the employment authorization provided to any alien processed under this section or section 240D if such alien—

''(i) has obtained authorization for employment pursuant to the procedures described in section 235C; and

''(ii) absent exceptional circumstances, subsequently fails to appear for a protection determination under subsection (b)(3) or a protection merits interview under 240D(c)(3).

''(g) FAILURE TO APPEAR.—

''(1) PROTECTION MERITS INTERVIEW.—The provisions of section 240(b)(5) shall apply to proceedings under this section.

''(2) OPPORTUNITY TO REDRESS.—

''(A) IN GENERAL.—Not later than 15 days after the date on which an alien fails to appear for a scheduled protection determination or protection merits interview, the alien may submit a written request for a rescheduled protection determination or protection merits interview.

''(B) CONTENTS.—Each request submitted pursuant to subparagraph (A) shall—

''(i) describe the basis for such request;

''(ii) include supporting evidence; and

''(iii) identify the exceptional circumstances that led to the alien's failure to appear.

''(C) DECISION.—In evaluating a request submitted pursuant to subparagraph (A), the Director, or designee shall determine whether the evidence included in such request rises to the level of exceptional circumstances. Such decision shall not be reviewable.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section, shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) SAVINGS PROVISIONS.—

''(1) EXPEDITED REMOVAL.—Nothing in this section may be construed to expand or restrict the Secretary's discretion to carry out expedited removals pursuant to section 235 to the extent authorized by law. The Secretary shall not refer or place an alien in proceedings under section 235 if the alien has already been placed in or referred to proceedings under this section or section 240D.

''(2) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien released pursuant to this section if otherwise authorized by law.

''(3) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect as of the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(4) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(5) SPECIAL RULE.—For aliens who are natives or citizens of Cuba released pursuant to this section and who are otherwise eligible for adjustment of status under the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the 'Cuban Adjustment Act'), the requirement that an alien has been inspected and admitted or paroled into the United States shall not apply. Aliens who are natives or citizens of Cuba or Haiti and have been released pursuant to section 240 (8 U.S.C. 1229) shall be considered to be individuals described in section 501(e)(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note).

''(6) REVIEW OF PROTECTION DETERMINATIONS.—Except for reviews of constitutional claims, no court shall have jurisdiction to review a protection determination issued by U.S. Citizenship and Immigration Services under this section.

''(7) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(j) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(k) REPORTS ON ASYLUM OFFICER GRANT RATES.—

''(1) PUBLICATION OF ANNUAL REPORT.—Not later than 1 year after the date of the enactment of the Border Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall publish a report, on a publicly accessible website of U.S. Citizenship and Immigration Services, which includes, for the reporting period—

''(A) the number of protection determinations that were approved or denied; and

''(B) a description of any anomalous incidents identified by the Director, including any action taken by the Director to address such an incident.

''(2) SEMIANNUAL REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not less frequently than twice each year, the Director of U.S. Citizenship and Immigration Services shall submit a report to the relevant committees of Congress that includes, for the preceding reporting period, and aggregated for the applicable calendar year—

''(i) the number of cases in which a protection determination or protection merits interview has been completed; and

''(ii) for each asylum office or duty station to which more than 20 asylum officers are assigned—

''(I) the median percentage of positive determinations and protection merits interviews in the cases described in clause (i);

''(II) the mean percentage of negative determinations and protection merits interviews in such cases; and

''(III) the number of cases described in subsection (c)(5) in which an alien was referred to a supervisor after demonstrating, by clear and convincing evidence, eligibility for asylum, withholding of removal, or protection under the Convention Against Torture, disaggregated by benefit type;

''(IV) the number of cases described in clause (i) that were approved by a supervisor; and

''(V) the number of cases described in clause (i) that were not approved by a supervisor.

''(B) PRESENTATION OF DATA.—The information described in subparagraph (A) shall be provided in the format of aggregate totals by office or duty station.

''(l) DEFINITIONS.—In this section:

''(1) APPLICATION FOR PROTECTION RELIEF.—The term 'application for protection relief' means any request, application or petition authorized by the Secretary for asylum, withholding of removal, or protection under the Convention Against Torture.

''(2) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(3) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(4) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(5) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(6) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(7) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(8) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(9) RELEVANT COMMITTEES OF CONGRESS.—The term 'relevant committees of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on the Judiciary of the Senate;

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Homeland Security of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives;

''(F) the Committee on Appropriations of the House of Representatives; and

''(G) the Committee on Oversight and Accountability of the House of Representatives.

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

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Provisional noncustodial removal proceedings.''.

SEC. 3142. PROTECTION MERITS REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 240C the following:

''SEC. 240D. PROTECTION MERITS REMOVAL PROCEEDINGS.

''(a) COMMENCEMENT OF PROCEEDINGS.—Removal proceedings under this section shall commence immediately after the Secretary properly serves notice on an alien who was—

''(1) processed under section 235B and referred under subsection (c)(4) of that section after having been issued a notice of a positive protection determination under such subsection; or

''(2) referred under section 235B(f).

''(b) DURATION OF PROCEEDINGS.—To the maximum extent practicable, proceedings under this section shall conclude not later than 90 days after the date on which such proceedings commence.

''(c) PROCEDURES.—

''(1) SERVICE AND NOTICE REQUIREMENTS.—Upon the commencement of proceedings under this section, the Secretary shall provide notice of removal proceedings to the alien, or if personal service is not practicable, to the alien's counsel of record. Such notice shall be provided, to the maximum extent practicable, in the alien's native language, or in a language the alien understands, and shall specify or provide—

''(A) the nature of the proceedings against the alien;

''(B) the legal authority under which such proceedings will be conducted;

''(C) the charges against the alien and the statutory provisions alleged to have been violated by the alien;

''(D) that the alien shall—

''(i) immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any) at which the alien may be contacted respecting the proceeding under this section; and

''(ii) provide to the Secretary, in writing, any change of the alien's mailing address or telephone number after any such change;

''(E)(i) the time and place at which the proceeding under this section will be held, which information shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding shall be provided to the alien, or to the alien's counsel of record, not later than 10 days before the scheduled protection determination interview, which shall be considered proper service of the commencement of proceedings;

''(F) the consequences for the alien's failure to appear at such proceeding pursuant to section 240(b)(5)(A), absent exceptional circumstances;

''(G) the alien's right to be represented, at no expense to the Federal Government, by any counsel, or an accredited representative, selected by the alien who is authorized to practice in such a proceeding; and

''(H) information described in section 235(b)(1)(B)(iv)(II).

''(2) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for proceedings under this section, shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement for the duration of such proceedings.

''(3) PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—An asylum officer shall conduct a protection merits interview of each alien processed under this section.

''(B) ACCESS TO COUNSEL.—Section 235B(b)(3)(B) shall apply to proceedings under this section.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection merits interview. The testimony of the alien shall be under oath or affirmation, which shall be administered by the asylum officer.

''(D) TRANSLATION OF DOCUMENTS.—Any foreign language document offered by a party in proceedings under this section shall be accompanied by an English language translation and a certification signed by the translator, which shall be printed legibly or typed. Such certification shall include a statement that the translator is competent to translate the document, and that the translation is true and accurate to the best of the translator's abilities.

''(E) INTERPRETERS.—An interpreter may be provided to the alien for the proceedings under this section, in accordance with section 235B(b)(3)(D).

''(F) LOCATION.—The location for the protection merits interview described in this section shall be determined in accordance with the terms and conditions described in section 235B(b)(3)(E).

''(G) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection merits interview, which shall be provided to the alien or the alien's counsel, that includes—

''(i) a summary of the material facts stated by the alien;

''(ii) any additional facts relied upon by the asylum officer;

''(iii) the asylum officer's analysis of why, in light of the facts referred to in clauses (i) and (ii), the alien has or has not established eligibility for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(iv) a copy of the asylum officer's interview notes.

''(H) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (G) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(I) RULEMAKING.—The Secretary shall promulgate regulations that permit an alien to request a rescheduled interview due to exceptional circumstances.

''(J) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(4) SPECIAL RULE RELATING TO ONE-YEAR BAR.—An alien subject to proceedings under this section shall not be subject to the one-year bar under section 208(a)(2)(B).

''(5) TIMING OF PROTECTION MERITS INTERVIEW.—A protection merits interview may not be conducted on a date that is earlier than 30 days after the date on which notice is served under paragraph (1).

''(d) PROTECTION MERITS DETERMINATION.—

''(1) IN GENERAL.—After conducting an alien's protection merits interview, the asylum officer shall make a determination on the merits of the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) POSITIVE PROTECTION MERITS DETERMINATION.—In the case of an alien who the asylum officer determines meets the criteria for a positive protection merits determination, the asylum officer shall approve the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(3) NEGATIVE PROTECTION MERITS DETERMINATION.—

''(A) IN GENERAL.—In the case of an alien who the asylum officer determines does not meet the criteria for a positive protection merits determination—

''(i) the asylum officer shall deny the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(ii) the Secretary shall—

''(I) provide the alien with written notice of the decision; and

''(II) subject to subparagraph (B) and subsection (e), order the removal of the alien from the United States.

''(B) REQUEST FOR RECONSIDERATION.—Any alien with respect to whom a negative protection merits determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination, in accordance with the procedures set forth in section 235B(d)(3).

''(e) APPEALS.—

''(1) IN GENERAL.—An alien with respect to whom a negative protection merits determination has been made may submit to the Protection Appellate Board a written petition for review of such determination, together with additional evidence supporting the alien's claim, as applicable, not later than 7 days after the date on which a request for reconsideration under subsection (d)(3)(B) has been denied.

''(2) SWORN STATEMENT.—A petition for review submitted under this subsection shall include a sworn statement by the alien.

''(3) RESPONSIBILITIES OF THE DIRECTOR.—

''(A) IN GENERAL.—After the filing of a petition for review by an alien, the Director shall—

''(i) refer the alien's petition for review to the Protection Appellate Board; and

''(ii) before the date on which the Protection Appellate Board commences review, subject to subparagraph (B), provide a full record of the alien's protection merits interview, including a transcript of such interview—

''(I) to the Protection Appellate Board; and

''(II) to the alien, or the alien's counsel of record.

''(B) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (A)(ii)(II) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(4) STANDARD OF REVIEW.—

''(A) IN GENERAL.—In reviewing a protection merits determination under this subsection, the Protection Appellate Board shall—

''(i) with respect to questions of fact, determine whether the decision reached by the asylum officer with initial jurisdiction regarding the alien's eligibility for relief or protection was clear error; and

''(ii) with respect to questions of law, discretion, and judgement, make a de novo determination with respect to the alien's eligibility for relief or protection.

''(B) in making a determination under clause (i) or (ii) of subparagraph (A), take into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the Protection Appellate Board.

''(5) COMPLETION.—To the maximum extent practicable, not later than 7 days after the date on which an alien files a petition for review with the Protection Appellate Board, the Protection Appellate Board shall conclude the review.

''(6) OPPORTUNITY TO SUPPLEMENT.—The Protection Appellate Board shall establish a process by which an alien, or the alien's counsel of record, may supplement the record for purposes of a review under this subsection not less than 30 days before the Protection Appellate Board commences the review.

''(7) RESULT OF REVIEW.—

''(A) VACATUR OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for asylum warrants approval, the Protection Appellate Board shall vacate the order of removal issued by the asylum officer and grant such application.

''(B) WITHHOLDING OF REMOVAL AND CONVENTION AGAINST TORTURE ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture warrants approval, the Protection Appellate Board—

''(i) shall not vacate the order of removal issued by the asylum officer; and

''(ii) shall grant the application for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture, as applicable.

''(C) AFFIRMATION OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the petition for review of a protection merits interview does not warrant approval, the Protection Appellate Board shall affirm the denial of such application and the order of removal shall become final.

''(D) NOTIFICATION.—Upon making a determination with respect to a review under this subsection, the Protection Appellate Board shall expeditiously provide notice of the determination to the alien and, as applicable, to the alien's counsel of record.

''(8) MOTION TO REOPEN OR MOTION TO RECONSIDER.—

''(A) MOTION TO REOPEN.—A motion to reopen a review conducted by the Protection Appellate Board shall state new facts and shall be supported by documentary evidence. The resubmission of previously provided evidence or reassertion of previously stated facts shall not be sufficient to meet the requirements of a motion to reopen under this subparagraph. An alien with a pending motion to reopen may be removed if the alien's order of removal is final, pending a decision on a motion to reopen.

''(B) MOTION TO RECONSIDER.—

''(i) IN GENERAL.—A motion to reconsider a decision of the Protection Appellate Board—

''(I) shall establish that—

''(aa) the Protection Appellate Board based its decision on an incorrect application of law or policy; and

''(bb) the decision was incorrect based on the evidence in the record of proceedings at the time of the decision; and

''(II) shall be filed not later than 30 days after the date on which the decision was issued.

''(ii) LIMITATION.—The Protection Appellate Board shall not consider new facts or evidence submitted in support of a motion to reconsider.

''(f) ORDER OF REMOVAL.—

''(1) IN GENERAL.—The Secretary—

''(A) shall have exclusive and final jurisdiction over the denial of an application for relief or protection under this section; and

''(B) may remove an alien to a country where the alien is a subject, national, or citizen, or in the case of an alien having no nationality, the country of the alien's last habitual residence, or in accordance with the processes established under section 241, unless removing the alien to such country would be prejudicial to the interests of the United States.

''(2) DETENTION; REMOVAL.—The terms and conditions under section 241 shall apply to the detention and removal of aliens ordered removed from the United States under this section.

''(g) LIMITATION ON JUDICIAL REVIEW.—

''(1) DENIALS OF PROTECTION.—Except for review of constitutional claims, no court shall have jurisdiction to review a decision issued by U.S. Citizenship and Immigration Services under this section denying an alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section, shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) SAVINGS PROVISIONS.—

''(1) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien who is processed, including for release, under this section if otherwise authorized by law.

''(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect on the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(3) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(4) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(A) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(B) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(j) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed pursuant to this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(k) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(l) DEFINITIONS.—In this section:

''(1) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture'—means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(3) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(4) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(5) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(6) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(7) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

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

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 240C the following:

''Sec. 240D. Protection merits removal proceedings.''.

SEC. 3143. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING; WITHDRAWAL OF APPLICATION FOR ADMISSION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 3142(a), is further amended by inserting after section 240D the following:

''SEC. 240E. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING.

''(a) CONDITIONS.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, instead of being subject to proceedings under section 235B or 240D or before the completion of such proceedings, if such alien is not deportable under paragraph (2)(A)(iii) or (4)(B) of section 237(a).

''(2) PERIOD OF VALIDITY.—Permission to depart voluntarily under this subsection shall be valid for a period not to exceed 120 days.

''(3) DEPARTURE BOND.—The Secretary may require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(b) AT CONCLUSION OF PROCEEDINGS.—

''(1) IN GENERAL.—The Secretary may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, if, at the conclusion of a proceeding under section 240D, the asylum officer—

''(A) enters an order granting voluntary departure instead of removal; and

''(B) determines that the alien—

''(i) has been physically present in the United States for not less than 60 days immediately preceding the date on which proper notice was served in accordance with section 235B(e)(2);

''(ii) is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure;

''(iii) is not deportable under paragraph (2)(A)(iii) or (4) of section 237(a); and

''(iv) has established, by clear and convincing evidence, that he or she has the means to depart the United States and intends to do so.

''(2) DEPARTURE BOND.—The Secretary shall require any alien permitted to voluntarily depart under this subsection to post a voluntary departure bond, in an amount necessary to ensure that such alien will depart, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(c) INELIGIBLE ALIENS.—The Secretary shall not permit an alien to voluntarily depart under this section if such alien was previously permitted to voluntarily depart after having been found inadmissible under section 212(a)(6)(A).

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Subject to paragraph (2), an alien who was permitted to voluntarily depart the United States under this section and fails to voluntarily depart within the period specified by the Secretary—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, during the 10-year period beginning on the last day such alien was permitted to voluntarily depart, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) SPECIAL RULE.—The restrictions on relief under paragraph (1) shall not apply to individuals identified in section 240B(d)(2).

''(3) NOTICE.—The order permitting an alien to voluntarily depart shall describe the penalties under this subsection.

''(e) ADDITIONAL CONDITIONS.—The Secretary may prescribe regulations that limit eligibility for voluntary departure under this section for any class of aliens. No court may review any regulation issued under this subsection.

''(f) JUDICIAL REVIEW.—No court has jurisdiction over an appeal from the denial of a request for an order of voluntary departure under subsection (b). No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure relief in any other section of this Act.

''SEC. 240F. WITHDRAWAL OF APPLICATION FOR ADMISSION.

''(a) WITHDRAWAL AUTHORIZED.—The Secretary of Homeland Security (referred to in this section as the 'Secretary'), in the discretion of the Secretary, may permit any alien for admission to withdraw his or her application—

''(1) instead of being placed into removal proceedings under section 235B or 240D; or

''(2) at any time before the alien's protection merits interview occurs under section 240D.

''(b) CONDITIONS.—An alien's decision to withdraw his or her application for admission under subsection (a) shall be made voluntarily. Permission to withdraw an application for admission may not be granted unless the alien intends and is able to depart the United States within a period determined by the Secretary.

''(c) CONSEQUENCE FOR FAILURE TO DEPART.—An alien who is permitted to withdraw his or her application for admission under this section and fails to voluntarily depart the United States within the period specified by the Secretary pursuant to subsection (b) shall be ineligible, during the 5-year period beginning on the last day of such period, to receive any further relief under this section and section 240A.

''(d) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed after withdrawing an application under this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any withdrawal requirements in any other section of this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 3142(b), is further amended by inserting after the item relating to section 240D the following:

''Sec. 240E. Voluntary departure after noncustodial processing.

''Sec. 240F. Withdrawal of application for admission.''.

SEC. 3144. VOLUNTARY REPATRIATION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 3143(a), is further amended by inserting after section 240F, the following:

''SEC. 240G. VOLUNTARY REPATRIATION.

''(a) ESTABLISHMENT.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish a voluntary repatriation program in accordance with the terms and conditions of this section.

''(b) VOLUNTARY REPATRIATION IN LIEU OF PROCEEDINGS.—Under the voluntary repatriation program established under subsection (a), the Secretary may permit an alien to elect, at any time during proceedings under section 235B or before the alien's protection merits determination under section 240D(d), voluntary repatriation in lieu of continued proceedings under section 235B or 240D.

''(c) PERIOD OF VALIDITY.—An alien who elects voluntary repatriation shall depart the United States within a period determined by the Secretary, which may not exceed 120 days.

''(d) PROCEDURES.—Consistent with subsection (b), the Secretary may permit an alien to elect voluntary repatriation if the asylum officer—

''(1) enters an order granting voluntary repatriation instead of an order of removal; and

''(2) determines that the alien—

''(A) has been physically present in the United States immediately preceding the date on which the alien elects voluntary repatriation;

''(B) is, and has been, a person of good moral character for the entire period the alien is physically present in the United States;

''(C) is not described in paragraph (2)(A)(iii) or (4) of section 237(a);

''(D) meets the applicable income requirements, as determined by the Secretary; and

''(E) has not previously elected voluntary repatriation.

''(e) MINIMUM REQUIREMENTS.—

''(1) NOTICE.—The notices required to be provided to an alien under sections 235B(b)(2) and 240D(c)(1) shall include information on the voluntary repatriation program.

''(2) VERBAL REQUIREMENTS.—The asylum officer shall verbally provide the alien with information about the opportunity to elect voluntary repatriation—

''(A) at the beginning of a protection determination under section 235B(c)(2); and

''(B) at the beginning of the protection merits interview under section 240D(b)(3).

''(3) WRITTEN REQUEST.—An alien subject to section 235B or 240D—

''(A) may elect voluntary repatriation at any time during proceedings under 235B or before the protection merits determination under section 240D(d); and

''(B) may only elect voluntary repatriation—

''(i) knowingly and voluntarily; and

''(ii) in a written format, to the maximum extent practicable, in the alien's native language or in a language the alien understands, or in an alternative record if the alien is unable to write.

''(f) REPATRIATION.—The Secretary is authorized to provide transportation to aliens, including on commercial flights, if such aliens elect voluntary repatriation.

''(g) REINTEGRATION.—Upon election of voluntary repatriation, the Secretary shall advise the alien of any applicable reintegration or reception program available in the alien's country of nationality.

''(h) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been permitted to voluntarily repatriate pursuant to this section, the Secretary shall ensure that such alien is repatriated with the minor child, if the alien elects.

''(i) IMMIGRATION CONSEQUENCES.—

''(1) ELECTION TIMING.—In the case of an alien who elects voluntary repatriation at any time during proceeding under section 235B or before the protection merits interview, a final order of removal shall not be entered against the alien.

''(2) FAILURE TO TIMELY DEPART.—In the case of an alien who elects voluntary repatriation and fails to depart the United States before the end of the period of validity under subsection (c)—

''(A) the alien shall be subject to a civil penalty in an amount equal to the cost of the commercial flight or the ticket, or tickets, to the country of nationality;

''(B) during the 10-year period beginning on the date on which the period of validity under subsection (c) ends, the alien shall be ineligible for relief under—

''(i) this section;

''(ii) section 240A; and

''(iii) section 240E; and

''(C) a final order of removal shall be entered against the alien.

''(3) EXCEPTIONS.—Paragraph (2) shall not apply to a child of an adult alien who elected voluntary repatriation.

''(j) CLERICAL MATTERS.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure under any other section of this Act.

''(2) SAVINGS CLAUSE.—Nothing in this section may be construed to supersede the requirements of section 241(b)(3).

''(3) JUDICIAL REVIEW.—No court shall have jurisdiction of the Secretary's decision, in the Secretary's sole discretion, to permit an alien to elect voluntary repatriation. No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary repatriation.

''(4) APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section.

''(k) VOLUNTARY REPATRIATION DEFINED.—The term 'voluntary repatriation' means the free and voluntary return of an alien to the alien's country of nationality (or in the case of an alien having no nationality, the country of the alien's last habitual residence) in a safe and dignified manner, consistent with the obligations of the United States under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 3143(b), is further amended by inserting after the item relating to section 240F the following:

''Sec. 240G. Voluntary repatriation.''.

SEC. 3145. IMMIGRATION EXAMINATIONS FEE ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in subsection (m), by striking ''collected.'' and inserting ''collected: *Provided further*, That such fees may not be set to recover any costs associated with the implementation of sections 235B and 240D, are appropriated by Congress, and are not subject to the fees collected.''; and

(2) in subsection (n), by adding at the end the following: ''Funds deposited in the 'Immigration Examinations Fee Account' shall not be used to reimburse any appropriation for expenses associated with the implementation of sections 235B and 240D.''.

SEC. 3146. BORDER REFORMS.

(a) SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.—

(1) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 244A. SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.

''(a) IN GENERAL.—An alien described in section 235 or 235B who arrives by land from a contiguous continental land border (whether or not at a designated port of arrival), absent unusual circumstances, shall be promptly subjected to the mandatory provisions of such sections unless the Secretary of Homeland Security (referred to in this section as the 'Secretary')determines, on a case-by-case basis, that there is—

''(1) an exigent medical circumstance involving the alien that requires the alien's physical presence in the United States;

''(2) a significant law enforcement or intelligence purpose warranting the alien's presence in the United States;

''(3) an urgent humanitarian reason directly pertaining to the individual alien, according to specific criteria determined by the Secretary;

''(4) a Tribal religious ceremony, cultural exchange, celebration, subsistence use, or other culturally important purpose warranting the alien's presence in the United States on Tribal land located at or near an international land border;

''(5) an accompanying alien whose presence in the United States is necessary for the alien who meets the criteria described in any of the paragraphs (1) through (4) to further the purposes of such provisions; or

''(6) an alien who, while in the United States, had an emergent personal or bona fide reason to travel temporarily abroad and received approval for Advance Parole from the Secretary.

''(b) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to preclude the execution of section 235(a)(4) or 241(a)(5);

''(2) to expand or restrict the authority to grant parole under section 212(d)(5), including for aliens arriving at a port of entry by air or sea, other than an alien arriving by land at a contiguous continental land border for whom a special rule described in subsection (a) applies; or

''(3) to refer to or place an alien in removal proceedings pursuant to section 240, or in any other proceedings, if such referral is not otherwise authorized under this Act.

''(c) TRANSITION RULES.—

''(1) MANDATORY PROCESSING.—Beginning on the date that is 90 days after the date of the enactment of this section, the Secretary shall require any alien described in subsection (a) who does not meet any of the criteria described in paragraphs (1) through (6) of that subsection to be processed in accordance with section 235 or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).

''(2) PRE-CERTIFICATION REFERRALS AND PLACEMENTS.—Before the Comptroller General of the United States has certified that sections 235B and 240D are fully operational pursuant to section 3146(d) of the Border Act, the Secretary shall refer or place aliens described in subsection (a) in proceedings under section 240 based upon operational considerations regarding the capacity of the Secretary to process aliens under section 235 or section 235B, as applicable.

''(3) POST-CERTIFICATION REFERRALS AND PLACEMENTS.—After the Comptroller General makes the certification referred to in paragraph (2), the Secretary may only refer

aliens described in subsection (a) to, or place such aliens in, proceedings under section 235(b) or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Special rules for contiguous continental land borders.''.

(b) MODIFICATION OF AUTHORITY TO ARREST, DETAIN, AND RELEASE ALIENS.—

(1) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''on'';

(B) in subparagraph (A), by inserting ''on'' before ''bond''; and

(C) by amending subparagraph (B) to read as follows:

''(B)(i) in the case of an alien encountered in the interior, on conditional parole; or

''(ii) in the case of an alien encountered at the border—

''(I) pursuant to the procedures under 235B; or

''(II) on the alien's own recognizance with placement into removal proceedings under 240; and''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) SEMIANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the Comptroller General makes the certification described in section 3146(d) of the Border Act, and every 180 days thereafter, the Secretary of Homeland Security shall publish, on a publicly accessible internet website in a downloadable and searchable format, a report that describes each use of the authority of the Secretary under subsection (a)(2)(B)(ii)(II).

''(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the applicable 180-day reporting period—

''(A) the number of aliens released pursuant to the authority of the Secretary of Homeland Security under subsection (a)(2)(B)(ii)(II);

''(B) with respect to each such release—

''(i) the rationale;

''(ii) the Border Patrol sector in which the release occurred; and

''(iii) the number of days between the scheduled date of the protection determination and the date of release from physical custody.

''(3) PRIVACY PROTECTION.—Each report published under paragraph (1)—

''(A) shall comply with all applicable Federal privacy laws; and

''(B) shall not disclose any information contained in, or pertaining to, a protection determination.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(d) CERTIFICATION PROCESS.—

(1) DEFINITIONS.—In this subsection:

(A) FULLY OPERATIONAL.—The term ''fully operational'' means the Secretary has the necessary resources, capabilities, and personnel to process all arriving aliens referred to in sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, within the timeframes required by such sections.

(B) REQUIRED PARTIES.—The term ''required parties'' means—

(i) the President;

(ii) the Secretary;

(iii) the Attorney General;

(iv) the Director of the Office of Management and Budget;

(v) the Committee on Homeland Security and Governmental Affairs of the Senate;

(vi) the Committee on the Judiciary of the Senate;

(vii) the Committee on Appropriations of the Senate;

(viii) the Committee on Homeland Security of the House of Representatives;

(ix) the Committee on the Judiciary of the House of Representatives; and

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

(2) REVIEW.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, to determine whether such sections are fully operational.

(B) REVIEW ELEMENTS.—In completing the review required under subparagraph (A), the Comptroller General shall assess, in comparison to the available resources, capabilities, and personnel on the date of the enactment of this Act, whether there are sufficient—

(i) properly trained personnel, including support personnel;

(ii) real property assets and other required capabilities;

(iii) information technology infrastructure;

(iv) field manuals and guidance, regulations, and policies;

(v) other investments that the Comptroller General considers necessary; and

(vi) asylum officers to effectively process all aliens who are considered amenable for processing under section 235(b), section 235B, section 240, and section 240D of the Immigration and Nationality Act.

(3) CERTIFICATION OF FULL IMPLEMENTATION.—If the Comptroller General determines, after completing the review required under paragraph (2), that sections 235B and 240D of the Immigration and Nationality Act are fully operational, the Comptroller General shall immediately submit to the required parties a certification of such determination.

(4) NONCERTIFICATION AND SUBSEQUENT REVIEWS.—If the Comptroller General determines, after completing the review required under paragraph (2), that such sections 235B and 240D are not fully operational, the Comptroller General shall—

(A) notify the required parties of such determination, including the reasons for such determination;

(B) conduct a subsequent review in accordance with paragraph (2)(A) not later than 180 days after each previous review that concluded that such sections 235B and 240D were not fully operational; and

(C) conduct a subsequent review not later than 90 days after each time Congress appropriates additional funding to fully implement such sections 235B and 240D.

(5) DETERMINATION OF THE SECRETARY.—Not later than 7 days after receiving a certification described in paragraph (3), the Secretary shall confirm or reject the certification of the Comptroller General.

(6) EFFECT OF REJECTION.—

(A) NOTIFICATION.—If the Secretary rejects a certification of the of the Comptroller General pursuant to paragraph (A), the Secretary shall immediately—

(i) notify the President, the Comptroller General, and the congressional committees listed in paragraph (1) of such rejection; and

(ii) provide such entities with a rationale for such rejection.

(B) SUBSEQUENT REVIEWS.—If the Comptroller General receives a notification of rejection from the Secretary pursuant to subparagraph (A), the Comptroller General shall conduct a subsequent review in accordance with paragraph (4)(B).

SEC. 3147. PROTECTION APPELLATE BOARD.

(a) IN GENERAL.—Subtitle E of title IV of the Homeland Security Act of 2002 (6 U.S.C. 271 et seq.) is amended by adding at the end the following:

''SEC. 463. PROTECTION APPELLATE BOARD.

''(a) ESTABLISHMENT.—The Secretary shall establish within the U.S. Citizenship and Immigration Services an appellate authority to conduct administrative appellate reviews of protection merits determinations made under section 240D of the Immigration and Nationality Act in which the alien is denied relief or protection, to be known as the 'Protection Appellate Board'.

''(b) COMPOSITION.—Each panel of the Protection Appellate Board shall be composed of 3 U.S. Citizenship and Immigration Services asylum officers (as defined in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E))), assigned to the panel at random, who—

''(1) possess the necessary experience adjudicating asylum claims; and

''(2) are from diverse geographic regions.

''(c) DUTIES OF ASYLUM OFFICERS.—In conducting a review under section 240D(e) of the Immigration and Nationality Act, each asylum officer assigned to a panel of the Protection Appellate Board shall independently review the file of the alien concerned, including—

''(1) the record of the alien's protection determination (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), as applicable;

''(2) the alien's application for a protection merits interview (as defined in section 240D(l) of that Act);

''(3) a transcript of the alien's protection merits interview;

''(4) the final record of the alien's protection merits interview;

''(5) a sworn statement from the alien identifying new evidence or alleged error and any accompanying information the alien or the alien's legal representative considers important; and

''(6) any additional materials, information, or facts inserted into the record.

''(d) DECISIONS.—Any final determination made by a panel of the Protection Appellate Board shall be by majority decision, independently submitted by each member of the panel.

''(e) EXCLUSIVE JURISDICTION.—The Protection Appellate Board shall have exclusive jurisdiction to review appeals of negative protections merits determinations.

''(f) PROTECTIONS FOR DECISIONS BASED ON MERITS OF CASE.—The Director of U.S. Citizenship and Immigration Services may not impose restrictions on an asylum officer's ability to grant or deny relief or protection based on a numerical limitation.

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary—

''(A) shall submit a report to the appropriate committees of the Congress that includes, for the preceding year—

''(i) the number of petitions for review submitted by aliens under section 240D(e) of the Immigration and Nationality Act;

''(ii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a grant of relief or protection;

''(iii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a denial of relief or protection;

''(iv) the geographic regions in which the members of the Protection Appellate Board held their primary duty station;

''(v) the tenure of service of the members of the Protection Appellate Board;

''(vi) a description of any anomalous case outcome identified by the Secretary and the resolution of any such case outcome;

''(vii) the number of unanimous decisions by the Protection Appellate Board;

''(viii) an identification of the number of cases the Protection Appellate Board was unable to complete in the timelines specified under section 240D(e) of the Immigration and Nationality Act; and

''(ix) a description of any steps taken to remediate any backlog identified under clause (viii), as applicable; and

''(B) in submitting each such report, shall protect all personally identifiable information of Federal employees and aliens who are subject to the reporting under this subsection.

''(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Appropriations of the Senate;

''(B) the Committee on the Judiciary of the Senate;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Appropriations of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives; and

''(F) the Committee on Homeland Security of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 462 the following:

''Sec. 463. Protection Appellate Board.''.

TITLE II—ASYLUM PROCESSING ENHANCEMENTS

SEC. 3201. COMBINED SCREENINGS.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53) The term 'protection determination' means—

''(A) a screening conducted pursuant to section 235(b)(1)(B)(v); or

''(B) a screening to determine whether an alien is eligible for—

''(i) withholding of removal under section 241(b)(3); or

''(ii) protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.

''(54) The term 'protection merits interview' means an interview to determine whether an alien—

''(A) meets the definition of refugee under paragraph (42), in accordance with the terms and conditions under section 208;

''(B) is eligible for withholding of removal under section 241(b)(3); or

''(C) is eligible for protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.''.

SEC. 3202. CREDIBLE FEAR STANDARD AND ASYLUM BARS AT SCREENING INTERVIEW.

Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (v), by striking ''significant possibility'' and inserting ''reasonable possibility''; and

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

''(vi) ASYLUM EXCEPTIONS.—An asylum officer, during the credible fear screening of an alien—

''(I) shall determine whether any of the asylum exceptions under section 208(b)(2) disqualify the alien from receiving asylum; and

''(II) may determine that the alien does not meet the definition of credible fear of persecution under clause (v) if any such exceptions apply, including whether any such exemptions to such disqualifying exceptions may apply.''.

SEC. 3203. INTERNAL RELOCATION.

(a) IN GENERAL.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) there are reasonable grounds for concluding that the alien could avoid persecution by relocating to—

''(I) another location in the alien's country of nationality; or

''(II) in the case of an alien having no nationality, another location in the alien's country of last habitual residence.''.

(b) INAPPLICABILITY.—Section 244(c)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)(ii)) is amended by inserting ''clauses (i) through (vi) of'' after ''described in''.

SEC. 3204. ASYLUM OFFICER CLARIFICATION.

Section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)) is amended—

(1) in clause (i), by striking ''comparable to'' and all that follows and inserting '', including nonadversarial techniques;'';

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii)(I) is an employee of U.S. Citizenship and Immigration Services; and

''(II) is not a law enforcement officer.''.

TITLE III—SECURING AMERICA

Subtitle A—Border Emergency Authority

SEC. 3301. BORDER EMERGENCY AUTHORITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 3146(a), is further amended by adding at the end the following:

''SEC. 244B. BORDER EMERGENCY AUTHORITY.

''(a) USE OF AUTHORITY.—

''(1) IN GENERAL.—In order to respond to extraordinary migration circumstances, there shall be available to the Secretary, notwithstanding any other provision of law, a border emergency authority.

''(2) EXCEPTIONS.—The border emergency authority shall not be activated with respect to any of the following:

''(A) A citizen or national of the United States.

''(B) An alien who is lawfully admitted for permanent residence.

''(C) An unaccompanied alien child.

''(D) An alien who an immigration officer determines, with the approval of a supervisory immigration officer, should be excepted from the border emergency authority based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests, or an alien who an immigration officer determines, in consultation with U.S. Immigration and Customs Enforcement, should be excepted from the border emergency authority due to operational considerations.

''(E) An alien who is determined to be a victim of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

''(F) An alien who has a valid visa or other lawful permission to enter the United States, including—

''(i) a member of the Armed Forces of the United States and associated personnel, United States Government employees or contractors on orders abroad, or United States Government employees or contractors, and an accompanying family member who is on orders or is a member of the alien's household, subject to required assurances;

''(ii) an alien who holds a valid travel document upon arrival at a port of entry;

''(iii) an alien from a visa waiver program country under section 217 who is not otherwise subject to travel restrictions and who arrives at a port of entry; or

''(iv) an alien who presents at a port of entry pursuant to a process approved by the Secretary to allow for safe and orderly entry into the United States.

''(3) APPLICABILITY.—The border emergency authority shall only be activated as to aliens who are not subject to an exception under paragraph (2), and who are, after the authority is activated, within 100 miles of the United States southwest land border and within the 14-day period after entry.

''(b) BORDER EMERGENCY AUTHORITY DESCRIBED.—

''(1) IN GENERAL.—Whenever the border emergency authority is activated, the Secretary shall have the authority, in the Secretary's sole and unreviewable discretion, to summarily remove from and prohibit, in whole or in part, entry into the United States of any alien identified in subsection (a)(3) who is subject to such authority in accordance with this subsection.

''(2) TERMS AND CONDITIONS.—

''(A) SUMMARY REMOVAL.—Notwithstanding any other provision of this Act, subject to subparagraph (B), the Secretary shall issue a summary removal order and summarily remove an alien to the country of which the alien is a subject, national, or citizen (or, in the case of an alien having no nationality, the country of the alien's last habitual residence), or in accordance with the processes established under section 241, unless the summary removal of the alien to such country would be prejudicial to the interests of the United States.

''(B) WITHHOLDING AND CONVENTION AGAINST TORTURE INTERVIEWS.—

''(i) IN GENERAL.—In the case of an alien subject to the border emergency authority who manifests a fear of persecution or torture with respect to a proposed country of summary removal, an asylum officer (as defined in section 235(b)(1)(E)) shall conduct an interview, during which the asylum officer shall determine that, if such alien demonstrates during the interview that the alien has a reasonable possibility of persecution or torture, such alien shall be referred to or placed in proceedings under section 240 or 240D, as appropriate.

''(ii) SOLE MECHANISM TO REQUEST PROTECTION.—An interview under this subparagraph conducted by an asylum officer shall be the sole mechanism by which an alien described in clause (i) may make a claim for protection under—

''(I) section 241(b)(3); and

''(II) the Convention Against Torture.

''(iii) ALIEN REFERRED FOR ADDITIONAL PROCEEDINGS.—In the case of an alien interviewed under clause (i) who demonstrates that the alien is eligible to apply for protection under section 241(b)(3) or the Convention Against Torture, the alien—

''(I) shall not be summarily removed; and

''(II) shall instead be processed under section 240 or 240D, as appropriate.

''(iv) ADDITIONAL REVIEW.—

''(I) OPPORTUNITY FOR SECONDARY REVIEW.—A supervisory asylum officer shall review any case in which the asylum officer who interviewed the alien under the procedures in clause (iii) finds that the alien is not eligible for protection under section 241(b)(3) or the Convention Against Torture.

''(II) VACATUR.—If, in conducting such a secondary review, the supervisory asylum officer determines that the alien demonstrates eligibility for such protection—

''(aa) the supervisory asylum officer shall vacate the previous negative determination; and

''(bb) the alien shall instead be processed under section 240 or 240D.

''(III) SUMMARY REMOVAL.—If an alien does not seek such a secondary review, or if the supervisory asylum officer finds that such alien is not eligible for such protection, the supervisory asylum officer shall order the alien summarily removed without further review.

''(3) ACTIVATIONS OF AUTHORITY.—

''(A) DISCRETIONARY ACTIVATION.—The Secretary may activate the border emergency authority if, during a period of 7 consecutive calendar days, there is an average of 4,000 or more aliens who are encountered each day.

''(B) MANDATORY ACTIVATION.—The Secretary shall activate the border emergency authority if—

''(i) during a period of 7 consecutive calendar days, there is an average of 5,000 or more aliens who are encountered each day; or

''(ii) on any 1 calendar day, a combined total of 8,500 or more aliens are encountered.

''(C) CALCULATION OF ACTIVATION.—

''(i) IN GENERAL.—For purposes of subparagraphs (A) and (B), the average for the applicable 7-day period shall be calculated using—

''(I) the sum of—

''(aa) the number of encounters that occur between the southwest land border ports of entry of the United States;

''(bb) the number of encounters that occur between the ports of entry along the southern coastal borders; and

''(cc) the number of inadmissible aliens encountered at a southwest land border port of entry as described in subsection (a)(2)(F)(iv); divided by

''(II) 7.

''(ii) LIMITATION.—Aliens described in subsection (a)(2)(C) from noncontiguous countries shall not be included in calculating the sum of aliens encountered.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—For purposes of paragraph (3), the Secretary shall not activate the border emergency authority—

''(i) during the first calendar year after the effective date, for more than 270 calendar days;

''(ii) during the second calendar year after the effective date, for more than 225 days; and

''(iii) during the third calendar year, for more than 180 calendar days.

''(B) IMPLEMENTATION.—When the authority is activated, the Secretary shall implement the authority within 24 hours of such activation.

''(5) SUSPENSIONS OF AUTHORITY.—The Secretary shall suspend activation of the border emergency authority, and the procedures under subsections (a), (b), (c), and (d), not later than 14 calendar days after the date on which the following occurs, as applicable:

''(A) In the case of an activation under subparagraph (A) of paragraph (3), there is during a period of 7 consecutive calendar days an average of less than 75 percent of the encounter level used for activation.

''(B) In the case of an activation under clause (i) or (ii) of paragraph (3)(B), there is during a period of 7 consecutive calendar days an average of less than 75 percent of the encounter level described in such clause (i).

''(6) WAIVERS OF ACTIVATION OF AUTHORITY.—

''(A) FIRST CALENDAR YEAR.—Notwithstanding paragraph (3), beginning the first calendar year after the effective date, the Secretary shall only have the authority to activate the border emergency authority for 270 calendar days during the calendar year, provided that—

''(i) for the first 90 calendar days in which any of the requirements of paragraph (3) have been satisfied, the Secretary shall be required to activate such authority;

''(ii) for the remaining 180 days that the authority is available in the calendar year, the Secretary may, in the sole, unreviewable, and exclusive discretion of the Secretary, determine whether to activate the requirements of the border emergency authority under paragraph (3)(B) until the number of days that the authority has not been activated is equal to the number of days left in the calendar year; and

''(iii) when the number of calendar days remaining in the calendar year is equal to the number of days that the authority has not been activated, the Secretary shall be required to activate the border emergency authority for the remainder of the calendar year on days during which the requirements of paragraph (3)(B) have been satisfied.

''(B) SECOND CALENDAR YEAR.—Notwithstanding paragraph (3), beginning the second calendar year after the effective date, the Secretary shall only have the authority to activate the border emergency authority for 225 calendar days during the calendar year, provided that—

''(i) during the first 75 calendar days during which any of the requirements of paragraph (3) have been satisfied, the Secretary shall be required to activate the authority;

''(ii) for the remaining 150 days that the authority is available in the calendar year, the Secretary may, in the sole, unreviewable, and exclusive discretion of the Secretary, determine whether to activate the requirements of the border emergency authority under paragraph (3)(B) until the number of days that the authority has not been activated is equal to the number of days left in the calendar year; and

''(iii) when the number of calendar days remaining in the calendar year is equal to the number of days that the authority has not been activated, the Secretary shall be required to activate the border emergency authority for the remainder of the calendar year on days during which the requirements of paragraph (3)(B) have been satisfied.

''(C) THIRD CALENDAR YEAR.—Notwithstanding paragraph (3), beginning the third calendar year after the effective date, the Secretary shall only have the authority to activate the border emergency authority for 180 calendar days during the calendar year, provided that—

''(i) during the first 60 calendar days during which any of the requirements of paragraph (3) have been satisfied, the Secretary shall be required to activate the authority;

''(ii) for the remaining 120 days that the authority is available in each calendar year, the Secretary may, in the sole, unreviewable, and exclusive discretion of the Secretary, determine whether to activate the requirements of the border emergency authority under paragraph (3)(B) until the number of days that the authority has not been activated is equal to the number of days left in the calendar year; and

''(iii) when the number of calendar days remaining in the calendar year is equal to the number of days that the authority has not been activated, the Secretary shall be required to activate the border emergency authority for the remainder of the calendar year on days during which the requirements of paragraph (3)(B) have been satisfied.

''(7) EMERGENCY SUSPENSION OF AUTHORITY.—

''(A) IN GENERAL.—If the President finds that it is in the national interest to temporarily suspend the border emergency authority, the President may direct the Secretary to suspend use of the border emergency authority on an emergency basis.

''(B) DURATION.—In the case of a direction from the President under subparagraph (A), the Secretary shall suspend the border emergency authority for not more than 45 calendar days within a calendar year, notwithstanding any limitations on the use of the authority described in this subsection.

''(c) CONTINUED ACCESS TO SOUTHWEST LAND BORDER PORTS OF ENTRY.—

''(1) IN GENERAL.—During any activation of the border emergency authority under subsection (b), the Secretary shall maintain the capacity to process, and continue processing, under section 235 or 235B a minimum of 1,400 inadmissible aliens each calendar day cumulatively across all southwest land border ports of entry in a safe and orderly process developed by the Secretary.

''(2) SPECIAL RULES.—

''(A) UNACCOMPANIED ALIEN CHILDREN EXCEPTION.—For the purpose of calculating the number under paragraph (1), the Secretary shall count all unaccompanied alien children, who are nationals of contiguous countries, processed at southwest land border ports of entry, but shall not count such children who are nationals of noncontiguous countries.

''(B) TRANSITION RULES.—The provisions of section 244A(c) shall apply to this section.

''(d) BAR TO ADMISSION.—Any alien who, during a period of 365 days, has 2 or more summary removals pursuant to the border emergency authority, shall be inadmissible for a period of 1 year beginning on the date of the alien's most recent summary removal.

''(e) SAVINGS PROVISIONS.—

''(1) UNACCOMPANIED ALIEN CHILDREN.—Nothing in this section may be construed to interfere with the processing of unaccompanied alien children and such children are not subject to this section.

''(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed to interfere with any rights or responsibilities established through a settlement agreement in effect before the date of the enactment of this section.

''(3) RULE OF CONSTRUCTION.—For purposes of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the 1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)), the Convention Against Torture, and any other applicable treaty, as applied to this section, the interview under this section shall occur

only in the context of the border emergency authority.

''(f) JUDICIAL REVIEW.—Judicial review of any decision or action applying the border emergency authority shall be governed only by this subsection as follows:

''(1) Notwithstanding any other provision of law, except as provided in paragraph (2), no court or judge shall have jurisdiction to review any cause or claim by an individual alien arising from the decision to enter a summary removal order against such alien under this section, or removing such alien pursuant to such summary removal order.

''(2) The United States District Court for the District of Columbia shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(g) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section shall take effect on the day after the date of the enactment of this section.

''(2) 7-DAY PERIOD.—The initial activation of the authority under subparagraph (A) or (B)(i) of subsection (b)(3) shall take into account the average number of encounters during the preceding 7 consecutive calendar days, as described in such subparagraphs, which may include the 6 consecutive calendar days immediately preceding the date of the enactment of this section.

''(h) RULEMAKING.—

''(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section in compliance with the requirements of section 553 of title 5, United States Code.

''(2) INITIAL IMPLEMENTATION.—Until the date that is 180 days after the date of the enactment of this section, the Secretary may issue any interim final rules necessary to implement this section without having to satisfy the requirements of section 553(b)(B) of title 5, United States Code, provided that any such interim final rules shall include a 30-day post promulgation notice and comment period prior to finalization in the Federal Register.

''(3) REQUIREMENT.—All regulations promulgated to implement this section beginning on the date that is 180 days after the date of the enactment of this section shall be issued pursuant to the requirements set forth in section 553 of title 5, United States Code.

''(i) DEFINITIONS.—In this section:

''(1) BORDER EMERGENCY AUTHORITY.—The term 'border emergency authority' means all authorities and procedures under this section.

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and includes the regulations implementing any law enacted pursuant to Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(3) ENCOUNTER.—With respect to an alien, the term 'encounter' means an alien who—

''(A) is physically apprehended by U.S. Customs and Border Protection personnel—

''(i) within 100 miles of the southwest land border of the United States during the 14-day period immediately after entry between ports of entry; or

''(ii) at the southern coastal borders during the 14-day period immediately after entry between ports of entry; or

''(B) is seeking admission at a southwest land border port of entry and is determined to be inadmissible, including an alien who utilizes a process approved by the Secretary to allow for safe and orderly entry into the United States.

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

''(5) SOUTHERN COASTAL BORDERS.—The term 'southern coastal borders' means all maritime borders in California, Texas, Louisiana, Mississippi, Alabama, and Florida.

''(6) UNACCOMPANIED ALIEN CHILD.—The term 'unaccompanied alien child' has the meaning given such term in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)).

''(j) SUNSET.—This section—

''(1) shall take effect on the date of the enactment of this section; and

''(2) shall be repealed effective as of the date that is 3 years after such date of enactment.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 3146(b), is further amended by inserting after the item relating to section 244A the following:

''Sec. 244B Border emergency authority.''.

Subtitle B—FEND Off Fentanyl Act

SEC. 3311. SHORT TITLES.

This subtitle may be cited as the ''Fentanyl Eradication and Narcotics Deterrence Off Fentanyl'' or the ''FEND Off Fentanyl Act''.

SEC. 3312. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proliferation of fentanyl is causing an unprecedented surge in overdose deaths in the United States, fracturing families and communities, and necessitating a comprehensive policy response to combat its lethal flow and to mitigate the drug's devastating consequences;

(2) the trafficking of fentanyl into the United States is a national security threat that has killed hundreds of thousands of United States citizens;

(3) transnational criminal organizations, including cartels primarily based in Mexico, are the main purveyors of fentanyl into the United States and must be held accountable;

(4) precursor chemicals sourced from the People's Republic of China are—

(A) shipped from the People's Republic of China by legitimate and illegitimate means;

(B) transformed through various synthetic processes to produce different forms of fentanyl; and

(C) crucial to the production of illicit fentanyl by transnational criminal organizations, contributing to the ongoing opioid crisis;

(5) the United States Government must remain vigilant to address all new forms of fentanyl precursors and drugs used in combination with fentanyl, such as Xylazine, which attribute to overdose deaths of people in the United States;

(6) to increase the cost of fentanyl trafficking, the United States Government should work collaboratively across agencies and should surge analytic capability to impose sanctions and other remedies with respect to transnational criminal organizations (including cartels), including foreign nationals who facilitate the trade in illicit fentanyl and its precursors from the People's Republic of China; and

(7) the Department of the Treasury should focus on fentanyl trafficking and its facilitators as one of the top national security priorities for the Department.

SEC. 3313. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

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

(C) the Committee on Financial Services of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) FOREIGN PERSON.—The term ''foreign person''—

(A) means—

(i) any citizen or national of a foreign country; or

(ii) any entity not organized under the laws of the United States or a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(3) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) TRAFFICKING.—The term ''trafficking'', with respect to fentanyl, fentanyl precursors, or other related opioids, has the meaning given the term ''opioid trafficking'' in section 7203(8) of the Fentanyl Sanctions Act (21 U.S.C. 2302(8)).

(5) TRANSNATIONAL CRIMINAL ORGANIZATION.—The term ''transnational criminal organization'' includes—

(A) any organization designated as a significant transnational criminal organization under part 590 of title 31, Code of Federal Regulations;

(B) any of the organizations known as—

(i) the Sinaloa Cartel;

(ii) the Jalisco New Generation Cartel;

(iii) the Gulf Cartel;

(iv) the Los Zetas Cartel;

(v) the Juarez Cartel;

(vi) the Tijuana Cartel;

(vii) the Beltran-Leyva Cartel; or

(viii) La Familia Michoacana; or

(C) any successor organization to an organization described in subparagraph (B) or as otherwise determined by the President.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

CHAPTER 1—SANCTIONS MATTERS

Subchapter A—Sanctions in Response to National Emergency Relating to Fentanyl Trafficking

SEC. 3314. FINDING; POLICY.

(a) FINDING.—Congress finds that international trafficking of fentanyl, fentanyl precursors, or other related opioids constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and is a national emergency.

(b) POLICY.—It shall be the policy of the United States to apply economic and other financial sanctions to those who engage in the international trafficking of fentanyl, fentanyl precursors, or other related opioids to protect the national security, foreign policy, and economy of the United States.

SEC. 3315. USE OF NATIONAL EMERGENCY AUTHORITIES; REPORTING.

(a) IN GENERAL.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subchapter.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch pursuant to this subchapter and any national emergency declared with respect to the trafficking of fentanyl and trade in other illicit drugs, including—

(A) the issuance of any new or revised regulations, policies, or guidance;

(B) the imposition of sanctions;

(C) the collection of relevant information from outside parties;

(D) the issuance or closure of general licenses, specific licenses, and statements of licensing policy by the Office of Foreign Assets Control;

(E) a description of any pending enforcement cases; and

(F) the implementation of mitigation procedures.

(2) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form, but may include the matters required under subparagraphs (C), (D), (E), and (F) of such paragraph in a classified annex.

SEC. 3316. IMPOSITION OF SANCTIONS WITH RESPECT TO FENTANYL TRAFFICKING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to any foreign person the President determines—

(1) is knowingly involved in the significant trafficking of fentanyl, fentanyl precursors, or other related opioids, including such trafficking by a transnational criminal organization; or

(2) otherwise is knowingly involved in significant activities of a transnational criminal organization relating to the trafficking of fentanyl, fentanyl precursors, or other related opioids.

(b) SANCTIONS DESCRIBED.—The President, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), may block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch with respect to the foreign persons identified under subsection (a).

SEC. 3317. PENALTIES; WAIVERS; EXCEPTIONS.

(a) PENALTIES.—Any person that violates, attempts to violate, conspires to violate, or causes a violation of this subchapter or any regulation, license, or order issued to carry out this subchapter shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(b) NATIONAL SECURITY WAIVER.—The President may waive the application of sanctions under this subchapter with respect to a foreign person if the President determines that such waiver is in the national security interest of the United States.

(c) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This subchapter shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION FOR COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this subchapter shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

(B) to carry out or assist law enforcement activity of the United States.

(3) HUMANITARIAN EXEMPTION.—The President may not impose sanctions under this subchapter with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

SEC. 3318. TREATMENT OF FORFEITED PROPERTY OF TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) TRANSFER OF FORFEITED PROPERTY TO FORFEITURE FUNDS.—

(1) IN GENERAL.—Any covered forfeited property shall be deposited into the Department of the Treasury Forfeiture Fund established under section 9705 of title 31, United States Code, or the Department of Justice Assets Forfeiture Fund established under section 524(c) of title 28, United States Code.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on any deposits made under paragraph (1) during the 180-day period preceding submission of the report.

(3) COVERED FORFEITED PROPERTY DEFINED.—In this subsection, the term ''covered forfeited property'' means property—

(A) forfeited to the United States under chapter 46 or section 1963 of title 18, United States Code; and

(B) that belonged to or was possessed by an individual affiliated with or connected to a transnational criminal organization subject to sanctions under—

(i) this subchapter;

(ii) the Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.); or

(iii) Executive Order 14059 (50 U.S.C. 1701 note; relating to imposing sanctions on foreign persons involved in the global illicit drug trade).

(b) BLOCKED ASSETS UNDER TERRORISM RISK INSURANCE ACT OF 2002.—Nothing in this subchapter may be construed to affect the treatment of blocked assets of a terrorist party described in section 201(a) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

Subchapter B—Other Matters

SEC. 3319. TEN-YEAR STATUTE OF LIMITATIONS FOR VIOLATIONS OF SANCTIONS.

(a) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended by adding at the end the following:

''(d) STATUTE OF LIMITATIONS.—

''(1) TIME FOR COMMENCING PROCEEDINGS.—

''(A) IN GENERAL.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, under this section shall not be entertained unless commenced within 10 years after the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.

''(B) COMMENCEMENT.—For purposes of this paragraph, the commencement of an action, suit, or proceeding includes the issuance of a pre-penalty notice or finding of violation.

''(2) TIME FOR INDICTMENT.—No person shall be prosecuted, tried, or punished for any offense under subsection (c) unless the indictment is found or the information is instituted within 10 years after the latest date of the violation upon which the indictment or information is based.''.

(b) TRADING WITH THE ENEMY ACT.—Section 16 of the Trading with the Enemy Act (50 U.S.C. 4315) is amended by adding at the end the following:

''(d) STATUTE OF LIMITATIONS.—

''(1) TIME FOR COMMENCING PROCEEDINGS.—

''(A) IN GENERAL.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, under this section shall not be entertained unless commenced within 10 years after the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.

''(B) COMMENCEMENT.—For purposes of this paragraph, the commencement of an action, suit, or proceeding includes the issuance of a pre-penalty notice or finding of violation.

''(2) TIME FOR INDICTMENT.—No person shall be prosecuted, tried, or punished for any offense under subsection (a) unless the indictment is found or the information is instituted within 10 years after the latest date of the violation upon which the indictment or information is based.''.

SEC. 3320. CLASSIFIED REPORT AND BRIEFING ON STAFFING OF OFFICE OF FOREIGN ASSETS CONTROL.

Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Foreign Assets Control shall provide to the appropriate congressional committees a classified report and briefing on the staffing of the Office of Foreign Assets Control, disaggregated by staffing dedicated to each sanctions program and each country or issue.

SEC. 3321. REPORT ON DRUG TRANSPORTATION ROUTES AND USE OF VESSELS WITH MISLABELED CARGO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in conjunction with the heads of other relevant Federal agencies, shall provide to the appropriate congressional committees a classified report and briefing on efforts to target drug transportation routes and modalities, including an assessment of the prevalence of false cargo labeling and shipment of precursor chemicals without accurate tracking of the customers purchasing the chemicals.

SEC. 3322. REPORT ON ACTIONS OF PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO PERSONS INVOLVED IN FENTANYL SUPPLY CHAIN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in conjunction with the heads of other relevant Federal agencies, shall provide to the appropriate congressional committees a classified report and briefing on actions taken by the Government of the People's Republic of China with respect to persons involved in the shipment of fentanyl, fentanyl analogues, fentanyl precursors, precursors for fentanyl analogues, and equipment for the manufacturing of fentanyl and fentanyl-laced counterfeit pills.

CHAPTER 2—ANTI-MONEY LAUNDERING MATTERS

SEC. 3323. DESIGNATION OF ILLICIT FENTANYL TRANSACTIONS OF SANCTIONED PERSONS AS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) IN GENERAL.—Subtitle A of the Fentanyl Sanctions Act (21 U.S.C. 2311 et

seq.) is amended by inserting after section 7213 the following:

"SEC. 7213A. DESIGNATION OF TRANSACTIONS OF SANCTIONED PERSONS AS OF PRIMARY MONEY LAUNDERING CONCERN.

''(a) IN GENERAL.—If the Secretary of the Treasury determines that reasonable grounds exist for concluding that 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts within, or involving, a jurisdiction outside of the United States, is of primary money laundering concern in connection with illicit opioid trafficking, the Secretary of the Treasury may, by order, regulation, or otherwise as permitted by law—

''(1) require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures provided for in section 9714(a)(1) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note); or

''(2) prohibit, or impose conditions upon, certain transmittals of funds (to be defined by the Secretary) by any domestic financial institution or domestic financial agency, if such transmittal of funds involves any such institution, class of transaction, or type of accounts.

''(b) CLASSIFIED INFORMATION.—In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.

''(c) AVAILABILITY OF INFORMATION.—The exemptions from, and prohibitions on, search and disclosure referred to in section 9714(c) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note) shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a). For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section.

''(d) PENALTIES.—The penalties referred to in section 9714(d) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note) shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a), in the same manner and to the same extent as described in such section 9714(d).

''(e) INJUNCTIONS.—The Secretary of the Treasury may bring a civil action to enjoin a violation of any order, regulation, special measure, or other requirement imposed under subsection (a) in the same manner and to the same extent as described in section 9714(e) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note).''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by inserting after the item relating to section 7213 the following:

''Sec. 7213A. Designation of transactions of sanctioned persons as of primary money laundering concern.''.

SEC. 3324. TREATMENT OF TRANSNATIONAL CRIMINAL ORGANIZATIONS IN SUSPICIOUS TRANSACTIONS REPORTS OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) FILING INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Director of the Financial Crimes Enforcement Network shall issue guidance or instructions to United States financial institutions for filing reports on suspicious transactions required under section 1010.320 of title 31, Code of Federal Regulations, related to suspected fentanyl trafficking by transnational criminal organizations.

(b) PRIORITIZATION OF REPORTS RELATING TO FENTANYL TRAFFICKING OR TRANSNATIONAL CRIMINAL ORGANIZATIONS.—The Director shall prioritize research into reports described in subsection (a) that indicate a connection to trafficking of fentanyl or related synthetic opioids or financing of suspected transnational criminal organizations.

SEC. 3325. REPORT ON TRADE-BASED MONEY LAUNDERING IN TRADE WITH MEXICO, THE PEOPLE'S REPUBLIC OF CHINA, AND BURMA.

(a) IN GENERAL.—In the first update to the national strategy for combating the financing of terrorism and related forms of illicit finance submitted to Congress after the date of the enactment of this Act, the Secretary of the Treasury shall include a report on trade-based money laundering originating in Mexico or the People's Republic of China and involving Burma.

(b) DEFINITION.—In this section, the term ''national strategy for combating the financing of terrorism and related forms of illicit finance'' means the national strategy for combating the financing of terrorism and related forms of illicit finance required under section 261 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 934), as amended by section 6506 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2428).

CHAPTER 3—EXCEPTION RELATING TO IMPORTATION OF GOODS

SEC. 3326. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authority or a requirement to block and prohibit all transactions in all property and interests in property under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

Subtitle C—Fulfilling Promises to Afghan Allies

SEC. 3331. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary of the Senate;

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

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

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate;

(F) the Committee on the Judiciary of the House of Representatives;

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

(H) the Committee on Armed Services of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

(J) the Committee on Homeland Security of the House of Representatives.

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

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

(4) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by section 3336(a).

(5) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) a pending, documentarily complete application for special immigrant status; and

(B) a case in processing in the United States Refugee Admissions Program for an individual who has received a Priority 1 or Priority 2 referral to such program.

(6) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 3332. SUPPORT FOR AFGHAN ALLIES OUTSIDE THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding the status of a specified application submitted by, or on behalf of, a national of Afghanistan, including any information that has been provided to the applicant, in accordance with section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)).

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall designate an appropriate office within the Department of State—

(1) to review specified applications submitted by nationals of Afghanistan residing in Afghanistan, including by conducting any required interviews;

(2) to issue visas or other travel documents to such nationals, in accordance with the immigration laws;

(3) to provide services to such nationals, to the greatest extent practicable, that would normally be provided by an embassy; and

(4) to carry out any other function the Secretary of State considers necessary.

SEC. 3333. CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) CONDITIONAL PERMANENT RESIDENT STATUS.—The term ''conditional permanent resident status'' means conditional permanent resident status under section 216 and 216A of the Immigration and Nationality Act (8 U.S.C. 1186a, 1186b), subject to the provisions of this section.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an alien who—

(A) is present in the United States;

(B) is a citizen or national of Afghanistan or, in the case of an alien having no nationality, is a person who last habitually resided in Afghanistan;

(C) has not been granted permanent resident status;

(D)(i) was inspected and admitted to the United States on or before the date of the enactment of this Act; or

(ii) was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary upon written notice; and

(E) is admissible to the United States as an immigrant under the immigration laws, including eligibility for waivers of grounds of inadmissibility to the extent provided by the immigration laws and subject to the terms of subsection (c) of this section.

(b) CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.—

(1) ADJUSTMENT OF STATUS TO CONDITIONAL PERMANENT RESIDENT STATUS.—Beginning on the date of the enactment of this Act, the Secretary may—

(A) adjust the status of each eligible individual to that of an alien lawfully admitted for permanent residence status, subject to the procedures established by the Secretary to determine eligibility for conditional permanent resident status; and

(B) create for each eligible individual a record of admission to such status as of the date on which the eligible individual was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later,

unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(2) CONDITIONAL BASIS.—An individual who obtains lawful permanent resident status under this section shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(c) CONDITIONAL PERMANENT RESIDENT STATUS DESCRIBED.—

(1) ASSESSMENT.—

(A) IN GENERAL.—Before granting conditional permanent resident status to an eligible individual under subsection (b)(1), the Secretary shall conduct an assessment with respect to the eligible individual, which shall be equivalent in rigor to the assessment conducted with respect to refugees admitted to the United States through the United States Refugee Admissions Program, for the purpose of determining whether the eligible individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182).

(B) CONSULTATION.—In conducting an assessment under subparagraph (A), the Secretary may consult with the head of any other relevant agency and review the holdings of any such agency.

(2) REMOVAL OF CONDITIONS.—

(A) IN GENERAL.—Not earlier than the date described in subparagraph (B), the Secretary may remove the conditional basis of the status of an individual granted conditional permanent resident status under this section unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

(i) the date that is 4 years after the date on which the individual was admitted or paroled into the United States; or

(ii) July 1, 2027.

(C) WAIVER.—

(i) IN GENERAL.—Except as provided in clause (ii), with respect to an eligible individual, the Secretary may waive the application of the grounds of inadmissibility under 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or to ensure family unity.

(ii) EXCEPTIONS.—The Secretary may not waive under clause (i) the application of subparagraphs (C) through (E) and (G) through (H) of paragraph (2), or paragraph (3), of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to expand or limit any other waiver authority applicable under the immigration laws to an applicant for adjustment of status.

(D) TIMELINE.—Not later than 180 days after the date described in subparagraph (B), the Secretary shall endeavor to remove conditions as to all individuals granted conditional permanent resident status under this section who are eligible for removal of conditions.

(3) TREATMENT OF CONDITIONAL BASIS OF STATUS PERIOD FOR PURPOSES OF NATURALIZATION.—An individual in conditional permanent resident status under this section, or who otherwise meets the requirements under (a)(1) of this section, shall be considered—

(A) to have been admitted to the United States as an alien lawfully admitted for permanent residence; and

(B) to be present in the United States as an alien lawfully admitted to the United States for permanent residence, provided that, no alien shall be naturalized unless the alien's conditions have been removed under this section.

(d) TERMINATION OF CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Conditional permanent resident status shall terminate on, as applicable—

(A) the date on which the Secretary removes the conditions pursuant to subsection (c)(2), on which date the alien shall be lawfully admitted for permanent residence without conditions;

(B) the date on which the Secretary determines that the alien was not an eligible individual under subsection (a)(2) as of the date that such conditional permanent resident status was granted, on which date of the Secretary's determination the alien shall no longer be an alien lawfully admitted for permanent residence; or

(C) the date on which the Secretary determines pursuant to subsection (c)(2) that the alien is not eligible for removal of conditions, on which date the alien shall no longer be an alien lawfully admitted for permanent residence.

(2) NOTIFICATION.—If the Secretary terminates status under this subsection, the Secretary shall so notify the individual in writing and state the reasons for the termination.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary at any time to place in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) any alien who has conditional permanent resident status under this section, if the alien is deportable under section 237 of such Act (8 U.S.C. 1227) under a ground of deportability applicable to an alien who has been lawfully admitted for permanent residence.

(f) PAROLE EXPIRATION TOLLED.—The expiration date of a period of parole shall not apply to an individual under consideration for conditional permanent resident status under this section, until such time as the Secretary has determined whether to issue conditional permanent resident status.

(g) PERIODIC NONADVERSARIAL MEETINGS.—

(1) IN GENERAL.—Not later than 180 days after the date on which an individual is conferred conditional permanent resident status under this section, and periodically thereafter, the Office of Refugee Resettlement shall make available opportunities for the individual to participate in a nonadversarial meeting, during which an official of the Office of Refugee Resettlement (or an agency funded by the Office) shall—

(A) on request by the individual, assist the individual in a referral or application for applicable benefits administered by the Department of Health and Human Services and completing any applicable paperwork; and

(B) answer any questions regarding eligibility for other benefits administered by the United States Government.

(2) NOTIFICATION OF REQUIREMENTS.—Not later than 7 days before the date on which a meeting under paragraph (1) is scheduled to occur, the Secretary of Health and Human Services shall provide notice to the individual that includes the date of the scheduled meeting and a description of the process for rescheduling the meeting.

(3) CONDUCT OF MEETING.—The Secretary of Health and Human Services shall implement practices to ensure that—

(A) meetings under paragraph (1) are conducted in a nonadversarial manner; and

(B) interpretation and translation services are provided to individuals granted conditional permanent resident status under this section who have limited English proficiency.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to prevent an individual from electing to have counsel present during a meeting under paragraph (1); or

(B) in the event that an individual declines to participate in such a meeting, to affect the individual's conditional permanent resident status under this section or eligibility to have conditions removed in accordance with this section.

(h) CONSIDERATION.—Except with respect to an application for naturalization and the benefits described in subsection (p), an individual in conditional permanent resident status under this section shall be considered to be an alien lawfully admitted for permanent residence for purposes of the adjudication of an application or petition for a benefit or the receipt of a benefit.

(i) NOTIFICATION OF REQUIREMENTS.—Not later than 90 days after the date on which the status of an individual is adjusted to that of conditional permanent resident status under this section, the Secretary shall provide notice to such individual with respect to the provisions of this section, including subsection (c)(1) (relating to the conduct of assessments) and subsection (g) (relating to periodic nonadversarial meetings).

(j) APPLICATION FOR NATURALIZATION.—The Secretary shall establish procedures whereby an individual who would otherwise be eligible to apply for naturalization but for having conditional permanent resident status, may be considered for naturalization coincident with removal of conditions under subsection (c)(2).

(k) ADJUSTMENT OF STATUS DATE.—

(1) IN GENERAL.—An alien described in paragraph (2) shall be regarded as lawfully admitted for permanent residence as of the date the alien was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is described in subparagraph (A), (B), or (D) of subsection (a)(2), and whose status was adjusted to that of an alien lawfully admitted for permanent residence on or after July 30, 2021, but on or before the date of the enactment of this Act; or

(B) is an eligible individual whose status is then adjusted to that of an alien lawfully admitted for permanent residence after the date of the enactment of this Act under any provision of the immigration laws other than this section.

(l) PARENTS AND LEGAL GUARDIANS OF UNACCOMPANIED CHILDREN.—A parent or legal guardian of an eligible individual shall be eligible to obtain status as an alien lawfully admitted for permanent residence on a conditional basis if—

(1) the eligible individual—

(A) was under 18 years of age on the date on which the eligible individual was granted conditional permanent resident status under this section; and

(B) was not accompanied by at least one parent or guardian on the date the eligible individual was admitted or paroled into the United States; and

(2) such parent or legal guardian was admitted or paroled into the United States after the date referred to in paragraph (1)(B).

(m) GUIDANCE.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, guidance issued pursuant to subparagraph (A)—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of issuance of guidance under paragraph (1), the Secretary shall finalize the guidance implementing this section.

(B) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.—Chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act''), or any other law relating to rulemaking or information collection, shall not apply to the guidance issued under this paragraph.

(n) ASYLUM CLAIMS.—

(1) IN GENERAL.—With respect to the adjudication of an application for asylum submitted by an eligible individual, section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act (8 U.S.C. 1101 note; Public Law 117–43) shall not apply.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit an eligible individual from seeking or receiving asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158).

(o) PROHIBITION ON FEES.—The Secretary may not charge a fee to any eligible individual in connection with the initial issuance under this section of—

(1) a document evidencing status as an alien lawfully admitted for permanent residence or conditional permanent resident status; or

(2) an employment authorization document.

(p) ELIGIBILITY FOR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) an individual described in subsection (a) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (8 U.S.C. 1101 note; Public Law 117–43) shall retain his or her eligibility for the benefits and services described in subsection (b) of such section if the individual has a pending application, or is granted adjustment of status, under this section; and

(B) such benefits and services shall remain available to the individual to the same extent and for the same periods of time as such benefits and services are otherwise available to refugees who acquire such status.

(2) EXCEPTION FROM 5-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—Section 403(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)) is amended by adding at the end the following:

''(F) An alien whose status is adjusted under section 3333 of the Border Act to that of an alien lawfully admitted for permanent residence or to that of an alien lawfully admitted for permanent residence on a conditional basis.''.

(q) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible individual from applying for or receiving any immigration benefit to which the individual is otherwise entitled.

(r) EXEMPTION FROM NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Aliens granted conditional permanent resident status or lawful permanent resident status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(2) SPOUSE AND CHILDREN BENEFICIARIES.—A spouse or child who is the beneficiary of an immigrant petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed by an alien who has been granted conditional permanent resident status or lawful permanent resident status under this section, seeking classification of the spouse or child under section 203(a)(2)(A) of that Act (8 U.S.C. 1153(a)(2)(A)) shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(s) EFFECT ON OTHER APPLICATIONS.—Notwithstanding any other provision of law, in the interest of efficiency, the Secretary may pause consideration of any application or request for an immigration benefit pending adjudication so as to prioritize an application for adjustment of status to an alien lawfully admitted for permanent residence under this section.

(t) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General, the Secretary of Health and Human Services, the Secretary, and the Secretary of State such sums as are necessary to carry out this section.

SEC. 3334. REFUGEE PROCESSES FOR CERTAIN AT-RISK AFGHAN ALLIES.

(a) DEFINITION OF AFGHAN ALLY.—

(1) IN GENERAL.—In this section, the term ''Afghan ally'' means an alien who is a citizen or national of Afghanistan, or in the case of an alien having no nationality, an alien who last habitually resided in Afghanistan, who—

(A) was—

(i) a member of—

(I) the special operations forces of the Afghanistan National Defense and Security Forces;

(II) the Afghanistan National Army Special Operations Command;

(III) the Afghan Air Force; or

(IV) the Special Mission Wing of Afghanistan;

(ii) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(I) a cadet or instructor at the Afghanistan National Defense University; and

(II) a civilian employee of the Ministry of Defense or the Ministry of Interior Affairs;

(iii) an individual associated with former Afghan military and police human intelligence activities, including operators and Department of Defense sources;

(iv) an individual associated with former Afghan military counterintelligence, counterterrorism, or counternarcotics;

(v) an individual associated with the former Afghan Ministry of Defense, Ministry of Interior Affairs, or court system, and who was involved in the investigation, prosecution or detention of combatants or members of the Taliban or criminal networks affiliated with the Taliban; or

(vi) a senior military officer, senior enlisted personnel, or civilian official who served on the staff of the former Ministry of Defense or the former Ministry of Interior Affairs of Afghanistan; or

(B) provided service to an entity or organization described in subparagraph (A) for not less than 1 year during the period beginning on December 22, 2001, and ending on September 1, 2021, and did so in support of the United States mission in Afghanistan.

(2) INCLUSIONS.—For purposes of this section, the Afghanistan National Defense and Security Forces includes members of the security forces under the Ministry of Defense and the Ministry of Interior Affairs of the Islamic Republic of Afghanistan, including the Afghanistan National Army, the Afghan Air Force, the Afghanistan National Police, and any other entity designated by the Secretary of Defense as part of the Afghanistan National Defense and Security Forces during the relevant period of service of the applicant concerned.

(b) REFUGEE STATUS FOR AFGHAN ALLIES.—

(1) DESIGNATION AS REFUGEES OF SPECIAL HUMANITARIAN CONCERN.—Afghan allies shall be considered refugees of special humanitarian concern under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), until the later of 10 years after the date of enactment of this Act or upon determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that such designation is no longer in the interest of the United States.

(2) THIRD COUNTRY PRESENCE NOT REQUIRED.—Notwithstanding section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), the Secretary of State and the Secretary shall, to the greatest extent possible, conduct remote refugee processing for an Afghan ally located in Afghanistan.

(c) AFGHAN ALLIES REFERRAL PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Secretary of Defense, in consultation with the Secretary of State, shall establish a process by which an individual may apply to the Secretary of Defense for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program; and

(B) the head of any appropriate department or agency that conducted operations in Afghanistan during the period beginning on December 22, 2001, and ending on September 1, 2021, in consultation with the Secretary of State, may establish a process by which an individual may apply to the head of the appropriate department or agency for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program.

(2) APPLICATION SYSTEM.—

(A) IN GENERAL.—The process established under paragraph (1) shall—

(i) include the development and maintenance of a secure online portal through which applicants may provide information

verifying their status as Afghan allies and upload supporting documentation; and

(ii) allow—

(I) an applicant to submit his or her own application;

(II) a designee of an applicant to submit an application on behalf of the applicant; and

(III) in the case of an applicant who is outside the United States, the submission of an application regardless of where the applicant is located.

(B) USE BY OTHER AGENCIES.—The Secretary of Defense may enter into arrangements with the head of any other appropriate department or agency so as to allow the application system established under subparagraph (A) to be used by such department or agency.

(3) REVIEW PROCESS.—As soon as practicable after receiving a request for classification and referral described in paragraph (1), the head of the appropriate department or agency shall—

(A) review—

(i) the service record of the applicant, if available;

(ii) if the applicant provides a service record or other supporting documentation, any information that helps verify the service record concerned, including information or an attestation provided by any current or former official of the department or agency who has personal knowledge of the eligibility of the applicant for such classification and referral; and

(iii) the data holdings of the department or agency and other cooperating interagency partners, including biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, other identifiable information, and any other information related to the applicant, including relevant derogatory information; and

(B)(i) in a case in which the head of the department or agency determines that the applicant is an Afghan ally without significant derogatory information, refer the Afghan ally to the United States Refugee Admissions Program as a refugee; and

(ii) include with such referral—

(I) any service record concerned, if available;

(II) if the applicant provides a service record, any information that helps verify the service record concerned; and

(III) any biometrics for the applicant.

(4) REVIEW PROCESS FOR DENIAL OF REQUEST FOR REFERRAL.—

(A) IN GENERAL.—In the case of an applicant with respect to whom the head of the appropriate department or agency denies a request for classification and referral based on a determination that the applicant is not an Afghan ally or based on derogatory information—

(i) the head of the department or agency shall provide the applicant with a written notice of the denial that provides, to the maximum extent practicable, a description of the basis for the denial, including the facts and inferences, or evidentiary gaps, underlying the individual determination; and

(ii) the applicant shall be provided an opportunity to submit not more than 1 written appeal to the head of the department or agency for each such denial.

(B) DEADLINE FOR APPEAL.—An appeal under clause (ii) of subparagraph (A) shall be submitted—

(i) not more than 120 days after the date on which the applicant concerned receives notice under clause (i) of that subparagraph; or

(ii) on any date thereafter, at the discretion of the head of the appropriate department or agency.

(C) REQUEST TO REOPEN.—

(i) IN GENERAL.—An applicant who receives a denial under subparagraph (A) may submit a request to reopen a request for classification and referral under the process established under paragraph (1) so that the applicant may provide additional information, clarify existing information, or explain any unfavorable information.

(ii) LIMITATION.—After considering 1 such request to reopen from an applicant, the head of the appropriate department or agency may deny subsequent requests to reopen submitted by the same applicant.

(5) FORM AND CONTENT OF REFERRAL.—To the extent practicable, the head of the appropriate department or agency shall ensure that referrals made under this subsection—

(A) conform to requirements established by the Secretary of State for form and content; and

(B) are complete and include sufficient contact information, supporting documentation, and any other material the Secretary of State or the Secretary consider necessary or helpful in determining whether an applicant is entitled to refugee status.

(6) TERMINATION.—The application process and referral system under this subsection shall terminate upon the later of 1 year before the termination of the designation under subsection (b)(1) or on the date of a joint determination by the Secretary of State and the Secretary of Defense, in consultation with the Secretary, that such termination is in the national interest of the United States.

(d) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with a request for a classification and referral as a refugee under this section.

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) REPRESENTATION.—An alien applying for admission to the United States under this section may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(4) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who has been classified as an Afghan ally and has been referred as a refugee under this section protection or to immediately remove such alien from Afghanistan, if possible.

(5) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for each of fiscal years 2024 through 2034 to carry out this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to inhibit the Secretary of State from accepting refugee referrals from any entity.

SEC. 3335. IMPROVING EFFICIENCY AND OVERSIGHT OF REFUGEE AND SPECIAL IMMIGRANT PROCESSING.

(a) ACCEPTANCE OF FINGERPRINT CARDS AND SUBMISSIONS OF BIOMETRICS.—In addition to the methods authorized under the heading relating to the Immigration and Naturalization Service under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Public Law 105–119, 111 Stat. 2448; 8 U.S.C. 1103 note), and other applicable law, and subject to such safeguards as the Secretary, in consultation with the Secretary of State or the Secretary of Defense, as appropriate, shall prescribe to ensure the integrity of the biometric collection (which shall include verification of identity by comparison of such fingerprints with fingerprints taken by or under the direct supervision of the Secretary prior to or at the time of the individual's application for admission to the United States), the Secretary may, in the case of any application for any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), accept fingerprint cards or any other submission of biometrics—

(1) prepared by international or nongovernmental organizations under an appropriate agreement with the Secretary or the Secretary of State;

(2) prepared by employees or contractors of the Department of Homeland Security or the Department of State; or

(3) provided by an agency (as defined under section 3502 of title 44, United States Code).

(b) STAFFING.—

(1) VETTING.—The Secretary of State, the Secretary, the Secretary of Defense, and any other agency authorized to carry out the vetting process under this subtitle, shall each ensure sufficient staffing, and request the resources necessary, to efficiently and adequately carry out the vetting of applicants for—

(A) referral to the United States Refugee Admissions Program, consistent with the determinations established under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) special immigrant status.

(2) REFUGEE RESETTLEMENT.—The Secretary of Health and Human Services shall ensure sufficient staffing to efficiently provide assistance under chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) to refugees resettled in the United States.

(c) REMOTE PROCESSING.—Notwithstanding any other provision of law, the Secretary of State and the Secretary shall employ remote processing capabilities for refugee processing under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), including secure digital file transfers, videoconferencing and teleconferencing capabilities, remote review of applications, remote interviews, remote collection of signatures, waiver of the applicant's appearance or signature (other than a final appearance and verification by the oath of the applicant prior to or at the time of the individual's application for admission to the United States), waiver of signature for individuals under 5 years old, and any other capability the Secretary of State and the Secretary consider appropriate, secure, and likely to reduce processing wait times at particular facilities.

(d) MONTHLY ARRIVAL REPORTS.—With respect to monthly reports issued by the Secretary of State relating to United States Refugee Admissions Program arrivals, the Secretary of State shall report—

(1) the number of monthly admissions of refugees, disaggregated by priorities; and

(2) the number of Afghan allies admitted as refugees.

(e) INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(A) to develop and oversee the implementation of the strategy and contingency plan described in subparagraph (A)(i) of paragraph (4); and

(B) to submit the report, and provide a briefing on the report, as described in subparagraphs (A) and (B) of paragraph (4).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall include—

(i) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(ii) any other Federal Government official designated by the President.

(B) RELEVANT FEDERAL AGENCY DEFINED.—In this paragraph, the term ''relevant Federal agency'' means—

(i) the Department of State;

(ii) the Department Homeland Security;

(iii) the Department of Defense;

(iv) the Department of Health and Human Services;

(v) the Federal Bureau of Investigation; and

(vi) the Office of the Director of National Intelligence.

(3) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(4) DUTIES.—

(A) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date on which the Task Force is established, the Task Force, acting through the chair of the Task Force, shall submit a report to the appropriate committees of Congress that includes—

(I) a strategy for facilitating the resettlement of nationals of Afghanistan outside the United States who, during the period beginning on October 1, 2001, and ending on September 1, 2021, directly and personally supported the United States mission in Afghanistan, as determined by the Secretary of State in consultation with the Secretary of Defense; and

(II) a contingency plan for future emergency operations in foreign countries involving foreign nationals who have worked directly with the United States Government, including the Armed Forces of the United States and United States intelligence agencies.

(ii) ELEMENTS.—The report required under clause (i) shall include—

(I) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(aa) such nationals in Afghanistan and such nationals in a third country;

(bb) type of specified application; and

(cc) applications that are documentarily complete and applications that are not documentarily complete;

(II) an estimate of the number of nationals of Afghanistan who may be eligible for special immigrant status;

(III) with respect to the strategy required under subparagraph (A)(i)(I)—

(aa) the estimated number of nationals of Afghanistan described in such subparagraph;

(bb) a description of the process for safely resettling such nationals of Afghanistan;

(cc) a plan for processing such nationals of Afghanistan for admission to the United States that—

(AA) discusses the feasibility of remote processing for such nationals of Afghanistan residing in Afghanistan;

(BB) includes any strategy for facilitating refugee and consular processing for such nationals of Afghanistan in third countries, and the timelines for such processing;

(CC) includes a plan for conducting rigorous and efficient vetting of all such nationals of Afghanistan for processing;

(DD) discusses the availability and capacity of sites in third countries to process applications and conduct any required vetting for such nationals of Afghanistan, including the potential to establish additional sites; and

(EE) includes a plan for providing updates and necessary information to affected individuals and relevant nongovernmental organizations;

(dd) a description of considerations, including resource constraints, security concerns, missing or inaccurate information, and diplomatic considerations, that limit the ability of the Secretary of State or the Secretary to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(ee) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(ff) an estimate of the cost to fully implement the strategy; and

(gg) any other matter the Task Force considers relevant to the implementation of the strategy;

(IV) with respect to the contingency plan required by clause (i)(II)—

(aa) a description of the standard practices for screening and vetting foreign nationals considered to be eligible for resettlement in the United States, including a strategy for vetting, and maintaining the records of, such foreign nationals who are unable to provide identification documents or biographic details due to emergency circumstances;

(bb) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(cc) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(dd) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund;

(ee) any other matter the Task Force considers relevant to the implementation of the contingency plan; and

(V) a strategy for the efficient processing of all Afghan special immigrant visa applications and appeals, including—

(aa) a review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process;

(bb) an analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this subtitle during the several years after the date of the enactment of this Act;

(cc) an assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas in appropriate circumstances and consistent with applicable laws; and

(dd) an assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

(iii) FORM.—The report required under clause (i) shall be submitted in unclassified form but may include a classified annex.

(B) BRIEFING.—Not later than 60 days after submitting the report required by clause (i), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(5) TERMINATION.—The Task Force shall remain in effect until the later of—

(A) the date on which the strategy required under paragraph (4)(A)(i)(I) has been fully implemented;

(B) the date of a determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that a task force is no longer necessary for the implementation of subparagraphs (A) and (B) of paragraph (1); or

(C) the date that is 10 years after the date of the enactment of this Act.

(f) IMPROVING CONSULTATION WITH CONGRESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a), by amending paragraph (4) to read as follows:

''(4)(A) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number of refugees so determined, the number of aliens who were granted asylum in the previous year.

''(B) In making a determination under paragraph (1), the President shall consider the information in the most recently published projected global resettlement needs report published by the United Nations High Commissioner for Refugees.'';

(2) in subsection (e), by amending paragraph (2) to read as follows:

''(2) A description of the number and allocation of the refugees to be admitted, including the expected allocation by region, and an analysis of the conditions within the countries from which they came.''; and

(3) by adding at the end the following—

''(g) QUARTERLY REPORTS ON ADMISSIONS.—Not later than 30 days after the last day of each quarter beginning the fourth quarter of fiscal year 2024, the President shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

''(1) REFUGEES ADMITTED.—

''(A) The number of refugees admitted to the United States during the preceding quarter.

''(B) The cumulative number of refugees admitted to the United States during the applicable fiscal year, as of the last day of the preceding quarter.

''(C) The number of refugees expected to be admitted to the United States during the remainder of the applicable fiscal year.

''(D) The number of refugees from each region admitted to the United States during the preceding quarter.

''(2) ALIENS WITH PENDING SECURITY CHECKS.—With respect only to aliens processed under section 101(a)(27)(N), subtitle C of title III of the Border Act, or section 602(b)(2)(A)(ii)(II) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8)—

''(A) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been requested during the preceding quarter, and the number of aliens, by nationality, for whom the check was pending beyond 30 days; and

''(B) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been pending for more than 180 days.

''(3) CIRCUIT RIDES.—

''(A) For the preceding quarter—

''(i) the number of Refugee Corps officers deployed on circuit rides and the overall number of Refugee Corps officers;

''(ii) the number of individuals interviewed—

''(I) on each circuit ride; and

''(II) at each circuit ride location;

''(iii) the number of circuit rides; and

''(iv) for each circuit ride, the duration of the circuit ride.

''(B) For the subsequent 2 quarters, the number of circuit rides planned.

''(4) PROCESSING.—

''(A) For refugees admitted to the United States during the preceding quarter, the average number of days between—

''(i) the date on which an individual referred to the United States Government as a refugee applicant is interviewed by the Secretary of Homeland Security; and

''(ii) the date on which such individual is admitted to the United States.

''(B) For refugee applicants interviewed by the Secretary of Homeland Security in the preceding quarter, the approval, denial, recommended approval, recommended denial, and hold rates for the applications for admission of such individuals, disaggregated by nationality.''.

SEC. 3336. SUPPORT FOR CERTAIN VULNERABLE AFGHANS RELATING TO EMPLOYMENT BY OR ON BEHALF OF THE UNITED STATES.

(a) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L)(iii), by adding a semicolon at the end;

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

(C) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the parent or brother or sister of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(2) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by paragraph (1), may not exceed 2,500 each fiscal year.

(B) CARRYOVER.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall not exceed 10,000.

(D) DURATION OF AUTHORITY.—The authority to issue visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall—

(i) commence on the date of the enactment of this Act; and

(ii) terminate on the date on which all such visas are exhausted.

(b) CERTAIN AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (2)(A)—

(A) by amending clause (ii) to read as follows:

''(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

''(aa) by, or on behalf of, the United States Government; or

''(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

''(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

''(BB) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force); or

''(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;''; and

(B) in clause (iii), by striking ''clause (ii)'' and inserting ''clause (ii)(I)'';

(2) in paragraph (13)(A)(i), by striking ''subclause (I) or (II)(bb) of paragraph (2)(A)(ii)'' and inserting ''item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)'';

(3) in paragraph (14)(C), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''; and

(4) in paragraph (15), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''.

(c) EXTENSION OF SPECIAL IMMIGRANT VISA PROGRAM UNDER AFGHAN ALLIES PROTECTION ACT OF 2009.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking ''FISCAL YEARS 2015 THROUGH 2022'' and inserting ''FISCAL YEARS 2015 THROUGH 2029''; and

(B) in clause (i), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(C) in clause (ii), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(2) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2024'' and inserting ''January 31, 2030''.

(d) AUTHORIZATION OF VIRTUAL INTERVIEWS.—Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8;) is amended by adding at the end the following:

''(D) VIRTUAL INTERVIEWS.—Notwithstanding section 222(e) of the Immigration and Nationality Act (8 U.S.C. 1202(e)), an application for an immigrant visa under this section may be signed by the applicant through a virtual video meeting before a consular officer and verified by the oath of the applicant administered by the consular officer during a virtual video meeting.''.

(e) QUARTERLY REPORTS.—Paragraph (12) of section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended is amended to read as follows:

''(12) QUARTERLY REPORTS.—

''(A) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Border Act and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes the following:

''(i) For the preceding quarter—

''(I) a description of improvements made to the processing of special immigrant visas and refugee processing for citizens and nationals of Afghanistan;

''(II) the number of new Afghan referrals to the United States Refugee Admissions Program, disaggregated by referring entity;

''(III) the number of interviews of Afghans conducted by U.S. Citizenship and Immigration Services, disaggregated by the country in which such interviews took place;

''(IV) the number of approvals and the number of denials of refugee status requests for Afghans;

''(V) the number of total admissions to the United States of Afghan refugees;

''(VI) number of such admissions, disaggregated by whether the refugees come from within, or outside of, Afghanistan;

''(VII) the average processing time for citizens and nationals of Afghanistan who are applicants for referral under section 3334 of the Border Act;

''(VIII) the number of such cases processed within such average processing time; and

''(IX) the number of denials issued with respect to applications by citizens and nationals of Afghanistan for referrals under section 3334 of the Border Act.

''(ii) The number of applications by citizens and nationals of Afghanistan for refugee referrals pending as of the date of submission of the report.

''(iii) A description of the efficiency improvements made in the process by which applications for special immigrant visas under this subsection are processed, including information described in clauses (iii) through (viii) of paragraph (11)(B).

''(B) FORM OF REPORT.—Each report required by subparagraph (A) shall be submitted in unclassified form but may contain a classified annex.

''(C) PUBLIC POSTING.—The Secretary of State shall publish on the website of the Department of State the unclassified portion of each report submitted under subparagraph (A).''.

(f) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa or special immigrant status under—

(A) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1).

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who is seeking status as a special immigrant under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1), protection or to immediately remove such alien from Afghanistan, if possible.

(4) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States under this section or an

amendment made by this section shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

SEC. 3337. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date that is 10 years thereafter, the Secretary and the Secretary of State may waive any fee or surcharge or exempt individuals from the payment of any fee or surcharge collected by the Department of Homeland Security and the Department of State, respectively, in connection with a petition or application for, or issuance of, an immigrant visa to a national of Afghanistan under section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a)), respectively.

SEC. 3338. REPORTING.

(a) QUARTERLY REPORTS.—Beginning on January 1, 2028, not less frequently than quarterly, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for the preceding quarter—

(1) the number of individuals granted conditional permanent resident status under section 3333, disaggregated by the number of such individuals for whom conditions have been removed;

(2) the number of individuals granted conditional permanent resident status under section 3333 who have been determined to be ineligible for removal of conditions (and the reasons for such determination); and

(3) the number of individuals granted conditional permanent resident status under section 3333 for whom no such determination has been made (and the reasons for the lack of such determination).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Secretary, in consultation with the Attorney General, shall submit to the appropriate committees of Congress a report that includes for the preceding year, with respect to individuals granted conditional permanent resident status under section 3333—

(1) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(2) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(2) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(3) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(3) the number of final orders of removal issued pursuant to proceedings described in paragraphs (1) and (2), disaggregated by each applicable ground of deportability;

(4) the number of such individuals for whom such proceedings are pending, disaggregated by each applicable ground of deportability; and

(5) a review of the available options for removal from the United States, including any changes in the feasibility of such options during the preceding year.

TITLE IV—PROMOTING LEGAL IMMIGRATION

SEC. 3401. EMPLOYMENT AUTHORIZATION FOR FIANCÉS, FIANCÉES, SPOUSES, AND CHILDREN OF UNITED STATES CITIZENS AND SPECIALTY WORKERS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) The Secretary of Homeland Security shall authorize an alien fiancé, fiancée, or spouse admitted pursuant to clause (i) or (ii) of section 101(a)(15)(K), or any child admitted pursuant to section 101(a)(15)(K)(iii) to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.

''(16) Upon the receipt of a completed petition described in subparagraph (E) or (F) of section 204(a)(1) for a principal alien who has been admitted pursuant to section 101(a)(15)(H)(i)(b), the Secretary of Homeland Security shall authorize the alien spouse or child of such principal alien who has been admitted under section 101(a)(15)(H) to accompany or follow to join a principal alien admitted under such section, to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.''.

SEC. 3402. ADDITIONAL VISAS.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (c)—

(A) by adding at the end the following:

''(6)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029—

''(i) 512,000 shall be substituted for 480,000 in paragraph (1)(A)(i); and

''(ii) 258,000 shall be substituted for 226,000 in paragraph (1)(B)(i)(i) of that paragraph.

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with sections 201, 202, and 203.''; and

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

''(3)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029, 158,000 shall be substituted for 140,000 in paragraph (1)(A).

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with sections 201, 202, and 203.''.

SEC. 3403. CHILDREN OF LONG-TERM VISA HOLDERS.

(a) MAINTAINING FAMILY UNITY FOR CHILDREN OF LONG-TERM H–1B NONIMMIGRANTS AFFECTED BY DELAYS IN VISA AVAILABILITY.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(6) CHILD STATUS DETERMINATION FOR CERTAIN DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—

''(A) DETERMINATIVE FACTORS.—For purposes of subsection (d), the determination of whether an alien described in subparagraph (B) satisfies the age and marital status requirements set forth in section 101(b)(1) shall be made using the alien's age and marital status on the date on which an initial petition as a nonimmigrant described in section 101(a)(15)(H)(i)(b) was filed on behalf of the alien's parent, if such petition was approved.

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if such alien—

''(i) maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission; and

''(ii)(I) sought to acquire the status of an alien lawfully admitted for permanent residence during the 2-year period beginning on the date on which an immigrant visa became available to such alien; or

''(II) demonstrates, by clear and convincing evidence, that the alien's failure to seek such status during such 2-year period was due to extraordinary circumstances.''.

(b) NONIMMIGRANT DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) CHILD DERIVATIVE BENEFICIARIES OF H-1B NONIMMIGRANTS.—

''(1) AGE DETERMINATION.—In the case of an alien who maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission, such alien's age shall be determined based on the date on which an initial petition for classification under such section was filed on behalf of the alien's parent, if such petition is approved.

''(2) LONG-TERM DEPENDENTS.—Notwithstanding the alien's actual age or marital status, an alien who is determined to be a child under paragraph (1) and is otherwise eligible may change status to, or extend status as, a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) if the alien's parent—

''(A) maintains lawful status under such section;

''(B) has an employment-based immigrant visa petition that has been approved pursuant to section 203(b); and

''(C) has not yet had an opportunity to seek an immigrant visa or adjust status under section 245.

''(3) EMPLOYMENT AUTHORIZATION.—An alien who is determined to be a child under paragraph (1) is authorized to engage in employment in the United States incident to the status of his or her nonimmigrant parent.

''(4) SURVIVING RELATIVE CONSIDERATION.—Notwithstanding the death of the qualifying relative, an alien who is determined to be a child under paragraph (1) is authorized to extend status as a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b).''.

(c) MOTION TO REOPEN OR RECONSIDER.—

(1) IN GENERAL.—A motion to reopen or reconsider the denial of a petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) and a subsequent application for an immigrant visa or adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), may be granted if—

(A) such petition or application would have been approved if—

(i) section 203(h)(6) of the Immigration and Nationality Act, as added by subsection (a), had been in effect when the petition or application was adjudicated; and

(ii) the person concerned remains eligible for the requested benefit;

(B) the individual seeking relief pursuant to such motion was in the United States at the time the underlying petition or application was filed; and

(C) such motion is filed with the Secretary or the Attorney General not later than the date that is 2 years after the date of the enactment of this Act.

(2) PROTECTION FROM REMOVAL.—Notwithstanding any other provision of the law, the Attorney General and the Secretary—

(A) may not initiate removal proceedings against or remove any alien who has a pending nonfrivolous motion under paragraph (1) or is seeking to file such a motion unless—

(i) the alien is a danger to the community or a national security risk; or

(ii) initiating a removal proceeding with respect to such alien is in the public interest; and

(B) shall provide aliens with a reasonable opportunity to file such a motion.

(3) EMPLOYMENT AUTHORIZATION.—An alien with a pending, nonfrivolous motion under this subsection shall be authorized to engage in employment through the date on which a final administrative decision regarding such motion has been made.

SEC. 3404. MILITARY NATURALIZATION MODERNIZATION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended—

(1) by striking section 328 (8 U.S.C. 1439); and

(2) in section 329 (8 U.S.C. 1440)—

(A) by amending the section heading to read as follows: ''**NATURALIZATION THROUGH SERVICE IN THE SELECTED RESERVE OR IN ACTIVE-DUTY STATUS**.—'';

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''during either'' and all that follows through ''foreign force'';

(ii) in paragraph (1)—

(I) by striking ''America Samoa, or Swains Island'' and inserting ''American Samoa, Swains Island, or any of the freely associated States (as defined in section 611(b)(1)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(b)(1)(C)),''; and

(II) by striking ''he'' and inserting ''such person''; and

(iii) in paragraph (2), by striking ''in an active-duty status, and whether separation from such service was under honorable conditions'' and inserting ''in accordance with subsection (b)(3)''; and

(C) in subsection (b)—

(i) in paragraph (1), by striking ''he'' and inserting ''such person''; and

(ii) in paragraph (3), by striking ''an active-duty status'' and all that follows through ''foreign force, and'' and inserting ''in an active status (as defined in section 101(d) of title 10, United States Code), in the Selected Reserve of the Ready Reserve, or on active duty (as defined in such section) and, if separated''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the items relating to sections 328 and 329 and inserting the following:

''Sec. 329. Naturalization through service in the Selected Reserve or in active-duty status.''.

SEC. 3405. TEMPORARY FAMILY VISITS.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT VISA SUBCATEGORY.—Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by striking ''temporarily for business or temporarily for pleasure;'' and inserting ''temporarily for—

''(i) business;

''(ii) pleasure; or

''(iii) family purposes;''.

(b) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by section 3403(b), is further amended by adding at the end the following:

''(t) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—

''(1) DEFINED TERM.—In this subsection and in section 101(a)(15)(B)(iii), the term 'family purposes' means any visit by a relative for a social, occasional, major life, or religious event, or for any other purpose.

''(2) FAMILY PURPOSES VISA.—Except as provided in paragraph (3), family travel for pleasure is authorized pursuant to the policies, terms, and conditions in effect on the day before the date of the enactment of the Border Act.

''(3) SPECIAL RULES FOR FAMILY PURPOSES VISAS FOR ALIENS AWAITING IMMIGRANT VISAS.—

''(A) NOTIFICATION OF APPROVED PETITION.—A visa may not be issued to a relative under section 101(a)(15)(B)(iii) until after the consular officer is notified that the Secretary of Homeland Security has approved a petition filed in the United States by a family member of the relative who is a United States citizen or lawful permanent resident.

''(B) PETITION.—A petition referred to in subparagraph (A) shall—

''(i) be in such form and contain such information as the Secretary may prescribe by regulation; and

''(ii) shall include—

''(I) a declaration of financial support, affirming that the petitioner will provide financial support to the relative for the duration of his or her temporary stay in the United States;

''(II) evidence that the relative has—

''(aa) obtained, for the duration of his or her stay in the United States, a short-term travel medical insurance policy; or

''(bb) an existing health insurance policy that provides coverage for international medical expenses; and

''(III) a declaration from the relative, under penalty of perjury, affirming the relative's—

''(aa) intent to depart the United States at the conclusion of the relative's period of authorized admission; and

''(bb) awareness of the penalties for overstaying such period of authorized admission.

''(4) PETITIONER ELIGIBILITY.—

''(A) IN GENERAL.—Absent extraordinary circumstances, an individual may not petition for the admission of a relative as a nonimmigrant described in section 101(a)(15)(B)(iii) if such individual previously petitioned for the admission of such a relative who—

''(i) was admitted to the United States pursuant to a visa issued under such section as a result of such petition; and

''(ii) overstayed his or her period of authorized admission.

''(B) PREVIOUS PETITIONERS.—

''(i) IN GENERAL.—An individual filing a declaration of financial support on behalf of a relative seeking admission as a nonimmigrant described in section 101(a)(15)(B)(iii) who has previously provided a declaration of financial support for such a relative shall—

''(I) certify to the Secretary of Homeland Security that the relative whose admission the individual previously supported did not overstay his or her period of authorized admission; or

''(II) explain why the relative's overstay was due to extraordinary circumstances beyond the control of the relative.

''(ii) CRIMINAL PENALTY FOR FALSE STATEMENT.—A certification under clause (i)(I) shall be subject to the requirements under section 1001 of title 18, United States Code.

''(C) WAIVER.—The Secretary of Homeland Security may waive the application of section 212(a)(9)(B) in the case of a nonimmigrant described in section 101(a)(15)(B)(iii) who overstayed his or her period of authorized admission due to extraordinary circumstances beyond the control of the nonimmigrant.''.

(c) RESTRICTION ON CHANGE OF STATUS.—Section 248(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1258(a)(1)) is amended by inserting ''(B)(iii),'' after ''subparagraph''.

(d) FAMILY PURPOSE VISA ELIGIBILITY WHILE AWAITING IMMIGRANT VISA.—

(1) IN GENERAL.—Notwithstanding section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)), a nonimmigrant described in section 101(a)(15)(B)(iii) of such Act, as added by subsection (a), who has been classified as an immigrant under section 201 of such Act (8 U.S.C. 1151) and is awaiting the availability of an immigrant visa subject to the numerical limitations under section 203 of such Act (8 U.S.C. 1153) may be admitted pursuant to a family purposes visa, in accordance with section 214(t) of such Act, as added by subsection (b), if the individual is otherwise eligible for admission.

(2) LIMITATION.—An alien admitted under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, pursuant to section 214(t)(3) of such Act, as added by subsection (b), may not be considered to have been admitted to the United States for purposes of section 245(a) of such Act (8 U.S.C. 1255(a)).

(e) RULE OF CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, may be construed as—

(1) limiting the authority of immigration officers to refuse to admit to the United States an applicant under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, as added by subsection (a), who fails to meet 1 or more of the criteria under section 214(t) of such Act, as added by subsection (b), or who is inadmissible under section 212(a) of such Act (8 U.S.C. 1182(a)); or

(2) precluding the use of section 101(a)(15)(B)(ii) of the Immigration and Nationality Act, as added by subsection (a), for family travel for pleasure in accordance with the policies and procedures in effect on the day before the date of the enactment of this Act.

TITLE V—SELF-SUFFICIENCY AND DUE PROCESS

Subtitle A—Work Authorizations

SEC. 3501. WORK AUTHORIZATION.

Section 208(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(2)) is amended to read as follows:

''(2) EMPLOYMENT ELIGIBILITY.—Except as provided in section 235C—

''(A) an applicant for asylum is not entitled to employment authorization, but such authorization may be provided by the Secretary of Homeland Security by regulation; and

''(B) an applicant who is not otherwise eligible for employment authorization may not be granted employment authorization under this section before the date that is 180 days after the date on which the applicant files an application for asylum.''.

SEC. 3502. EMPLOYMENT ELIGIBILITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 3141(a), is further amended by adding at the end the following:

''SEC. 235C. EMPLOYMENT ELIGIBILITY.

''(a) EXPEDITED EMPLOYMENT ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall authorize employment for any alien who—

''(A)(i) is processed under the procedures described in section 235(b)(1) and receives a positive protection determination pursuant to such procedures; or

''(ii)(I) is processed under the procedures described in section 235B; and

''(II)(aa) receives a positive protection determination and is subsequently referred under section 235B(c)(2)(B)(i) for a protection merits interview; or

''(bb) is referred under section 235B(f)(1) for a protection merits interview; and

''(B) is released from the physical custody of the Secretary of Homeland Security.

''(2) APPLICATION.—The Secretary of Homeland Security shall grant employment authorization to—

''(A) an alien described in paragraph (1)(A)(i) immediately upon such alien's release from physical custody;

''(B) an alien described in paragraph (1)(A)(ii)(II)(aa) at the time such alien receives a positive protection determination or is referred for a protection merits interview; and

''(C) an alien described in paragraph (1)(A)(ii)(II)(bb) on the date that is 30 days after the date on which such alien files an application pursuant to section 235B(f).

''(b) TERM.—Employment authorization under this section—

''(1) shall be for an initial period of 2 years; and

''(2) shall be renewable, as applicable—

''(A) for additional 2-year periods while the alien is in protection merits removal proceedings, including while the outcome of the protection merits interview is under administrative or judicial review; or

''(B) until the date on which—

''(i) the alien receives a negative protection merits determination; or

''(ii) the alien otherwise receives employment authorization under any other provision of this Act.

''(c) RULES OF CONSTRUCTION.—

''(1) DETENTION.—Nothing in this section may be construed to expand or restrict the authority of the Secretary of Homeland Security to detain or release from detention an alien, if such detention or release from detention is authorized by law.

''(2) LIMITATION ON AUTHORITY.—The Secretary of Homeland Security may not authorize for employment in the United States an alien being processed under section 235(b)(1) or 235B in any circumstance not explicitly described in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 235B, as added by section 3141(b), the following:

''Sec. 235C. Employment eligibility.''.

Subtitle B—Protecting Due Process

SEC. 3511. ACCESS TO COUNSEL.

(a) IN GENERAL.—Section 235(b)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(iv)) is amended to read as follows:

''(iv) INFORMATION ABOUT PROTECTION DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary of Homeland Security shall provide an alien with information in plain language regarding protection determinations conducted under this section, including the information described in subclause (II)—

''(aa) at the time of the initial processing of the alien; and

''(bb) to the maximum extent practicable, in the alien's native language or in a language the alien understands.

''(II) INFORMATION DESCRIBED.—The information described in this subclause is information relating to—

''(aa) the rights and obligations of the alien during a protection determination;

''(bb) the process by which a protection determination is conducted;

''(cc) the procedures to be followed by the alien in a protection determination; and

''(dd) the possible consequences of—

''(AA) not complying with the obligations referred to in item (aa); and

''(BB) not cooperating with Federal authorities.

''(III) ACCESSIBILITY.—An alien who has a limitation that renders the alien unable to read written materials provided under subclause (I) shall receive an interpretation of such materials in the alien's native language, to the maximum extent practicable, or in a language and format the alien understands.

''(IV) TIMING OF PROTECTION DETERMINATION.—

''(aa) IN GENERAL.—The protection determination of an alien shall not occur earlier than 72 hours after the provision of the information described in subclauses (I) and (II).

''(bb) WAIVER.—An alien may—

''(AA) waive the 72-hour requirement under item (aa) only if the alien knowingly and voluntarily does so, only in a written format or in an alternative record if the alien is unable to write, and only after the alien receives the information required to be provided under subclause (I); and

''(BB) consult with an individual of the alien's choosing in accordance with subclause (V) before waiving such requirement.

''(V) CONSULTATION.—

''(aa) IN GENERAL.—An alien who is eligible for a protection determination may consult with one or more individuals of the alien's choosing before the screening or interview, or any review of such a screening or interview, in accordance with regulations prescribed by the Secretary of Homeland Security.

''(bb) LIMITATION.—Consultation described in item (aa) shall be at no expense to the Federal Government.

''(cc) PARTICIPATION IN INTERVIEW.—An individual chosen by the alien may participate in the protection determination of the alien conducted under this subparagraph.

''(dd) ACCESS.—The Secretary of Homeland Security shall ensure that a detained alien has effective access to the individuals chosen by the alien, which may include physical access, telephonic access, and access by electronic communication.

''(ee) INCLUSIONS.—Consultations under this subclause may include—

''(AA) consultation with an individual authorized by the Department of Justice through the Recognition and Accreditation Program; and

''(BB) consultation with an attorney licensed under applicable law.

''(ff) RULES OF CONSTRUCTION.—Nothing in this subclause may be construed—

''(AA) to require the Federal Government to pay for any consultation authorized under item (aa);

''(BB) to invalidate or limit the remedies, rights, and procedures of any Federal law that provides protection for the rights of individuals with disabilities; or

''(CC) to contravene or limit the obligations under the Vienna Convention on Consular Relations done at Vienna April 24, 1963.''.

(b) CONFORMING AMENDMENT.—Section 238(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(2)) is amended by striking ''make reasonable efforts to ensure that the alien's access to counsel'' and inserting ''ensure that the alien's access to counsel, pursuant to section 235(b)(1)(B)(iv),''.

SEC. 3512. COUNSEL FOR CERTAIN UNACCOMPANIED ALIEN CHILDREN.

Section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)) is amended to read as follows:

''(5) ACCESS TO COUNSEL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary of Health and Human Services or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

''(B) EXCEPTION FOR CERTAIN CHILDREN.—

''(i) IN GENERAL.—An unaccompanied alien child who is 13 years of age or younger, and who is placed in or referred to removal proceedings pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a), shall be represented by counsel subject to clause (v).

''(ii) AGE DETERMINATIONS.—The Secretary of Health and Human Services shall ensure that age determinations of unaccompanied alien children are conducted in accordance with the procedures developed pursuant to subsection (b)(4).

''(iii) APPEALS.—The rights and privileges under this subparagraph—

''(I) shall not attach to—

''(aa) an unaccompanied alien child after the date on which—

''(AA) the removal proceedings of the child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) terminate;

''(BB) an order of removal with respect to the child becomes final; or

''(CC) an immigration benefit is granted to the child; or

''(bb) an appeal to a district court or court of appeals of the United States, unless certified by the Secretary as a case of extraordinary importance; and

''(II) shall attach to administrative reviews and appeals.

''(iv) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of the Border Act, the Secretary of Health and Human Services shall implement this subparagraph

''(v) REMEDIES.—

''(I) IN GENERAL.—For the population described in clause (i) of this subparagraph and subsection (b)(1) of section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), declaratory judgment that the unaccompanied alien child has a right to be referred to counsel, including pro-bono counsel, or a continuance of immigration proceedings, shall be the exclusive remedies available, other than for those funds subject to appropriations.

''(II) SETTLEMENTS.—Any settlement under this subparagraph shall be subject to appropriations.''.

SEC. 3513. COUNSEL FOR CERTAIN INCOMPETENT INDIVIDUALS.

Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) REPRESENTATION FOR CERTAIN INCOMPETENT ALIENS.—

''(1) IN GENERAL.—The immigration judge is authorized to appoint legal counsel or a certified representative accredited through the Department of Justice to represent an alien in removal proceedings if—

''(A) pro bono counsel is not available; and

''(B) the alien—

''(i) is unrepresented;

''(ii) was found by an immigration judge to be incompetent to represent themselves; and

''(iii) has been placed in or referred to removal proceedings pursuant to this section.

''(2) DETERMINATION ON COMPETENCE.—

''(A) PRESUMPTION OF COMPETENCE.—An alien is presumed to be competent to participate in removal proceedings and has the duty to raise the issue of competency. If there are no indicia of incompetency in an alien's case, no further inquiry regarding competency is required.

''(B) DECISION OF THE IMMIGRATION JUDGE.—

''(i) IN GENERAL.—If there are indicia of incompetency, the immigration judge shall consider whether there is good cause to believe that the alien lacks sufficient competency to proceed without additional safeguards.

''(ii) INCOMPETENCY TEST.—The test for determining whether an alien is incompetent to participate in immigration proceedings, is not malingering, and consequently lacks sufficient capacity to proceed, is whether the alien, not solely on account of illiteracy or language barriers—

''(I) lacks a rational and factual understanding of the nature and object of the proceedings;

''(II) cannot consult with an available attorney or representative; and

''(III) does not have a reasonable opportunity to examine and present evidence and cross-examine witnesses.

''(iii) NO APPEAL.—A decision of an immigration judge under this subparagraph may not be appealed administratively and is not subject to judicial review.

''(C) EFFECT OF FINDING OF INCOMPETENCE.—A finding by an immigration judge that an alien is incompetent to represent himself or herself in removal proceedings shall not prejudice the outcome of any proceeding under this section or any finding by the immigration judge with respect to whether the alien is inadmissible under section 212 or removable under section 237.

''(3) QUARTERLY REPORT.—Not later than 90 days after the effective date of a final rule implementing this subsection, and quarterly thereafter, the Director of the Executive Office for Immigration Review shall submit to the appropriate committees of Congress a report that includes—

''(A)(i) the number of aliens in proceedings under this section who claimed during the reporting period to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason given for such claims, such as mental disease or mental defect; and

''(B)(i) the number of aliens in proceedings under this section found during the reporting period by an immigration judge to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason upon which such findings were based, such as mental disease or mental defect.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to require the Secretary of Homeland Security or the Attorney General to analyze whether an alien is incompetent to represent themselves, absent an indicia of incompetency;

''(B) to establish a substantive due process right;

''(C) to automatically equate a diagnosis of a mental illness to a lack of competency;

''(D) to limit the ability of the Attorney General or the immigration judge to prescribe safeguards to protect the rights and privileges of the alien;

''(E) to limit any authorized representation program by a State, local, or Tribal government;

''(F) to provide any statutory right to representation in any proceeding authorized under this Act, unless such right is already authorized by law; or

''(G) to interfere with, create, or expand any right or responsibility established through a court order or settlement agreement in effect before the date of the enactment of the Border Act.

''(5) RULEMAKING.—The Attorney General is authorized to prescribe regulations to carry out this subsection.''.

SEC. 3514. CONFORMING AMENDMENT.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

''SEC. 292. RIGHT TO COUNSEL.

''(a) IN GENERAL.—In any removal proceeding before an immigration judge and in any appeal proceeding before the Attorney General from an order issued through such removal proceeding, the person concerned shall have the privilege of being represented (at no expense to the Federal Government) by any counsel who is authorized to practice in such proceedings.

''(b) EXCEPTIONS FOR CERTAIN POPULATIONS.—The Federal Government is authorized to provide counsel, at its own expense, in proceedings described in subsection (a) for—

''(1) unaccompanied alien children described in paragraph (5)(B) of section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)); and

''(2) subject to appropriations, certain incompetent aliens described in section 240(e).''.

TITLE VI—ACCOUNTABILITY AND METRICS

SEC. 3601. EMPLOYMENT AUTHORIZATION COMPLIANCE.

Not later than 1 year and 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public that describes the actions taken by Secretary pursuant to section 235C of the Immigration and Nationality Act, as added by section 3502, including—

(1) the number of employment authorization applications granted or denied pursuant to subsection (a)(1) of such section 235C, disaggregated by whether the alien concerned was processed under the procedures described in section 235(b)(1) or 235B of such Act;

(2) the ability of the Secretary to comply with the timelines for provision of work authorization prescribed in subparagraphs (A) through (C) of section 235C(a)(2) of such Act, including whether complying with subparagraphs (A) and (B) of such section 235C(a)(2) has caused delays in the processing of such aliens;

(3) the number of employment authorizations revoked due to an alien's failure to comply with the requirements under section 235B(f)(5)(B) of the Immigration and Nationality Act, as added by section 3141, or for any other reason, along with the articulated basis; and

(4) the average time for the revocation of an employment authorization if an alien is authorized to work under section 235C of the Immigration and Nationality Act and is subsequently ordered removed.

SEC. 3602. LEGAL ACCESS IN CUSTODIAL SETTINGS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public regarding alien access to legal representation and consultation in custodial settings, including—

(1) the total number of aliens who secured or failed to secure legal representation pursuant to section 235(b)(1)(B)(iv)(V) of the Immigration and Nationality Act, as added by section 3511, before the protection determination under section 235(b)(1)(B)(i) of such Act, including the disposition of such alien's interview;

(2) the total number of aliens who waived the 72-hour period pursuant to section 235(b)(1)(B)(iv)(IV)(bb) of such Act, including the disposition of the alien's protection determination pursuant to section 235(b)(1)(B)(i) of such Act;

(3) the total number of aliens who required a verbal interpretation of the information about screenings and interviews pursuant to section 235(b)(1)(B)(iv) of such Act, disaggregated by the number of aliens who received or did not receive such an interpretation, respectively, pursuant to section 235(b)(1)(B)(iv)(III) of such Act, including the disposition of their respective protection determinations pursuant to section 235(b)(1)(B)(i) of such Act;

(4) the total number of aliens who received information, either verbally or in writing, in their native language; and

(5) whether such policies and procedures with respect to access provided in section 235(b)(1)(B)(iv) have been made available publicly.

SEC. 3603. CREDIBLE FEAR AND PROTECTION DETERMINATIONS.

Not later than 1 year and 60 days after the date of the enactment of this Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall submit a report to the appropriate committees of Congress and to the public that sets forth—

(1) the number of aliens who requested or received a protection determination pursuant to section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B));

(2) the number of aliens who requested or received a protection determination pursuant to section 235B(b) of such Act, as added by section 3141;

(3) the number of aliens described in paragraphs (1) and (2) who are subject to an asylum exception under section 235(b)(1)(B)(vi) of such Act, disaggregated by specific asylum exception;

(4) the number of aliens for whom an asylum officer determined that an alien may be eligible for a waiver under section 235(b)(1)(B)(vi) of such Act and did not apply such asylum exception to such alien;

(5) the number of aliens described in paragraph (1) or (2) who—

(A) received a positive screening or determination; or

(B) received a negative screening or determination;

(6) the number of aliens described in paragraph (5)(B) who requested reconsideration or appeal of a negative screening and the disposition of such requests;

(7) the number of aliens described in paragraph (6) who, upon reconsideration—

(A) received a positive screening or determination, as applicable; or

(B) received a negative screening or determination, as applicable;

(8) the number of aliens described in paragraph (5)(B) who appealed a decision subsequent to a request for reconsideration;

(9) the number of aliens described in paragraph (5)(B) who, upon appeal of a decision, disaggregated by whether or not such alien requested reconsideration of a negative screening—

(A) received a positive screening or determination, as applicable; or

(B) received negative screening or determination, as applicable; and

(10) the number of aliens who withdraw their application for admission, including—

(A) whether such alien could read or write;

(B) whether the withdrawal occurred in the alien's native language;

(C) the age of such alien; and

(D) the Federal agency or component that processed such withdrawal.

SEC. 3604. PUBLICATION OF OPERATIONAL STATISTICS BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Beginning in the second calendar month beginning after the date of the enactment of this Act, the Commissioner for U.S. Customs and Border Protection shall publish, not later than the seventh day of each month, on a publicly available website of the Department, information from the previous month relating to—

(1) the number of alien encounters, disaggregated by—

(A) whether such aliens are admissible or inadmissible, including the basis for such determinations;

(B) the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter;

(C) any outcomes recorded in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)), including—

(i) whether the alien is found to be inadmissible or removeable due to a specific ground relating to terrorism;

(ii) the alien's country of nationality, race or ethnic identification, and age; and

(iii) whether the alien's alleged terrorism is related to domestic or international actors, if available;

(D) aliens with active Federal or State warrants for arrest in the United States and the nature of the crimes justifying such warrants;

(E) the nationality of the alien;

(F) whether the alien encountered is a single adult, an individual in a family unit, an unaccompanied child, or an accompanied child;

(G) the average time the alien remained in custody, disaggregated by demographic information;

(H) the processing disposition of each alien described in this paragraph upon such alien's release from the custody of U.S. Customs and Border Protection, disaggregated by nationality;

(I) the number of aliens who are paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), disaggregated by geographic region or sector;

(J) the recidivism rate of aliens described in this paragraph, including the definition of ''recidivism'' and notice of any changes to such definition; and

(K) aliens who have a confirmed gang affiliation, including—

(i) whether such alien was determined to be inadmissible or removable due to such affiliation;

(ii) the specific gang affiliation alleged;

(iii) the basis of such allegation; and

(iv) the Federal agency or component that made such allegation or determination;

(2) seizures, disaggregated by the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter, of—

(A) narcotics;

(B) firearms, whether inbound or outbound, including whether such firearms were manufactured in the United States, if known;

(C) monetary instruments, whether inbound and outbound; and

(D) other specifically identified contraband;

(3) with respect to border emergency authority described in section 244A of the Immigration and Nationality Act, as added by section 3301—

(A) the number of days such authority was in effect;

(B) the number of encounters (as defined in section 244A(i)(3)) of such Act, disaggregated by U.S. Border Patrol sector and U.S. Customs and Border Patrol field office;

(C) the number of summary removals made under such authority;

(D) the number of aliens who manifested a fear of persecution or torture and were screened for withholding of removal or for protection under the Convention Against Torture, and the disposition of each such screening, including the processing disposition or outcome;

(E) the number of aliens who were screened at a port of entry in a safe and orderly manner each day such authority was in effect, including the processing disposition or outcome;

(F) whether such authority was exercised under subparagraph (A), (B)(i), or (B)(ii) of section 244A(b)(3) of such Act;

(G) a public description of all the methods by which the Secretary determines if an alien may be screened in a safe and orderly manner;

(H) the total number of languages that are available for such safe and orderly process;

(I) the number of aliens who were returned to a country that is not their country of nationality;

(J) the number of aliens who were returned to any country without a humanitarian or protection determination during the use of such authority;

(K) the number of United States citizens who were inadvertently detained, removed, or affected by such border emergency authority;

(L) the number of individuals who have lawful permission to enter the United States and were inadvertently detained, removed, or affected by such border emergency authority;

(M) a summary of the impact to lawful trade and travel during the use of such border emergency authority, disaggregated by port of entry;

(N) the disaggregation of the information described in subparagraphs (C), (D), (E), (I), (J), (K), and (L) by the time the alien remained in custody and by citizenship and family status, including—

(i) single adults;

(ii) aliens traveling in a family unit;

(iii) unaccompanied children;

(iv) accompanied children;

(4) information pertaining to agricultural inspections;

(5) border rescues and mortality data;

(6) information regarding trade and travel; and

(7) with respect to aliens who were transferred from the physical custody of a State or Federal law enforcement agency or other State agency to the physical custody of a Federal agency or component—

(A) the specific States concerned;

(B) whether such alien had initially been charged with a State crime before the State transferred such alien to such Federal agency or component; and

(C) the underlying State crime with which the alien was charged.

(b) TOTALS.—The information described in subsection (a) shall include the total amount of each element described in each such paragraph in the relevant unit of measurement for reporting month.

(c) DEFINITIONS.—The monthly publication required under subsection (a) shall—

(1) include the definition of all terms used by the Commissioner; and

(2) specifically note whether the definition of any term has been changed.

(d) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each publication pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 3605. UTILIZATION OF PAROLE AUTHORITIES.

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1182 note) is amended to read as follows:

''(b) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the public that identifies the number of aliens paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)).

''(2) CONTENTS.—Each report required under paragraph (1) shall include—

''(A) the total number of aliens—

''(i) who submitted applications for parole;

''(ii) whose parole applications were approved; or

''(iii) who were granted parole into the United States during the fiscal year immediately preceding the fiscal year during which such report is submitted;

''(B) the elements described in subparagraph (A), disaggregated by—

''(i) citizenship or nationality;

''(ii) demographic categories;

''(iii) the component or subcomponent of the Department of Homeland Security that granted such parole;

''(iv) the parole rationale or class of admission, if applicable; and

''(v) the sector, field office, area of responsibility, or port of entry where such parole was requested, approved, or granted;

''(C) the number of aliens who requested re-parole, disaggregated by the elements described in subparagraph (B), and the number of denials of re-parole requests;

''(D) the number of aliens whose parole was terminated for failing to abide by the terms of parole, disaggregated by the elements described in subparagraph (B);

''(E) for any parole rationale or class of admission which requires sponsorship, the number of sponsor petitions which were—

''(i) confirmed;

''(ii) confirmed subsequent to a nonconfirmation; or

''(iii) denied;

''(F) for any parole rationale or class of admission in which a foreign government has agreed to accept returns of third country nationals, the number of returns of such third country nationals such foreign government has accepted;

''(G) the number of aliens who filed for asylum after being paroled into the United States; and

''(H) the number of aliens described in subparagraph (G) who were granted employment authorization based solely on a grant of parole.

''(3) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to paragraph (1), the Secretary shall—

''(A) protect any personally identifiable information associated with aliens described in paragraph (1); and

''(B) comply with all applicable privacy laws.''.

SEC. 3606. ACCOUNTABILITY IN PROVISIONAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of

this Act, the Secretary shall submit a report to the appropriate committees of Congress and the public regarding the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142 during the previous 12-month period.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) the number of aliens processed pursuant to section 235B(b) of the Immigration and Nationality Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who—

(i) were provided proper service and notice upon release from custody pursuant to section 235B(b)(2) of such Act; or

(ii) were not given such proper service and notice;

(C) the number of aliens who received a protection determination interview pursuant to section 235B(c) of such Act within the 90-day period required under section 235B(b)(3)(A) of such Act;

(D) the number of aliens described in subparagraph (C)—

(i) who retained legal counsel;

(ii) who received a positive protection determination;

(iii) who received a negative protection determination;

(iv) for those aliens described in clause (iii), the number who—

(I) requested reconsideration;

(II) whether such reconsideration resulted in approval or denial;

(III) whether an alien upon receiving a negative motion for reconsideration filed an appeal;

(IV) who appealed a negative decision without filing for reconsideration;

(V) whether the appeal resulted in approval or denial, disaggregated by the elements in subclauses (III) and (IV); and

(VI) whether the alien, upon receiving a negative decision as described in subclauses (III) and (V), was removed from the United States upon receiving such negative decision;

(v) who absconded during such proceedings; and

(vi) who failed to receive proper service;

(E) the number of aliens who were processed pursuant to section 235B(f) of such Act; and

(F) the number of aliens described in subparagraph (E) who submitted their application pursuant to section 235B(f)(2)(B)(i) of such Act;

(2) the average time taken by the Department of Homeland Security—

(A) to perform a protection determination interview pursuant to section 235B(b) of such Act;

(B) to serve notice of a protection determination pursuant to section 235B(e) of such Act after a determination has been made pursuant to section 235B(b) of such Act;

(C) to provide an alien with a work authorization pursuant to section 235C of such Act, as added by section 3501, disaggregated by the requirements under subparagraphs (A), (B), and (C) of section 235C(a)(2) of such Act; and

(D) the utilization of the Alternatives to Detention program authorized under section 235B(a)(3) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody;

(ii) the level of compliance by the alien with the rules of the Alternatives to Detention program; and

(iii) the total cost of each Alternatives to Detention type;

(3) the number of aliens processed pursuant to section 240D(d) of such Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who were provided proper service and notice of a protection determination pursuant to section 235B(e) of such Act;

(C) the number of aliens who received a protection merits interview pursuant to section 240D(c)(3) of such Act within the 90-day period required under section 240D(b) of such Act;

(D) the number of aliens who received a positive protection merits determination pursuant to section 240D(d)(2) of such Act;

(E) the number of aliens who received a negative protection merits determination pursuant to section 240D(d)(3) of such Act, disaggregated by the number of aliens who appealed the determination pursuant to section 240D(e) of such Act and who received a result pursuant to section 240D(e)(7) of such Act;

(F) the number of aliens who were processed pursuant to section 240D of such Act who retained legal counsel;

(G) the number of aliens who appeared at such proceedings; and

(H) the number of aliens who absconded during such proceedings; and

(4) the average time taken by the Department of Homeland Security—

(A) to perform a protection merits interview pursuant to section 240D(d) of such Act;

(B) to serve notice of a protection merits determination pursuant to section 240D(d) of such Act; and

(C) the utilization of Alternatives to Detention program authorized under section 240D(c)(2) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody; and

(ii) the level of compliance by the aliens with rules of the Alternatives to Detention program.

(c) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 3607. ACCOUNTABILITY IN VOLUNTARY REPATRIATION, WITHDRAWAL, AND DEPARTURE.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress regarding the implementation of section 240G of the Immigration and Nationality Act, as added by section 3144.

(b) CONTENTS.—The report required under subsection (a) shall include the number of aliens who utilized the provisions of such section 240G, disaggregated by—

(1) demographic information;

(2) the period in which the election took place;

(3) the total costs of repatriation flight when compared to the cost to charter a private, commercial flight for such return;

(4) alien use of reintegration or reception programs in the alien's country of nationality after removal from the United States;

(5) the number of aliens who failed to depart in compliance with section 240G(i)(2) of such Act;

(6) the number of aliens to which a civil penalty and a period of ineligibility was applied; and

(7) the number of aliens who did depart.

SEC. 3608. GAO ANALYSIS OF IMMIGRATION JUDGE AND ASYLUM OFFICER DECISION-MAKING REGARDING ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE.

(a) IN GENERAL.—Not later than 2 years after the Comptroller General of the United States submits the certification described in section 3146(d)(3), the Comptroller General shall analyze the decision rates of immigration judges and asylum officers regarding aliens who have received a positive protection determination and have been referred to proceedings under section 240 or 240D of the Immigration and Nationality Act, as applicable, to determine—

(1) whether the Executive Office for Immigration Review and U.S. Citizenship and Immigration Services have any differential in rate of decisions for cases involving asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984; and

(2) the causes for any such differential, including any policies, procedures, or other administrative measures.

(b) RECOMMENDATIONS.—Upon completing the analysis required under subsection (a), the Comptroller General shall submit recommendations to the Director of the Executive Office for Immigration Review and the Director of U.S. Citizenship and Immigration Services regarding any administrative or procedural changes necessary to ensure uniformity in decision-making between those agencies, which may not include quotas.

SEC. 3609. REPORT ON COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress with respect to unaccompanied alien children who received appointed counsel pursuant to section 235(c)(5)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, as added by section 3512, including—

(1) the number of unaccompanied alien children who obtained such counsel compared to the number of such children who did not obtain such counsel;

(2) the sponsorship category of unaccompanied alien children who obtained counsel;

(3) the age ranges of unaccompanied alien children who obtained counsel;

(4) the administrative appeals, if any, of unaccompanied alien children who obtained counsel; and

(5) the case outcomes of unaccompanied alien children who obtained counsel.

(b) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary of Health and Human Services shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 3610. RECALCITRANT COUNTRIES.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended—

(1) by striking ''On being notified'' and inserting the following:

''(1) IN GENERAL.—On being notified''; and

(2) by adding at the end the following:

''(2) REPORT ON RECALCITRANT COUNTRIES.—

''(A) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security and the Secretary of State shall jointly—

''(i) prepare an unclassified annual report, which may include a classified annex, that includes the information described in subparagraph (C); and

''(ii) submit such report to Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

''(B) BRIEFING.—Not later than 30 days after the date on which a report is submitted pursuant to subparagraph (A), designees of the Secretary of Homeland Security and of the Secretary of State shall brief the committees referred to in subparagraph (A)(ii) regarding any measures taken to encourage countries to accept the return of their citizens, subjects, or nationals, or aliens whose last habitual residence was within each such country, who have been ordered removed from the United States.

''(C) CONTENTS.—Each report prepared pursuant to subparagraph (A)(i) shall include—

''(i) a list of all countries that—

''(I) deny the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States; or

''(II) unreasonably delay the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(ii) for each country described in clause (i)(II), the average length of delay of such citizens, subjects, nationals, or aliens acceptance into such country;

''(iii) a list of the foreign countries that have placed unreasonable limitations upon the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(iv) a description of the criteria used to determine that a country described under clause (iii) has placed such unreasonable limitations;

''(v) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year, including—

''(I) the number of aliens who—

''(aa) received a denial of a work authorization; and

''(bb) are not eligible to request work authorization;

''(vi) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year and who are being detained, disaggregated by—

''(I) the length of such detention;

''(II) the aliens who requested a review of the significant likelihood of their removal in the reasonably foreseeable future;

''(III) the aliens for whom the request for release under such review was denied;

''(IV) the aliens who remain detained on account of special circumstances despite no significant likelihood that such aliens will be removed in the foreseeable future, disaggregated by the specific circumstance;

''(V) the aliens described in subclause (IV) who are being detained based on a determination that they are specially dangerous;

''(VI) the aliens described in subclause (V) whose request to review the basis for their continued detention was denied;

''(VII) demographic categories, including part of a family unit, single adults, and unaccompanied alien children;

''(vii) the number of aliens referred to in clauses (i) through (iii) who—

''(I) have criminal convictions, disaggregated by National Crime Information Center code, whether misdemeanors or felonies;

''(II) are considered national security threats to the United States;

''(III) are members of a criminal gang or another organized criminal organization, if found to be inadmissible or removable on such grounds; or

''(IV) have been released from U.S. Immigration and Customs Enforcement custody on an order of supervision and the type of supervision and compliance with such supervision, if applicable;

''(viii) a description of the actions taken by the Department of Homeland Security and the Department of State to encourage foreign nations to accept the return of their nationals; and

''(ix) the total number of individuals that such jurisdiction has accepted who are not citizens, subjects, or nationals, or aliens who last habitually resided within such jurisdiction and have been removed from the United States, if any.''.

TITLE VII—OTHER MATTERS

SEC. 3701. SEVERABILITY.

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

TITLE VIII—BUDGETARY EFFECTS

SEC. 3801. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this 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.

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

(c) 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 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.

ORDERS FOR TUESDAY, FEBRUARY 6, 2024

Ms. SMITH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, February 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Campbell nomination; further, that the cloture motions filed during Thursday's session ripen at 11:30 a.m. and that the Senate recess following the cloture vote on the Campbell nomination until 2:15 p.m. to allow for the weekly caucus meetings; further, that if cloture is invoked on the Campbell nomination, all time be considered expired at 2:15 p.m., and that if cloture is invoked on the Baggio nomination, all time be considered expired at 5:30 p.m.; finally, that if any nominations are confirmed during Tuesday's session, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. SMITH. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:26 p.m., adjourned until Tuesday, February 6, 2024, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 5, 2024:

THE JUDICIARY

JOSEPH ALBERT LAROSKI, JR., OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.