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113TH CONGRESS
2D SESSION**H. R. 5230**

IN THE SENATE OF THE UNITED STATES

AUGUST 5 (legislative day, AUGUST 1), 2014

Received; read the first time

SEPTEMBER 8, 2014

Read the second time and placed on the calendar

AN ACT

Making supplemental appropriations for the fiscal year
ending September 30, 2014, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2014, and for other pur-
6 poses, namely:

**DIVISION A—SUPPLEMENTAL
APPROPRIATIONS AND RESCISSIONS**

TITLE I

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$71,000,000, to remain available until September 30, 2015, for necessary expenses to apprehend, transport, and provide temporary shelter associated with the significant rise in unaccompanied alien children and alien adults accompanied by an alien minor at the Southwest Border of the United States, including related activities to secure the border, disrupt transnational crime, and the necessary acquisition, construction, improvement, repair, and management of facilities: *Provided*, That not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the House of Representatives and the Senate an obligation and quarterly expenditure plan for these funds: *Provided further*, That the Secretary shall provide to such Committees quarterly updates on the expenditure of these funds.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-
4 penses”, \$334,000,000, to remain available until Sep-
5 tember 30, 2015, for necessary expenses to respond to the
6 significant rise in unaccompanied alien children and alien
7 adults accompanied by an alien minor at the Southwest
8 Border of the United States, including for enforcement of
9 immigration and customs law, including detention and re-
10 moval operations, of which \$262,000,000 shall be for Cus-
11 tody Operations and \$72,000,000 shall be for Transpor-
12 tation and Removal operations: *Provided*, That not later
13 than 30 days after the date of the enactment of this Act,
14 the Secretary of Homeland Security shall submit to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate an obligation and quarterly expendi-
17 ture plan for these funds: *Provided further*, That the Sec-
18 retary shall provide to such Committees quarterly updates
19 on the expenditure of these funds.

20 GENERAL PROVISIONS—THIS TITLE
21 (INCLUDING RESCISSION)

22 SEC. 101. Notwithstanding any other provision of
23 law, none of the funds provided by this title shall be avail-
24 able for obligation or expenditure through a reprogram-
25 ming or transfer of funds that proposes to use funds di-

1 rected for a specific activity by either of the Committees
2 on Appropriations of the House of Representatives or the
3 Senate for a different purpose than for which the appro-
4 priations were provided: *Provided*, That prior to the obli-
5 gation of such funds, a request for approval shall be sub-
6 mitted to such Committees.

7 SEC. 102. The Secretary of Homeland Security shall
8 provide to the Congress quarterly reports that include: (1)
9 the number of apprehensions at the border delineated by
10 unaccompanied alien children and alien adults accom-
11 panied by an alien minor; (2) the number of claims of a
12 credible fear of persecution delineated by unaccompanied
13 alien children and alien adults accompanied by an alien
14 minor, and the number of determinations of valid claims
15 of a credible fear of persecution delineated by unaccom-
16 panied alien children and alien adults accompanied by an
17 alien minor; (3) the number of unaccompanied alien chil-
18 dren and alien adults accompanied by an alien minor
19 granted asylum by an immigration judge, delineated by
20 year of apprehension; (4) the number of alien adults ac-
21 companied by an alien minor in detention facilities, alter-
22 natives to detention, and other non-detention forms of su-
23 pervision; and (5) the number of removals delineated by
24 unaccompanied alien children and alien adults accom-
25 panied by an alien minor.

1 SEC. 103. Of the unobligated balance available for
2 “Department of Homeland Security—Federal Emergency
3 Management Agency—Disaster Relief Fund”,
4 \$405,000,000 is rescinded: *Provided*, That no amounts
5 may be rescinded from amounts that were designated by
6 the Congress as an emergency requirement pursuant to
7 a concurrent resolution on a budget or the Balanced
8 Budget and Emergency Deficit Control Act of 1985: *Pro-*
9 *vided further*, That no amounts may be rescinded from the
10 amounts that were designated by the Congress as being
11 for disaster relief pursuant to section 251(b)(2)(D) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 SEC. 104. Notwithstanding any other provision of
15 law, grants awarded under sections 2003 or 2004 of the
16 Homeland Security Act of 2002 (6 U.S.C. 604 and 605)
17 using funds provided under the heading “Federal Emer-
18 gency Management Agency—State and Local Programs”
19 in division F of Public Law 113–76, division D of Public
20 Law 113–6, or division D of Public Law 112–74 may be
21 used by State and local law enforcement and public safety
22 agencies within local units of government along the South-
23 west Border of the United States for costs incurred during
24 the award period of performance for personnel, overtime,
25 travel, costs related to combating illegal immigration and

1 drug smuggling, and costs related to providing humani-
2 tarian relief to unaccompanied alien children and alien
3 adults accompanied by an alien minor who have entered
4 the United States.

5 SEC. 105. Notwithstanding any other provision in
6 this or any other Act, amounts transferred to the Depart-
7 ment of Homeland Security pursuant to section 202 of
8 this Act shall be provided by the Secretary of Homeland
9 Security under the heading “Federal Emergency Manage-
10 ment Agency—State and Local Programs” to States along
11 the Southwest Border of the United States as reimburse-
12 ment for necessary costs of National Guard personnel acti-
13 vated under the operational control of the Governors of
14 such States and deployed for the purpose of border secu-
15 rity.

16 TITLE II

17 DEPARTMENT OF DEFENSE—MILITARY

18 MILITARY PERSONNEL

19 NATIONAL GUARD PERSONNEL, ARMY

20 For an additional amount for “National Guard Per-
21 sonnel, Army”, \$47,419,000, to remain available until
22 September 30, 2015, for necessary expenses related to the
23 Southwest Border of the United States.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$2,258,000, to remain available until September 30, 2015, for necessary expenses related to the Southwest Border of the United States.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

9 For an additional amount for “Operation and Main-
10 tenance, Army National Guard”, \$15,807,000, to remain
11 available until September 30, 2015, for necessary expenses
12 related to the Southwest Border of the United States.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Main-
tenance, Air National Guard”, \$4,516,000, to remain
available until September 30, 2015, for necessary expenses
related to the Southwest Border of the United States.

GENERAL PROVISIONS—THIS TITLE

(RESCISSION)

SEC. 201. Of the unobligated balances of amounts ap-
propriated in title II of division C of Public Law 113-
76 for “Operation and Maintenance, Defense-Wide”,
\$70,000,000 is hereby rescinded to reflect excess cash bal-
ances in Department of Defense Working Capital Funds.

ADMINISTRATIVE REVIEW AND APPEALS

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7 TITLE IV

8 GENERAL PROVISIONS—THIS TITLE

SEC. 401. (a) REPATRIATION AND REINTEGRATION.—Of the funds appropriated in titles III and IV of division K of Public Law 113–76, and in prior Acts making appropriations for the Department of State, foreign operations, and related programs, for assistance for the countries in Central America, up to \$40,000,000 shall be made available for such countries for repatriation and reintegration activities: *Provided*, That funds made available pursuant to this section may be obligated notwithstanding subsections (c) and (e) of section 7045 of division K of Public Law 113–76.

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1 the United States Agency for International Development,
2 shall submit to the appropriate congressional committees
3 a report on the obligation of funds made available pursu-
4 ant to this section by country and the steps taken by the
5 government of each country to—

6 (1) improve border security;

7 (2) enforce laws and policies to stem the flow
8 of illegal entries into the United States;

9 (3) enact laws and implement new policies to
10 stem the flow of illegal entries into the United
11 States, including increasing penalties for human
12 smuggling;

13 (4) conduct public outreach campaigns to ex-
14 plain the dangers of the journey to the Southwest
15 Border of the United States, emphasize the lack of
16 immigration benefits available, and emphasize that
17 illegal aliens will be removed to their country; and

18 (5) cooperate with United States Federal agen-
19 cies to facilitate and expedite the return, repatri-
20 ation, and reintegration of illegal migrants arriving
21 at the Southwest Border of the United States.

22 (c) SUSPENSION OF ASSISTANCE.—The Secretary of
23 State shall suspend assistance provided pursuant to this
24 section to the government of a country if such government
25 is not making significant progress on each item described

1 in paragraphs (1) through (5) of subsection (b): *Provided*,
2 That assistance may only be resumed if the Secretary re-
3 ports to the appropriate congressional committees that
4 subsequent to the suspension of assistance such govern-
5 ment is making significant progress on each of the items
6 enumerated in such subsection.

7 (d) NOTIFICATION REQUIREMENT.—Funds made
8 available pursuant to this section shall be subject to the
9 regular notification procedures of the Committees on Ap-
10 propriations of the House of Representatives and the Sen-
11 ate.

12 (RESCISSION)

13 SEC. 402. Of the unexpended balances available to
14 the President for bilateral economic assistance under the
15 heading “Economic Support Fund” from prior Acts mak-
16 ing appropriations for the Department of State, foreign
17 operations, and related programs, \$197,000,000 is re-
18 scinded: *Provided*, That no amounts may be rescinded
19 from amounts that were designated by the Congress for
20 Overseas Contingency Operations/Global War on Ter-
21 rorism pursuant to section 251(b)(2)(A) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985 or as
23 an emergency requirement pursuant to a concurrent reso-
24 lution on the budget or the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 TITLE V
 2 DEPARTMENT OF HEALTH AND HUMAN
 3 SERVICES
 4 ADMINISTRATION FOR CHILDREN AND FAMILIES
 5 REFUGEE AND ENTRANT ASSISTANCE

6 For an additional amount for “Refugee and Entrant
 7 Assistance”, \$197,000,000, to be merged with and avail-
 8 able for the same time period and for the same purposes
 9 as the funds made available under this heading in division
 10 H of Public Law 113–76 “for carrying out such sections
 11 414, 501, 462, and 235”: *Provided*, That of this amount,
 12 \$47,000,000 shall be for the Social Services and Targeted
 13 Assistance programs.

14 This division may be cited as the “Secure the South-
 15 west Border Supplemental Appropriations Act, 2014”.

16 **DIVISION B—SECURE THE SOUTHWEST**
 17 **BORDER ACT OF 2014**

18 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

19 (a) SHORT TITLE.—This division may be cited as the
 20 “Secure the Southwest Border Act of 2014”.

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

Sec. 1. Short title; table of contents.

TITLE I—PROTECTING CHILDREN

Sec. 101. Repatriation of unaccompanied alien children.

Sec. 102. Last in, first out.

Sec. 103. Emergency immigration judge resources.

Sec. 104. Protecting children from human traffickers, sex offenders, and other criminals.

Sec. 105. Inclusion of additional grounds for per se ineligibility for asylum.

TITLE II—USE OF NATIONAL GUARD TO IMPROVE BORDER SECURITY

Sec. 201. National Guard support for border operations.

TITLE III—NATIONAL SECURITY AND FEDERAL LANDS PROTECTION

Sec. 301. Prohibition on actions that impede border security on certain Federal land.

Sec. 302. Sense of Congress on placement of unauthorized aliens at military installations.

Sec. 303. Limitation on placement of unauthorized aliens at military installations.

TITLE I—PROTECTING CHILDREN

SEC. 101. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: “RULES FOR UNACCOMPANIED ALIEN CHILDREN.”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “who is a national or habitual resident of a country that is contiguous with the United States”;

1 (ii) in clause (i), by inserting “and” at
2 the end;

3 (iii) in clause (ii), by striking “; and”
4 and inserting a period; and

5 (iv) by striking clause (iii);

6 (C) in subparagraph (B)—

7 (i) in the matter preceding clause (i),
8 by striking “(8 U.S.C. 1101 et seq.)
9 may—” and inserting “(8 U.S.C. 1101 et
10 seq.)—”;

11 (ii) in clause (i), by inserting before
12 “permit such child to withdraw” the fol-
13 lowing: “may”; and

14 (iii) in clause (ii), by inserting before
15 “return such child” the following: “shall”;
16 and

17 (D) in subparagraph (C)—

18 (i) by amending the subparagraph
19 heading to read as follows: “AGREEMENTS
20 WITH FOREIGN COUNTRIES.”; and

21 (ii) in the matter preceding clause (i),
22 by striking “The Secretary of State shall
23 negotiate agreements between the United
24 States and countries contiguous to the
25 United States” and inserting “The Sec-

1 retary of State may negotiate agreements
2 between the United States and any foreign
3 country that the Secretary determines ap-
4 propriate”; and

5 (2) in paragraph (5)(D)—

6 (A) in the matter preceding clause (i), by
7 striking “, except for an unaccompanied alien
8 child from a contiguous country subject to the
9 exceptions under subsection (a)(2),” and insert-
10 ing “who does not meet the criteria listed in
11 paragraph (2)(A)”;

12 (B) in clause (i), by inserting before the
13 semicolon at the end the following: “, which
14 shall include a hearing before an immigration
15 judge not later than 14 days after being
16 screened under paragraph (4) and the unaccom-
17 panied alien child shall be detained until such
18 hearing”.

19 **SEC. 102. LAST IN, FIRST OUT.**

20 In any removal proceedings under section 240 of the
21 Immigration and Nationality Act (8 U.S.C. 1229a) with
22 respect to an unaccompanied alien child (as defined in sec-
23 tion 462(g)(2) of the Homeland Security Act of 2002 (6
24 U.S.C. 279(g)(2))), priority shall be accorded to the alien
25 who has most recently arrived in the United States.

1 **SEC. 103. EMERGENCY IMMIGRATION JUDGE RESOURCES.**

2 Not later than 14 days after the date of the enact-
 3 ment of this Act, the Attorney General shall designate up
 4 to 40 immigration judges, including through the hiring of
 5 retired immigration judges, administrative law judges, or
 6 magistrate judges, or the reassignment of current immi-
 7 gration judges. Such designations shall remain in effect
 8 solely for the duration of the humanitarian crisis at the
 9 southern border (as determined by the Secretary of Home-
 10 land Security, in consultation with the Attorney General).

11 **SEC. 104. PROTECTING CHILDREN FROM HUMAN TRAF-**
 12 **FICKERS, SEX OFFENDERS, AND OTHER**
 13 **CRIMINALS.**

14 Section 235(c)(3) of the William Wilberforce Traf-
 15 ficking Victims Protection Reauthorization Act of 2008 (8
 16 U.S.C. 1232(c)(3)) is amended—

17 (1) in subparagraph (A), by inserting “, includ-
 18 ing a mandatory biometric criminal history check”
 19 before the period at the end; and

20 (2) by adding at the end the following—

21 “(D) PROHIBITION ON PLACEMENT WITH
 22 SEX OFFENDERS AND HUMAN TRAFFICKERS.—

23 “(i) IN GENERAL.—The Secretary of
 24 Health and Human Services may not place
 25 an unaccompanied alien child in the cus-

1 tody of an individual who has been con-
2 victed of—

3 “(I) a sex offense (as defined in
4 section 111 of the Sex Offender Reg-
5 istration and Notification Act (42
6 U.S.C. 16911)); or

7 “(II) a crime involving a severe
8 form of trafficking in persons (as de-
9 fined in section 103 of the Trafficking
10 Victims Protection Act of 2000 (22
11 U.S.C. 7102)).

12 “(ii) REQUIREMENTS OF CRIMINAL
13 BACKGROUND CHECK.—A biometric crimi-
14 nal history check under subparagraph (A)
15 shall be based on a set of fingerprints or
16 other biometric identifiers and conducted
17 through—

18 “(I) the Federal Bureau of Inves-
19 tigation; and

20 “(II) criminal history repositories
21 of all States that the individual lists
22 as current or former residences.”.

1 **SEC. 105. INCLUSION OF ADDITIONAL GROUNDS FOR PER**
 2 **SE INELIGIBILITY FOR ASYLUM.**

3 Section 208(b)(2)(A)(iii) of the Immigration and Na-
 4 tionality Act (8 U.S.C. 1158(b)(2)(A)(iii)) is amended by
 5 inserting after “a serious nonpolitical crime” the fol-
 6 lowing: “(including any drug-related offense punishable by
 7 a term of imprisonment greater than 1 year)”.

8 **TITLE II—USE OF NATIONAL**
 9 **GUARD TO IMPROVE BORDER**
 10 **SECURITY**

11 **SEC. 201. NATIONAL GUARD SUPPORT FOR BORDER OPER-**
 12 **ATIONS.**

13 (a) DEPLOYMENT AUTHORITY AND FUNDING.—
 14 Amounts appropriated for the Department of Defense in
 15 this Act shall be expended for any units or personnel of
 16 the National Guard deployed to perform operations and
 17 missions under section 502(f) of title 32, United States
 18 Code, on the southern border of the United States.

19 (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

20 (1) IN GENERAL.—National Guard units and
 21 personnel deployed under subsection (a) may be as-
 22 signed such operations as may be necessary to pro-
 23 vide assistance for operations on the southern bor-
 24 der, with priority given to high traffic areas experi-
 25 encing the highest number of crossings by unaccom-
 26 panied alien children.

1 (2) NATURE OF DUTY.—The duty of National
2 Guard personnel performing operations and missions
3 on the southern border shall be full-time duty under
4 title 32, United States Code.

5 (c) MATERIEL AND LOGISTICAL SUPPORT.—The Sec-
6 retary of Defense shall deploy such materiel and equip-
7 ment and logistical support as may be necessary to ensure
8 success of the operations and missions conducted by the
9 National Guard under this section.

10 (d) EXCLUSION FROM NATIONAL GUARD PER-
11 SONNEL STRENGTH LIMITATIONS.—National Guard per-
12 sonnel deployed under subsection (a) shall not be included
13 in—

14 (1) the calculation to determine compliance
15 with limits on end strength for National Guard per-
16 sonnel; or

17 (2) limits on the number of National Guard
18 personnel that may be placed on active duty for
19 operational support under section 115 of title 10,
20 United States Code.

21 (e) HIGH TRAFFIC AREAS DEFINED.—In this sec-
22 tion:

23 (1) The term “high traffic areas” means sec-
24 tors along the northern and southern borders of the
25 United States that are within the responsibility of

1 the Border Patrol that have the most illicit cross-
2 border activity, informed through situational aware-
3 ness.

4 (2) The term “unaccompanied alien child”
5 means a child who—

6 (A) has no lawful immigration status in
7 the United States;

8 (B) has not attained 18 years of age; and

9 (C) with respect to whom—

10 (i) there is no parent or legal guard-
11 ian in the United States; or

12 (ii) no parent or legal guardian in the
13 United States is available to provide care
14 and physical custody.

15 **TITLE III—NATIONAL SECURITY**
16 **AND FEDERAL LANDS PRO-**
17 **TECTION**

18 **SEC. 301. PROHIBITION ON ACTIONS THAT IMPEDE BOR-**
19 **DER SECURITY ON CERTAIN FEDERAL LAND.**

20 (a) PROHIBITION ON SECRETARIES OF THE INTE-
21 RIOR AND AGRICULTURE.—The Secretary of the Interior
22 or the Secretary of Agriculture shall not impede, prohibit,
23 or restrict activities of U.S. Customs and Border Protec-
24 tion on Federal land located within 100 miles of the
25 United States border with Mexico that is under the juris-

1 diction of the Secretary of the Interior or the Secretary
2 of Agriculture, to execute search and rescue operations,
3 and to prevent all unlawful entries into the United States,
4 including entries by terrorists, other unlawful aliens, in-
5 struments of terrorism, narcotics, and other contraband
6 through such international land border of the United
7 States. These authorities of U.S. Customs and Border
8 Protection on such Federal land apply whether or not a
9 state of emergency exists.

10 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
11 BORDER PROTECTION.—U.S. Customs and Border Pro-
12 tection shall have immediate access to Federal land within
13 100 miles of the United States border with Mexico that
14 is under the jurisdiction of the Secretary of the Interior
15 or the Secretary of Agriculture for purposes of conducting
16 the following activities on such land that prevent all un-
17 lawful entries into the United States, including entries by
18 terrorists, other unlawful aliens, instruments of terrorism,
19 narcotics, and other contraband through such inter-
20 national land border of the United States:

- 21 (1) Construction and maintenance of roads.
22 (2) Construction and maintenance of barriers.
23 (3) Use of vehicles to patrol, apprehend, or res-
24 cue.

1 (4) Installation, maintenance, and operation of
2 communications and surveillance equipment and sen-
3 sors.

4 (5) Deployment of temporary tactical infra-
5 structure.

6 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-
7 ITY.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law (including any termination date re-
10 lating to the waiver referred to in this subsection),
11 the waiver by the Secretary of Homeland Security
12 on April 1, 2008, under section 102(c)(1) of the Ille-
13 gal Immigration Reform and Immigrant Responsi-
14 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
15 104–208) of the laws described in paragraph (2)
16 with respect to certain sections of the international
17 border between the United States and Mexico shall
18 be considered to apply to all Federal land under the
19 jurisdiction of the Secretary of the Interior or the
20 Secretary of Agriculture within 100 miles of such
21 international land border of the United States for
22 the activities of U.S. Customs and Border Protection
23 described in subsection (b).

24 (2) DESCRIPTION OF LAWS WAIVED.—The laws
25 referred to in paragraph (1) are limited to the Wil-

1 derness Act (16 U.S.C. 1131 et seq.), the National
2 Environmental Policy Act of 1969 (42 U.S.C. 4321
3 et seq.), the Endangered Species Act of 1973 (16
4 U.S.C. 1531 et seq.), the National Historic Preser-
5 vation Act (16 U.S.C. 470 et seq.), Public Law 86–
6 523 (16 U.S.C. 469 et seq.), the Act of June 8,
7 1906 (commonly known as the “Antiquities Act of
8 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic
9 Rivers Act (16 U.S.C. 1271 et seq.), the Federal
10 Land Policy and Management Act of 1976 (43
11 U.S.C. 1701 et seq.), the National Wildlife Refuge
12 System Administration Act of 1966 (16 U.S.C.
13 668dd et seq.), the Fish and Wildlife Act of 1956
14 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-
15 ordination Act (16 U.S.C. 661 et seq.), subchapter
16 II of chapter 5, and chapter 7, of title 5, United
17 States Code (commonly known as the “Administra-
18 tive Procedure Act”), the National Park Service Or-
19 ganic Act (16 U.S.C. 1 et seq.), the General Au-
20 thorities Act of 1970 (Public Law 91–383) (16
21 U.S.C. 1a–1 et seq.), sections 401(7), 403, and 404
22 of the National Parks and Recreation Act of 1978
23 (Public Law 95–625, 92 Stat. 3467), and the Ari-
24 zona Desert Wilderness Act of 1990 (16 U.S.C.
25 1132 note; Public Law 101–628).

1 (d) PROTECTION OF LEGAL USES.—This section
2 shall not be construed to provide—

3 (1) authority to restrict legal uses, such as
4 grazing, hunting, mining, or public-use recreational
5 and backcountry airstrips on land under the jurisdic-
6 tion of the Secretary of the Interior or the Secretary
7 of Agriculture; or

8 (2) any additional authority to restrict legal ac-
9 cess to such land.

10 (e) EFFECT ON STATE AND PRIVATE LAND.—This
11 Act shall—

12 (1) have no force or effect on State or private
13 lands; and

14 (2) not provide authority on or access to State
15 or private lands.

16 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
17 supersedes, replaces, negates, or diminishes treaties or
18 other agreements between the United States and Indian
19 tribes.

20 **SEC. 302. SENSE OF CONGRESS ON PLACEMENT OF UNAU-**
21 **THORIZED ALIENS AT MILITARY INSTALLA-**
22 **TIONS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the Secretary of Defense should not allow
2 the placement of unauthorized aliens at a military
3 installation unless—

4 (A) the Secretary submits written notice to
5 the congressional defense committees and each
6 Member of Congress representing any jurisdic-
7 tion in which an affected military installation is
8 situated; and

9 (B) the Secretary publishes notice in the
10 Federal Register;

11 (2) the placement of unauthorized aliens at a
12 military institution should not displace active mem-
13 bers of the Armed Forces;

14 (3) the placement of unauthorized aliens at a
15 military institution should not interfere with any
16 mission of the Department of Defense;

17 (4) the Secretary of Health and Human Serv-
18 ices should not use a military installation for the
19 placement of unauthorized aliens unless all other fa-
20 cilities of the Department of Health and Human
21 Services are unavailable;

22 (5) the Secretary of Health and Human Serv-
23 ices should not use a military installation for the
24 placement of unauthorized aliens for more than 120
25 days;

1 (6) the Secretary of Health and Human Serv-
2 ices should ensure that all unauthorized alien chil-
3 dren are vaccinated upon arrival at a military instal-
4 lation as set forth in the guidelines of the Office of
5 Refugee Resettlement;

6 (7) the Secretary of Health and Human Serv-
7 ices should ensure that all individuals under the su-
8 pervision of the Secretary with access to unauthor-
9 ized alien children at a military installation are
10 properly cleared according to the procedures set
11 forth in the Victims of Child Abuse Act of 1990 (42
12 U.S.C. 13001 et seq.);

13 (8) the Secretary of Health and Human Serv-
14 ices should fully comply with the provisions of the
15 Victims of Child Abuse Act of 1990 (42 U.S.C.
16 13001 et seq.) with respect to background checks
17 and should retain full legal responsibility for such
18 compliance; and

19 (9) in accordance with section 1535 of title 31,
20 United States Code (commonly referred to as the
21 “Economy Act”), the Secretary of Health and
22 Human Services should reimburse the Secretary of
23 Defense for all expenses incurred by the Secretary of
24 Defense in carrying out the placement of unauthor-
25 ized aliens at a military installation.

1 (b) DEFINITIONS.—In this section:

2 (1) The term “congressional defense commit-
3 tees” has the meaning given that term in section
4 101(a)(16) of title 10, United States Code.

5 (2) The term “Member of Congress” has the
6 meaning given that term in section 1591(c)(1) of
7 title 10, United States Code.

8 (3) The term “military installation” has the
9 meaning given that term in section 2801(c)(4) of
10 title 10, United States Code, but does not include an
11 installation located outside of the United States.

12 (4) The term “placement” means the placement
13 of an unauthorized alien in either a detention facility
14 or an alternative to such a facility.

15 (5) The term “unauthorized alien” means an
16 alien unlawfully present in the United States, but
17 does not include a dependent of a member of the
18 Armed Forces.

19 **SEC. 303. LIMITATION ON PLACEMENT OF UNAUTHORIZED**
20 **ALIENS AT MILITARY INSTALLATIONS.**

21 (a) LIMITATION.—The Secretary of Defense may not
22 allow the placement of unauthorized aliens at a military
23 installation in the United States if the use of the military
24 institution to house or care for unauthorized aliens
25 would—

1 (1) displace members of the Armed Forces serv-
2 ing on active duty or in a reserve or Guard status;
3 or

4 (2) interfere with activities of the Armed
5 Forces, including reserve components thereof, at the
6 installation.

7 (b) DEFINITIONS.—In this section:

8 (1) The term “military installation” has the
9 meaning given such term in section 2801(c)(4) of
10 title 10, United States Code.

11 (2) The term “unauthorized alien” means an
12 alien unlawfully present in the United States, but
13 does not include a dependent of a member of the
14 Armed Forces.

 Passed the House of Representatives August 1,
2014.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 550

113TH CONGRESS
2^D Session

H. R. 5230

AN ACT

Making supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes.

SEPTEMBER 8, 2014

Read the second time and placed on the calendar