

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To strengthen border security and enforcement.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 744**

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HOEVEN (for himself and Mr. CORKER)

Viz:

1 Strike section 3 and all that follows through the end,

2 and insert the following:

3 **SEC. 3. EFFECTIVE DATE TRIGGERS.**

4 (a) DEFINITIONS.—In this section:

5 (1) COMMISSION.—The term “Commission”  
6 means the Southern Border Security Commission es-  
7 tablished pursuant to section 4.

8 (2) COMPREHENSIVE SOUTHERN BORDER SECUR-  
9 RITY STRATEGY.—The term “Comprehensive South-  
10 ern Border Security Strategy” means the strategy  
11 established by the Secretary pursuant to section 5(a)

1 to achieve and maintain an effectiveness rate of 90  
2 percent or higher in all border sectors.

3 (3) EFFECTIVE CONTROL.—The term “effective  
4 control” means the ability to achieve and maintain,  
5 in a Border Patrol sector—

6 (A) persistent surveillance; and

7 (B) an effectiveness rate of 90 percent or  
8 higher.

9 (4) EFFECTIVENESS RATE.—The “effectiveness  
10 rate”, in the case of a border sector, is the percent-  
11 age calculated by dividing the number of apprehen-  
12 sions and turn backs in the sector during a fiscal  
13 year by the total number of illegal entries in the sec-  
14 tor during such fiscal year.

15 (5) SOUTHERN BORDER.—The term “Southern  
16 border” means the international border between the  
17 United States and Mexico.

18 (6) SOUTHERN BORDER FENCING STRATEGY.—  
19 The term “Southern Border Fencing Strategy”  
20 means the strategy established by the Secretary pur-  
21 suant to section 5(b) that identifies where fencing  
22 (including double-layer fencing), infrastructure, and  
23 technology, including at ports of entry, should be de-  
24 ployed along the Southern border.

1 (b) BORDER SECURITY GOAL.—The Department’s  
2 border security goal is to achieve and maintain effective  
3 control in all border sectors along the Southern border.

4 (c) TRIGGERS.—

5 (1) PROCESSING OF APPLICATIONS FOR REG-  
6 ISTERED PROVISIONAL IMMIGRANT STATUS.—Not  
7 earlier than the date upon which the Secretary has  
8 submitted to Congress the Notice of Commencement  
9 of implementation of the Comprehensive Southern  
10 Border Security Strategy and the Southern Border  
11 Fencing Strategy under section 5 of this Act, the  
12 Secretary may commence processing applications for  
13 registered provisional immigrant status pursuant to  
14 section 245B of the Immigration and Nationality  
15 Act, as added by section 2101 of this Act.

16 (2) ADJUSTMENT OF STATUS OF REGISTERED  
17 PROVISIONAL IMMIGRANTS.—

18 (A) IN GENERAL.—Except as provided in  
19 subparagraph (B), the Secretary may not ad-  
20 just the status of aliens who have been granted  
21 registered provisional immigrant status, except  
22 for aliens granted blue card status under sec-  
23 tion 2201 of this Act or described in section  
24 245D(b) of the Immigration and Nationality  
25 Act, until 6 months after the date on which the

1 Secretary, after consultation with the Attorney  
2 General, the Secretary of Defense, the Inspec-  
3 tor General of the Department, and the Comp-  
4 troller General of the United States, submits to  
5 the President and Congress a written certifi-  
6 cation that—

7 (i) the Comprehensive Southern Bor-  
8 der Security Strategy—

9 (I) has been submitted to Con-  
10 gress and includes minimum require-  
11 ments described under paragraph (3),  
12 (4), and (5) of section 5(a);

13 (II) is deployed and operational  
14 (for purposes of this clause the term  
15 “operational” means the technology,  
16 infrastructure, and personnel, deemed  
17 necessary by the Secretary, in con-  
18 sultation with the Attorney General  
19 and the Secretary of Defense, and the  
20 Comptroller General, and includes the  
21 technology described under section  
22 5(a)(3) to achieve effective control of  
23 the Southern border, has been pro-  
24 cured, funded, and is in current use  
25 by the Department to achieve effective

1 control, except in the event of routine  
2 maintenance, de minimis non-deploy-  
3 ment, or natural disaster that would  
4 prevent the use of such assets);

5 (ii) the Southern Border Fencing  
6 Strategy has been submitted to Congress  
7 and implemented, and as a result the Sec-  
8 retary will certify that there is in place  
9 along the Southern Border no fewer than  
10 700 miles of pedestrian fencing which will  
11 include replacement of all currently exist-  
12 ing vehicle fencing on non-tribal lands on  
13 the Southern Border with pedestrian fence-  
14 ing where possible, and after this has been  
15 accomplished may include a second layer of  
16 pedestrian fencing in those locations along  
17 the Southern Border which the Secretary  
18 deems necessary or appropriate;

19 (iii) the Secretary has implemented  
20 the mandatory employment verification  
21 system required by section 274A of the  
22 Immigration and Nationality Act (8  
23 U.S.C.1324a), as amended by section  
24 3101, for use by all employers to prevent

1 unauthorized workers from obtaining em-  
2 ployment in the United States;

3 (iv) the Secretary is using the elec-  
4 tronic exit system created by section  
5 3303(a)(1) at all international air and sea  
6 ports of entry within the United States  
7 where U.S. Customs and Border Protec-  
8 tion officers are currently deployed; and

9 (v) no fewer than 38,405 trained full-  
10 time active duty U.S. Border Patrol agents  
11 are deployed, stationed, and maintained  
12 along the Southern Border.

13 (B) EXCEPTION.—The Secretary shall per-  
14 mit registered provisional immigrants to apply  
15 for an adjustment to lawful permanent resident  
16 status if—

17 (i)(I) litigation or a force majeure has  
18 prevented 1 or more of the conditions de-  
19 scribed in clauses (i) through (iv) of sub-  
20 paragraph (A) from being implemented; or

21 (II) the implementation of subpara-  
22 graph (A) has been held unconstitutional  
23 by the Supreme Court of the United States  
24 or the Supreme Court has granted certio-  
25 rari to the litigation on the constitu-

1                   tionality of implementation of subpara-  
2                   graph (A); and

3                   (ii) 10 years have elapsed since the  
4                   date of the enactment of this Act.

5           (d) WAIVER OF LEGAL REQUIREMENTS NECESSARY  
6 FOR IMPROVEMENT AT BORDERS.—Notwithstanding any  
7 other provision of law, the Secretary is authorized to waive  
8 all legal requirements that the Secretary determines to be  
9 necessary to ensure expeditious construction of the bar-  
10 riers, roads, or other physical tactical infrastructure need-  
11 ed to fulfill the requirements under this section. Any de-  
12 termination by the Secretary under this section shall be  
13 effective upon publication in the Federal Register of a no-  
14 tice that specifies each law that is being waived and the  
15 Secretary’s explanation for the determination to waive  
16 that law. The waiver shall expire on the later of the date  
17 on which the Secretary submits the written certification  
18 that the Southern Border Fencing Strategy is substan-  
19 tially completed as specified in subsection (c)(2)(A)(ii) or  
20 the date that the Secretary submits the written certifi-  
21 cation that the Comprehensive Southern Border Security  
22 Strategy is substantially deployed and substantially oper-  
23 ational as specified in subsection (c)(2)(A)(i).

24           (e) FEDERAL COURT REVIEW.—

1           (1) IN GENERAL.—The district courts of the  
2 United States shall have exclusive jurisdiction to  
3 hear all causes or claims arising from any action un-  
4 dertaken, or any decision made, by the Secretary  
5 under subsection (d). A cause of action or claim may  
6 only be brought alleging a violation of the Constitu-  
7 tion of the United States. The court does not have  
8 jurisdiction to hear any claim not specified in this  
9 paragraph.

10           (2) TIME FOR FILING COMPLAINT.—If a cause  
11 or claim under paragraph (1) is not filed within 60  
12 days after the date of the contested action or deci-  
13 sion by the Secretary, the claim shall be barred.

14           (3) APPELLATE REVIEW.—An interlocutory or  
15 final judgment, decree, or order of the district court  
16 may be reviewed only upon petition for a writ of cer-  
17 tiorari to the Supreme Court of the United States.

18 **SEC. 4. SOUTHERN BORDER SECURITY COMMISSION.**

19           (a) ESTABLISHMENT.—

20           (1) IN GENERAL.—No later than the date that  
21 is 1 year after the date of the enactment of this Act,  
22 there is established a commission to be known as the  
23 “Southern Border Security Commission” (referred  
24 to in this section as the “Commission”).



1           (2) EXPENDITURES AND REPORT.—Only if the  
2           Secretary cannot certify that the Department has  
3           achieved effective control in all border sectors for at  
4           least 1 fiscal year before the date that is 5 years  
5           after the date of the enactment of this Act—

6                   (A) the report described in subsection (d)  
7                   shall be submitted; and

8                   (B) 60 days after such report is submitted,  
9                   the funds made available in section  
10                  6(a)(3)(A)(ii) may be expended (except as pro-  
11                  vided in subsection (i)).

12          (b) COMPOSITION.—

13           (1) IN GENERAL.—The Commission shall be  
14           composed of—

15                   (A) 2 members who shall be appointed by  
16                   the President;

17                   (B) 2 members who shall be appointed by  
18                   the President pro tempore of the Senate, of  
19                   which—

20                           (i) 1 shall be appointed upon the rec-  
21                           ommendation of the leader in the Senate of  
22                           the political party that is not the political  
23                           party of the President; and

1 (ii) 1 shall be appointed upon the rec-  
2 ommendation of the leader in the Senate of  
3 the other political party;

4 (C) 2 members who shall be appointed by  
5 the Speaker of the House of Representatives, of  
6 which—

7 (i) 1 shall be appointed upon the rec-  
8 ommendation of the leader in the House of  
9 Representatives of the political party that  
10 is not the political party of the President;  
11 and

12 (ii) 1 shall be appointed upon the rec-  
13 ommendation of the leader in the House of  
14 Representatives of the other political party;  
15 and

16 (D) 4 members, consisting of 1 member  
17 from each of the States along the Southern bor-  
18 der, who shall be—

19 (i) the Governor of such State; or

20 (ii) appointed by the Governor of each  
21 such State.

22 (2) QUALIFICATIONS FOR APPOINTMENT.—The  
23 members of the Commission shall be distinguished  
24 individuals noted for their knowledge and experience  
25 in the field of border security at the Federal, State,

1 or local level and may also include reputable individ-  
2 uals who are landowners in the Southern border  
3 area with first-hand experience with border issues.

4 (3) TIME OF APPOINTMENT.—The appoint-  
5 ments required by paragraph (1) shall be made not  
6 later than 1 year after the date of the enactment of  
7 this Act.

8 (4) CHAIR.—At the first meeting of the Com-  
9 mission, a majority of the members of the Commis-  
10 sion present and voting shall elect the Chair of the  
11 Commission.

12 (5) VACANCIES.—Any vacancy of the Commis-  
13 sion shall not affect its powers, but shall be filled in  
14 the manner in which the original appointment was  
15 made.

16 (6) RULES.—The Commission shall establish  
17 the rules and procedures of the Commission which  
18 shall require the approval of at least 6 members of  
19 the Commission.

20 (c) DUTIES.—

21 (1) IN GENERAL.—The Commission's primary  
22 responsibility shall be to make recommendations to  
23 the President, the Secretary, and Congress on poli-  
24 cies to achieve and maintain the border security goal

1 specified in section 3(b) by achieving and maintain-  
2 ing—

3 (A) the capability to engage in, and engag-  
4 ing in, persistent surveillance in border sectors  
5 along the Southern border; and

6 (B) an effectiveness rate of 90 percent or  
7 higher in all border sectors along the Southern  
8 border.

9 (2) PUBLIC HEARINGS.—

10 (A) IN GENERAL.—The Commission shall  
11 convene at least 1 public hearing each year on  
12 border security.

13 (B) REPORT.—The Commission shall pro-  
14 vide a summary of each hearing convened pur-  
15 suant to subparagraph (A) to the entities set  
16 out in subparagraphs (A) through (G) of sec-  
17 tion 5(a)(1).

18 (d) REPORT.—If required pursuant to subsection  
19 (a)(2)(B) and in no case earlier than the date that is 5  
20 years after the date of the enactment of this Act, the Com-  
21 mission shall submit to the President, the Secretary, and  
22 Congress a report setting forth specific recommendations  
23 for policies for achieving and maintaining the border secu-  
24 rity goals specified in subsection (c). The report shall in-  
25 clude, at a minimum, recommendations for the personnel,

1 infrastructure, technology, and other resources required to  
2 achieve and maintain an effectiveness rate of 90 percent  
3 or higher in all border sectors.

4 (e) TRAVEL EXPENSES.—Members of the Commis-  
5 sion shall be allowed travel expenses, including per diem  
6 in lieu of subsistence rates authorized for employees of  
7 agencies under subchapter I of chapter 57 of title 5,  
8 United States Code, while away from their homes or reg-  
9 ular places of business in the performance of services for  
10 the Commission.

11 (f) ADMINISTRATIVE SUPPORT.—The Secretary shall  
12 provide the Commission such staff and administrative  
13 services as may be necessary and appropriate for the Com-  
14 mission to perform its functions. Any employee of the ex-  
15 ecutive branch of Government may be detailed to the Com-  
16 mission without reimbursement to the agency of that em-  
17 ployee and such detail shall be without interruption or loss  
18 of civil service or status or privilege.

19 (g) COMPTROLLER GENERAL REVIEW.—The Comp-  
20 troller General of the United States shall review the rec-  
21 ommendations in the report submitted under subsection  
22 (d) in order to determine—

23 (1) whether any of the recommendations are  
24 likely to achieve effective control in all border sec-  
25 tors;

1           (2) which recommendations are most likely to  
2           achieve effective control; and

3           (3) whether such recommendations are feasible  
4           within existing budget constraints.

5           (h) TERMINATION.—The Commission shall terminate  
6           10 years after the date of the enactment of this Act.

7           (i) FUNDING.—The amounts made available under  
8           section 6(a)(3)(A)(ii) to carry out programs, projects, and  
9           activities recommended by the Commission may not be ex-  
10          pended prior to the date that is 60 days after a report  
11          required by subsection (d) is submitted and, in no case,  
12          prior to 60 days after the date that is 5 years after the  
13          date of the enactment of this Act, except that funds made  
14          available under section 6(a)(3)(A)(ii) may be used for  
15          minimal administrative expenses directly associated with  
16          convening the public hearings required by subsection  
17          (c)(2)(A) and preparing and providing summaries of such  
18          hearings required by subsection (c)(2)(B).

19       **SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY**  
20                       **STRATEGY AND SOUTHERN BORDER FENC-**  
21                       **ING STRATEGY.**

22          (a) COMPREHENSIVE SOUTHERN BORDER SECURITY  
23          STRATEGY.—

24           (1) IN GENERAL.—Not later than 180 days  
25          after the date of the enactment of this Act, the Sec-

1       retary, in consultation with the Attorney General  
2       and the Secretary of Defense, shall submit a strat-  
3       egy, to be known as the “Comprehensive Southern  
4       Border Security Strategy”, for achieving and main-  
5       taining effective control between and at the ports of  
6       entry in all border sectors along the Southern bor-  
7       der, to—

8               (A) the Committee on Homeland Security  
9               and Governmental Affairs of the Senate;

10              (B) the Committee on Homeland Security  
11              of the House of Representatives;

12              (C) the Committee on Appropriations of  
13              the Senate;

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

16              (E) the Committee on the Judiciary of the  
17              Senate;

18              (F) the Committee on the Judiciary of the  
19              House of Representatives;

20              (G) the Committee on Armed Services of  
21              the Senate;

22              (H) the Committee on Armed Services of  
23              the House of Representatives; and

24              (I) the Comptroller General of the United  
25              States.

1           (2) ELEMENTS.—The Comprehensive Southern  
2       Border Security Strategy shall specify—

3           (A) the priorities that must be met for the  
4       strategy to be successfully executed; and

5           (B) the capabilities required to meet each  
6       of the priorities referred to in subparagraph  
7       (A), including—

8           (i) surveillance and detection capabili-  
9       ties developed or used by the various De-  
10      partments and Agencies for the Federal  
11      government for the purposes of enhancing  
12      the functioning and operational capability  
13      to conduct continuous and integrated  
14      manned or unmanned, monitoring, sensing,  
15      or surveillance of 100 percent of Southern  
16      border mileage or the immediate vicinity of  
17      the Southern border;

18          (ii) the requirement for stationing suf-  
19      ficient Border Patrol agents and Customs  
20      and Border Protection officers between  
21      and at ports of entry along the Southern  
22      border; and

23          (iii) the necessary and qualified staff  
24      and equipment to fully utilize available un-



1                   armed, unmanned aerial systems and un-  
2                   armed, fixed wing aircraft.

3                   (3) MINIMUM REQUIREMENTS.—The Com-  
4                   prehensive Southern Border Security Strategy shall  
5                   require, at a minimum, the deployment of the fol-  
6                   lowing technologies for each Border Patrol sector  
7                   along the Southern Border:

8                   (A) ARIZONA (YUMA AND TUCSON SEC-  
9                   TORS).—For Arizona (Yuma and Tucson Sec-  
10                  tors) between ports of entry the following:

11                   (i) 50 integrated fixed towers.

12                   (ii) 73 fixed camera systems (with re-  
13                   location capability), which include Remote  
14                   Video Surveillance Systems.

15                   (iii) 28 mobile surveillance systems,  
16                   which include mobile video surveillance sys-  
17                   tems, agent-portable surveillance systems,  
18                   and mobile surveillance capability systems.

19                   (iv) 685 unattended ground sensors,  
20                   including seismic, imaging, and infrared.

21                   (v) 22 handheld equipment devices,  
22                   including handheld thermal imaging sys-  
23                   tems and night vision goggles.

24                   (B) SAN DIEGO, CALIFORNIA.—For San  
25                   Diego, California the following:

1 (i) BETWEEN PORTS OF ENTRY.—Be-  
2 tween ports of entry the following:

3 (I) 3 integrated fixed towers.

4 (II) 41 fixed camera systems  
5 (with relocation capability), which in-  
6 clude Remote Video Surveillance Sys-  
7 tems.

8 (III) 14 mobile surveillance sys-  
9 tems, which include mobile video sur-  
10 veillance systems, agent-portable sur-  
11 veillance systems, and mobile surveil-  
12 lance capability systems.

13 (IV) 393 unattended ground sen-  
14 sors, including seismic, imaging, and  
15 infrared.

16 (V) 83 handheld equipment de-  
17 vices, including handheld thermal im-  
18 aging systems and night vision gog-  
19 gles.

20 (ii) AT POINTS OF ENTRY, CHECK-  
21 POINTS.—At points of entry, checkpoints  
22 the following:

23 (I) 2 non-intrusive inspection sys-  
24 tems, including fixed and mobile.

25 (II) 1 radiation portal monitor.

1 (III) 1 littoral detection and clas-  
2 sification network

3 (C) EL CENTRO, CALIFORNIA.—For El  
4 Centro, California the following:

5 (i) BETWEEN PORTS OF ENTRY.—Be-  
6 tween ports of entry the following:

7 (I) 66 fixed camera systems  
8 (with relocation capability), which in-  
9 clude Remote Video Surveillance Sys-  
10 tems.

11 (II) 18 mobile surveillance sys-  
12 tems, which include mobile video sur-  
13 veillance systems, agent-portable sur-  
14 veillance systems, and mobile surveil-  
15 lance capability systems.

16 (III) 85 unattended ground sen-  
17 sors, including seismic, imaging, and  
18 infrared.

19 (IV) 57 handheld equipment de-  
20 vices, including handheld thermal im-  
21 aging systems and night vision gog-  
22 gles.

23 (V) 2 sensor repeaters.

24 (VI) 2 communications repeaters.

1 (ii) AT POINTS OF ENTRY, CHECK-  
2 POINTS.—At points of entry, checkpoints  
3 the following:

4 (I) 5 fiber-optic tank inspection  
5 scopes.

6 (II) 1 license plate reader.

7 (III) 1 backscatter.

8 (IV) 2 portable contraband detec-  
9 tors.

10 (V) 2 radiation isotope identifica-  
11 tion devices.

12 (VI) 8 radiation isotope identi-  
13 fication devices updates.

14 (VII) 3 personal radiation detec-  
15 tors.

16 (VIII) 16 mobile automated tar-  
17 geting systems.

18 (D) EL PASO, TEXAS.—For El Paso,  
19 Texas the following:

20 (i) BETWEEN PORTS OF ENTRY.—Be-  
21 tween ports of entry the following:

22 (I) 27 integrated fixed towers.

23 (II) 71 fixed camera systems  
24 (with relocation capability), which in-

1 include Remote Video Surveillance Sys-  
2 tems.

3 (III) 31 mobile surveillance sys-  
4 tems, which include mobile video sur-  
5 veillance systems, agent-portable sur-  
6 veillance systems, and mobile surveil-  
7 lance capability systems.

8 (IV) 170 unattended ground sen-  
9 sors, including seismic, imaging, and  
10 infrared.

11 (V) 24 handheld equipment de-  
12 vices, including handheld thermal im-  
13 aging systems and night vision gog-  
14 gles.

15 (VI) 1 communications repeater.

16 (VII) 1 sensor repeater.

17 (VIII) 2 camera refresh.

18 (ii) AT POINTS OF ENTRY, CHECK-  
19 POINTS.—At points of entry, checkpoints  
20 the following:

21 (I) 4 non-intrusive inspection sys-  
22 tems, including fixed and mobile.

23 (II) 23 fiber-optic tank inspection  
24 scopes.

1 (III) 1 portable contraband de-  
2 tectors.

3 (IV) 19 radiation isotope identi-  
4 fication devices updates.

5 (V) 1 real time radioscopy  
6 version 4.

7 (VI) 8 personal radiation detec-  
8 tors.

9 (E) BIG BEND, TEXAS.—For Big Bend,  
10 Texas the following:

11 (i) BETWEEN PORTS OF ENTRY.—Be-  
12 tween ports of entry the following:

13 (I) 7 fixed camera systems (with  
14 relocation capability), which include  
15 remote video surveillance systems.

16 (II) 29 mobile surveillance sys-  
17 tems, which include mobile video sur-  
18 veillance systems, agent-portable sur-  
19 veillance systems, and mobile surveil-  
20 lance capability systems.

21 (III) 1105 unattended ground  
22 sensors, including seismic, imaging,  
23 and infrared.

24 (IV) 131 handheld equipment de-  
25 vices, including handheld thermal im-

1 aging systems and night vision goggles.  
2

3 (V) 1 mid-range camera refresh.

4 (VI) 1 improved surveillance capabilities for existing aerostat.  
5

6 (VII) 27 sensor repeaters.

7 (VIII) 27 communications repeaters.  
8

9 (ii) AT POINTS OF ENTRY, CHECKPOINTS.—At points of entry, checkpoints  
10 the following:  
11

12 (I) 7 fiber-optic tank inspection scopes.  
13

14 (II) 3 license plate readers, including mobile, tactical, and fixed.  
15

16 (III) 12 portable contraband detectors.  
17

18 (IV) 7 radiation isotope identification devices.  
19

20 (V) 12 radiation isotope identification devices updates.  
21

22 (VI) 254 personal radiation detectors.  
23

24 (VII) 19 mobile automated targeting systems.  
25

## 24

1 (F) DEL RIO, TEXAS.—For Del Rio, Texas  
2 the following:

3 (i) BETWEEN PORTS OF ENTRY.—Be-  
4 tween ports of entry the following:

5 (I) 3 integrated fixed towers.

6 (II) 74 fixed camera systems  
7 (with relocation capability), which in-  
8 clude remote video surveillance sys-  
9 tems.

10 (III) 47 mobile surveillance sys-  
11 tems, which include mobile video sur-  
12 veillance systems, agent-portable sur-  
13 veillance systems, and mobile surveil-  
14 lance capability systems.

15 (IV) 868 unattended ground sen-  
16 sors, including seismic, imaging, and  
17 infrared.

18 (V) 174 handheld equipment de-  
19 vices, including handheld thermal im-  
20 aging systems and night vision gog-  
21 gles.

22 (VI) 26 mobile/handheld inspec-  
23 tion scopes and sensors for check-  
24 points.



1 (VII) 1 improved surveillance ca-  
2 pabilities for existing aerostat.

3 (VIII) 21 sensor repeaters.

4 (IX) 21 communications repeat-  
5 ers.

6 (ii) AT POINTS OF ENTRY, CHECK-  
7 POINTS.—At points of entry, checkpoints  
8 the following:

9 (I) 4 license plate readers, in-  
10 cluding mobile, tactical, and fixed.

11 (II) 13 radiation isotope identi-  
12 fication devices updates.

13 (III) 3 mobile automated tar-  
14 geting systems.

15 (IV) 6 land automated targeting  
16 systems.

17 (G) LAREDO, TEXAS.—For Laredo, Texas  
18 the following:

19 (i) BETWEEN THE PORTS OF  
20 ENTRY.—Between ports of entry the fol-  
21 lowing:

22 (I) 2 integrated fixed towers.

23 (II) 69 fixed camera systems  
24 (with relocation capability), which in-

1 include remote video surveillance sys-  
2 tems.

3 (III) 38 mobile surveillance sys-  
4 tems, which include mobile video sur-  
5 veillance systems, agent-portable sur-  
6 veillance systems, and mobile surveil-  
7 lance capability systems.

8 (IV) 573 unattended ground sen-  
9 sors, including seismic, imaging, and  
10 infrared.

11 (V) 124 handheld equipment de-  
12 vices, including handheld thermal im-  
13 aging systems and night vision gog-  
14 gles.

15 (VI) 38 sensor repeaters.

16 (VII) 38 communications repeat-  
17 ers.

18 (ii) AT POINTS OF ENTRY, CHECK-  
19 POINTS.—At points of entry, checkpoints  
20 the following:

21 (I) 1 non-intrusive inspection sys-  
22 tem.

23 (II) 7 fiber-optic tank inspection  
24 scopes.

## 27

1 (III) 19 license plate readers, in-  
2 cluding mobile, tactical, and fixed.

3 (IV) 2 backscatter.

4 (V) 14 portable contraband de-  
5 tectors.

6 (VI) 2 radiation isotope identi-  
7 fication devices.

8 (VII) 18 radiation isotope identi-  
9 fication devices updates.

10 (VIII) 16 personal radiation de-  
11 tectors.

12 (IX) 24 mobile automated tar-  
13 geting systems.

14 (X) 3 land automated targeting  
15 systems.

16 (H) RIO GRANDE VALLEY.—For Rio  
17 Grande Valley the following:

18 (i) BETWEEN PORTS OF ENTRY.—Be-  
19 tween ports of entry the following:

20 (I) 1 integrated fixed towers.

21 (II) 87 fixed camera systems  
22 (with relocation capability), which in-  
23 clude remote video surveillance sys-  
24 tems.

1 (III) 27 mobile surveillance sys-  
2 tems, which include mobile video sur-  
3 veillance systems, agent-portable sur-  
4 veillance systems, and mobile surveil-  
5 lance capability systems.

6 (IV) 716 unattended ground sen-  
7 sors, including seismic, imaging, and  
8 infrared.

9 (V) 205 handheld equipment de-  
10 vices, including handheld thermal im-  
11 aging systems and night vision gog-  
12 gles.

13 (VI) 4 sensor repeaters.

14 (VII) 1 communications repeater.

15 (VIII) 2 camera refresh.

16 (ii) AT POINTS OF ENTRY, CHECK-  
17 POINTS.—At points of entry, checkpoints  
18 the following:

19 (I) 1 mobile non-intrusive inspec-  
20 tion system.

21 (II) 11 fiberoptic tank inspection  
22 scopes.

23 (III) 1 license plate reader.

24 (IV) 2 backscatter.

25 (V) 2 card reader system.

1 (VI) 8 portable contraband detec-  
2 tors.

3 (VII) 5 radiation isotope identi-  
4 fication devices.

5 (VIII) 18 radiation isotope iden-  
6 tification devices updates.

7 (IX) 135 personal radiation de-  
8 tectors.

9 (iii) AIR AND MARINE ACROSS THE  
10 SOUTHWEST BORDER.—For air and ma-  
11 rine across the Southwest border the fol-  
12 lowing:

13 (I) 4 unmanned aircraft systems.

14 (II) 17 UH-1N helicopters.

15 (III) 8 C-206H aircraft up-  
16 grades.

17 (IV) 8 AS-350 light enforcement  
18 helicopters.

19 (V) 15 Blackhawk helicopters.

20 (VI) 30 marine vessels.

21 (VII) 160 unmanned aircraft sys-  
22 tems crew, marine agent, and other  
23 personnel.

24 (4) REDEPLOYMENT OF RESOURCES TO  
25 ACHIEVE EFFECTIVE CONTROL.—The Secretary may

1 reallocate the personnel, infrastructure, and tech-  
2 nologies required in the Southern Border Security  
3 Strategy to achieve effective control of the Southern  
4 border.

5 (5) ALTERNATE TECHNOLOGY.—If the Sec-  
6 retary determines that an alternate or new tech-  
7 nology is at least as effective as the technologies de-  
8 scribed in paragraph (3) and provides a commensu-  
9 rate level of security, the Secretary may deploy that  
10 technology in its place and without regard to the  
11 minimums in this section. The Secretary shall notify  
12 Congress within 60 days of any such determination.

13 (6) ANNUAL REPORT.—Beginning 1 year after  
14 the enactment of this Act, and annually thereafter,  
15 the Secretary shall provide to Congress a written re-  
16 port to Congress on the sector-by-sector deployment  
17 of infrastructure and technologies.

18 (7) ADDITIONAL ELEMENTS REGARDING EXE-  
19 CUTION.—The Comprehensive Southern Border Se-  
20 curity Strategy shall describe—

21 (A) how the resources referred to in para-  
22 graph (2)(C) will be properly aligned with the  
23 priorities referred to in paragraph (2)(A) to en-  
24 sure that the strategy will be successfully exe-  
25 cuted;

1 (B) the interim goals that must be accom-  
2 plished to successfully implement the strategy;  
3 and

4 (C) the schedule and supporting milestones  
5 under which the Department will accomplish  
6 the interim goals referred to in subparagraph  
7 (B).

8 (8) IMPLEMENTATION.—

9 (A) IN GENERAL.—The Secretary shall  
10 commence the implementation of the Com-  
11 prehensive Southern Border Security Strategy  
12 immediately after submitting the strategy under  
13 paragraph (1).

14 (B) NOTICE OF COMMENCEMENT.—Upon  
15 commencing the implementation of the strategy,  
16 the Secretary shall submit a notice of com-  
17 mencement of such implementation to—

18 (i) Congress; and

19 (ii) the Comptroller General of the  
20 United States.

21 (9) SEMIANNUAL REPORTS.—

22 (A) IN GENERAL.—Not later than 180  
23 days after the Comprehensive Southern Border  
24 Security Strategy is submitted under paragraph  
25 (1), and every 180 days thereafter, the Sec-

1           retary shall submit a report on the status of the  
2           Department's implementation of the strategy  
3           to—

4                   (i) the Committee on Homeland Secu-  
5                   rity and Governmental Affairs of the Sen-  
6                   ate;

7                   (ii) the Committee on Homeland Se-  
8                   curity of the House of Representatives;

9                   (iii) the Committee on Appropriations  
10                  of the Senate;

11                  (iv) the Committee on Appropriations  
12                  of the House of Representatives;

13                  (v) the Committee on the Judiciary of  
14                  the Senate;

15                  (vi) the Committee on the Judiciary of  
16                  the House of Representatives; and

17                  (vii) the Comptroller General of the  
18                  United States.

19           (B) ELEMENTS.—Each report submitted  
20           under subparagraph (A) shall include—

21                   (i) a detailed description of the steps  
22                   the Department has taken, or plans to  
23                   take, to execute the strategy submitted  
24                   under paragraph (1), including the  
25                   progress made toward achieving the in-





1                   nal consequence through the Con-  
2                   sequence Delivery System process.

3                   (C) ANNUAL REVIEW.—The Comptroller  
4                   General of the United States shall conduct an  
5                   annual review of the information contained in  
6                   the semiannual reports submitted by the Sec-  
7                   retary under this paragraph and submit an as-  
8                   sessment of the status and progress of the  
9                   Southern Border Security Strategy to the com-  
10                  mittees set forth in subparagraph (A).

11               (b) SOUTHERN BORDER FENCING STRATEGY.—

12               (1) ESTABLISHMENT.—Not later than 180 days  
13               after the date of the enactment of this Act, the Sec-  
14               retary shall establish a strategy, to be known as the  
15               “Southern Border Fencing Strategy”, to identify  
16               where 700 miles of fencing (including double-layer  
17               fencing), infrastructure, and technology, including at  
18               ports of entry, should be deployed along the South-  
19               ern border.

20               (2) SUBMISSION.—The Secretary shall submit  
21               the Southern Border Fencing Strategy to Congress  
22               and the Comptroller General of the United States  
23               for review.

24               (3) NOTICE OF COMMENCEMENT.—Upon com-  
25               mencing the implementation of the Southern Border

1 Fencing Strategy, the Secretary shall submit a no-  
2 tice of commencement of the implementation of the  
3 Strategy to Congress and the Comptroller General of  
4 the United States.

5 (4) CONSULTATION.—

6 (A) IN GENERAL.—In implementing the  
7 Southern Border Fencing Strategy required by  
8 this subsection, the Secretary shall consult with  
9 the Secretary of the Interior, the Secretary of  
10 Agriculture, States, local governments, Indian  
11 tribes, and property owners in the United  
12 States to minimize the impact on the environ-  
13 ment, culture, commerce, and quality of life for  
14 the communities and residents located near the  
15 sites at which such fencing is to be constructed.

16 (B) SAVINGS PROVISION.—Nothing in this  
17 paragraph may be construed to—

18 (i) create or negate any right of action  
19 for a State or local government or other  
20 person or entity affected by this sub-  
21 section; or

22 (ii) affect the eminent domain laws of  
23 the United States or of any State.

24 (5) LIMITATION ON REQUIREMENTS.—Notwith-  
25 standing paragraph (1), nothing in this subsection

1 shall require the Secretary to install fencing, or in-  
2 frastructure that directly results from the installa-  
3 tion of such fencing, in a particular location along  
4 the Southern border, if the Secretary determines  
5 that the use or placement of such resources is not  
6 the most appropriate means to achieve and maintain  
7 effective control over the Southern border at such lo-  
8 cation.

9 **SEC. 6. COMPREHENSIVE IMMIGRATION REFORM FUNDS.**

10 (a) **COMPREHENSIVE IMMIGRATION REFORM TRUST**  
11 **FUND.**—

12 (1) **ESTABLISHMENT.**—There is established in  
13 the Treasury a separate account, to be known as the  
14 Comprehensive Immigration Reform Trust Fund  
15 (referred to in this section as the “Trust Fund”),  
16 consisting of—

17 (A) amounts transferred from the general  
18 fund of the Treasury under paragraph (2)(A);  
19 and

20 (B) proceeds from the fees described in  
21 paragraph (2)(B).

22 (2) **DEPOSITS.**—

23 (A) **INITIAL FUNDING.**—On the later of  
24 the date of the enactment of this Act or Octo-  
25 ber 1, 2013, \$46,300,000,000 shall be trans-

1           ferred from the general fund of the Treasury to  
2           the Trust Fund.

3           (B) ONGOING FUNDING.—Notwithstanding  
4           section 3302 of title 31, United States Code, in  
5           addition to the funding described in subpara-  
6           graph (A), and subject to paragraphs (3)(B)  
7           and (4), the following amounts shall be depos-  
8           ited in the Trust Fund:

9           (i) ELECTRONIC TRAVEL AUTHORIZA-  
10          TION SYSTEM FEES.—Fees collected under  
11          section 217(h)(3)(B)(i)(II) of the Immigra-  
12          tion and Nationality Act, as added by sec-  
13          tion 1102(c).

14          (ii) REGISTERED PROVISIONAL IMMI-  
15          GRANT PENALTIES.—Penalties collected  
16          under section 245B(c)(10)(C) of the Immi-  
17          gration and Nationality Act, as added by  
18          section 2101.

19          (iii) BLUE CARD PENALTY.—Penalties  
20          collected under section 2211(b)(9)(C).

21          (iv) FINE FOR ADJUSTMENT FROM  
22          BLUE CARD STATUS.—Fines collected  
23          under section 245F(a)(5) of the Immigra-  
24          tion and Nationality Act, as added by sec-  
25          tion 2212(a).

1 (v) PENALTIES FOR FALSE STATE-  
2 MENTS IN APPLICATIONS.—Fines collected  
3 under section 245F(f) of the Immigration  
4 and Nationality Act, as added by section  
5 2212(a).

6 (vi) MERIT SYSTEM GREEN CARD  
7 FEES.—Fees collected under section  
8 203(e)(6) of the Immigration and Nation-  
9 ality Act, as amended by section  
10 2301(a)(2).

11 (vii) H-1B AND L VISA FEES.—Fees  
12 collected under section 281(d) of the Immi-  
13 gration and Nationality Act, as added by  
14 section 4105.

15 (viii) H-1B OUTPLACEMENT FEE.—  
16 Fees collected under section  
17 212(n)(1)(F)(ii) of the Immigration and  
18 Nationality Act, as amended by section  
19 4211(d).

20 (ix) H-1B NONIMMIGRANT DEPEND-  
21 ENT EMPLOYER FEES.—Fees collected  
22 under section 4233(a)(2).

23 (x) L NONIMMIGRANT DEPENDENT  
24 EMPLOYER FEES.—Fees collected under  
25 section 4305(a)(2).

1 (xi) J-1 VISA MITIGATION FEES.—  
2 Fees collected under section 281(e) of the  
3 Immigration and Nationality Act, as added  
4 by section 4407.

5 (xii) F-1 VISA FEES.—Fees collected  
6 under section 281(f) of the Immigration  
7 and Nationality Act, as added by section  
8 4409.

9 (xiii) RETIREE VISA FEES.—Fees col-  
10 lected under section 214(w)(1)(B) of the  
11 Immigration and Nationality Act, as added  
12 by section 4504(b).

13 (xiv) VISITOR VISA FEES.—Fees col-  
14 lected under section 281(g) of the Immi-  
15 gration and Nationality Act, as added by  
16 section 4509.

17 (xv) H-2B VISA FEES.—Fees col-  
18 lected under section 214(x)(5)(A) of the  
19 Immigration and Nationality Act, as added  
20 by section 4602(a).

21 (xvi) NONIMMIGRANTS PERFORMING  
22 MAINTENANCE ON COMMON CARRIERS.—  
23 Fees collected under section 214(z) of the  
24 Immigration and Nationality Act, as added  
25 by section 4604.

1 (xvii) X-1 VISA FEES.—Fees collected  
2 under section 214(s)(6) of the Immigration  
3 and Nationality Act, as added by section  
4 4801.

5 (xviii) PENALTY FOR ADJUSTMENT  
6 FROM REGISTERED PROVISIONAL IMMI-  
7 GRANT STATUS.—Penalties collected under  
8 section 245C(c)(5)(B) of the Immigration  
9 and Nationality Act, as added by section  
10 2102.

11 (C) AUTHORITY TO ADJUST FEES.—As  
12 necessary to carry out the purposes of this Act,  
13 the Secretary may adjust the amounts of the  
14 fees and penalties set out under subparagraph  
15 (B), except for the fines and penalties referred  
16 to in clauses (ii), (iii), (iv), or (xviii) of such  
17 subparagraph; provided further that the Sec-  
18 retary shall adjust the amounts of the fees and  
19 penalties set out under subparagraph (B), ex-  
20 cept for the fines and penalties referred to in  
21 clauses (ii), (iii), (iv), or (xviii) of such subpara-  
22 graph to result in no less than \$500,000,000  
23 being available for fiscal year 2014 and  
24 \$1,000,000,000 for fiscal years 2015 through  
25 2023 for appropriations for activities authorized



1 under this Act. If the Secretary determines that  
2 adjusting the fees and penalties set out under  
3 subparagraph (B) will be insufficient or imprac-  
4 tical to cover the costs of the mandatory en-  
5 forcement expenditures in this Act, the Sec-  
6 retary may charge an additional surcharge on  
7 every immigrant and nonimmigrant petition  
8 filed with the Secretary in an amount designed  
9 to be the minimum proportional surcharge nec-  
10 essary to recover the annual mandatory enforce-  
11 ment expenditures in this legislation.

12 (3) USE OF FUNDS.—

13 (A) INITIAL FUNDING.—Of the amounts  
14 transferred to the Trust Fund pursuant to  
15 paragraph (2)(A)—

16 (i) \$30,000,000,000 shall remain  
17 available for the 10-year period beginning  
18 on the date specified in paragraph (2)(A)  
19 for use by the Secretary in hiring and de-  
20 ploying at least 19,200 additional trained  
21 full-time active duty U.S. Border Patrol  
22 agents along the Southern Border;

23 (ii) \$4,500,000,000 shall remain  
24 available for the 5-year period beginning  
25 on the date specified in paragraph (2)(A)

1 for use by the Secretary to carry out the  
2 Comprehensive Southern Border Security  
3 Strategy;

4 (iii) \$2,000,000,000 shall remain  
5 available for the 10-year period beginning  
6 on the date specified in paragraph (2)(A)  
7 for use by the Secretary to carry out pro-  
8 grams, projects, and activities rec-  
9 ommended by the Commission pursuant to  
10 section 4(d) to achieve and maintain the  
11 border security goal specified in section  
12 3(b), and for the administrative expenses  
13 directly associated with convening the pub-  
14 lic hearings required by section 3(c)(2)(A)  
15 and preparing and providing summaries of  
16 such hearings required by section  
17 3(c)(2)(B);

18 (iv) \$1,500,000,000 shall be made  
19 available to the Secretary, during the 5-  
20 year period beginning on the date of the  
21 enactment of this Act, to procure and de-  
22 ploy fencing, infrastructure, and tech-  
23 nology in accordance with the Southern  
24 Border Fencing Strategy established pur-  
25 suant to section 5(b), not less than

1           \$1,000,000,000 of which shall be used to  
2           deploy, repair, or replace fencing;

3           (v) \$750,000,000 shall remain avail-  
4           able for the 6-year period beginning on the  
5           date specified in paragraph (2)(A) for use  
6           by the Secretary to expand and implement  
7           the mandatory employment verification  
8           system, which shall be used as required by  
9           section 274A of the Immigration and Na-  
10          tionality Act (8 U.S.C. 1324a), as amend-  
11          ed by section 3101;

12          (vi) \$900,000,000 shall remain avail-  
13          able for the 8-year period beginning on the  
14          date specified in paragraph (2)(A) for use  
15          by the Secretary of State to pay for one-  
16          time and startup costs necessary to imple-  
17          ment this Act; and

18          (vii) \$150,000,000 shall remain avail-  
19          able for the 2-year period beginning on the  
20          date specified in paragraph (2)(A) for use  
21          by the Secretary for transfer to the Sec-  
22          retary of Labor, the Secretary of Agri-  
23          culture, or the Attorney General, for initial  
24          costs of implementing this Act.

1           (B) REPAYMENT OF TRUST FUND EX-  
2 PENSES.—The first \$8,300,000,000 collected  
3 pursuant to' the fees, penalties, and fines re-  
4 ferred to in clauses (ii), (iii), (iv), (vi), (xiii),  
5 (xvii), and (xviii) of paragraph (2)(B) shall be  
6 collected, deposited in the general fund of the  
7 Treasury, and used for Federal budget deficit  
8 reduction. Collections in excess of  
9 \$8,300,000,000 shall be deposited into the  
10 Trust Fund, as specified in paragraph (2)(B).

11           (C) PROGRAM IMPLEMENTATION.—  
12 Amounts deposited into the Trust Fund pursu-  
13 ant to paragraph (2)(B) shall be available dur-  
14 ing each of fiscal years 2014 through 2018 as  
15 follows:

16                   (i) \$50,000,000 to carry out the ac-  
17 tivities referenced in section 1104(a)(1).

18                   (ii) \$50,000,000 to carry out the ac-  
19 tivities referenced in section 1104(b).

20           (D) ONGOING FUNDING.—Subject to the  
21 availability of appropriations, amounts depos-  
22 ited in the Trust Fund pursuant to paragraph  
23 (2)(B) are authorized to be appropriated as fol-  
24 lows:



1 equipment, including those recommended  
2 or provided by the Department of Defense;

3 (ii) the number of Border Patrol  
4 agents and Customs and Border Protection  
5 officers to be hired, including a detailed  
6 description of which Border Patrol sectors  
7 and which land border ports of entry they  
8 will be stationed;

9 (iii) the numbers and type of un-  
10 armed, unmanned aerial systems and un-  
11 armed, fixed-wing and rotary aircraft, in-  
12 cluding pilots, air interdiction agents, and  
13 support staff to fly or otherwise operate  
14 and maintain the equipment;

15 (iv) the numbers, types, and planned  
16 deployment of marine and riverine vessels,  
17 if any, including marine interdiction agents  
18 and support staff to operate and maintain  
19 the vessels;

20 (v) the locations, amount, and  
21 planned deployment of fencing, including  
22 double layer fencing, tactical and other in-  
23 frastructure, and technology, including but  
24 not limited to fixed towers, sensors, cam-  
25 eras, and other detection technology;

1 (vi) the numbers, types, and planned  
2 deployment of ground-based mobile surveil-  
3 lance systems;

4 (vii) the numbers, types, and planned  
5 deployment of tactical and other interoper-  
6 able law enforcement communications sys-  
7 tems and equipment;

8 (viii) required construction, including  
9 repairs, expansion, and maintenance, and  
10 location of additional checkpoints, Border  
11 Patrol stations, and forward operating  
12 bases;

13 (ix) the number of additional attor-  
14 neys and support staff for the Office of the  
15 United States Attorney for Tucson;

16 (x) the number of additional support  
17 staff and interpreters in the Office of the  
18 Clerk of the Court for Tucson;

19 (xi) the number of additional per-  
20 sonnel, including Marshals and Deputy  
21 Marshals for the United States Marshals  
22 Office for Tucson;

23 (xii) the number of additional mag-  
24 istrate judges for the southern border  
25 United States District Courts;

1 (xiii) activities to be funded by the  
2 Homeland Security Border Oversight Task  
3 Force;

4 (xiv) amounts and types of grants to  
5 States and other entities;

6 (xv) amounts and activities necessary  
7 to hire additional personnel and for start-  
8 up costs related to upgrading software and  
9 information technology necessary to transi-  
10 tion from a voluntary E-Verify system to  
11 mandatory employment verification system  
12 under section 274A of the Immigration  
13 and Nationality Act (8 U.S.C. 1324a)  
14 within 5 years;

15 (xvi) the number of additional per-  
16 sonnel and other costs associated with im-  
17 plementing the immigration courts and re-  
18 moval proceedings mandated in subtitle E  
19 of title III;

20 (xvii) the steps the Commissioner of  
21 Social Security plans to take to create a  
22 fraud-resistant, tamper-resistant, wear-re-  
23 sistant, and identity-theft resistant Social  
24 Security card, including—



1 (I) the types of equipment need-  
2 ed to create the card;

3 (II) the total estimated costs for  
4 completion that clearly delineates  
5 costs associated with the acquisition  
6 of equipment and transition to oper-  
7 ation, subdivided by fiscal year and  
8 including a description of the purpose  
9 by fiscal year for design, pre-acquisi-  
10 tion activities, production, and transi-  
11 tion to operation;

12 (III) the number and type of per-  
13 sonnel, including contract personnel,  
14 required to research, design, test, and  
15 produce the card; and

16 (IV) a detailed schedule for pro-  
17 duction of the card, including an esti-  
18 mated completion date at the pro-  
19 jected funding level provided in this  
20 Act; and

21 (xviii) the operations and maintenance  
22 costs associated with the implementation of  
23 clauses (i) through (xvii).

24 (F) ANNUAL REVISION.—The expenditure  
25 plan required in (E) shall be revised and sub-

1           mitted with the President’s budget proposals  
2           for fiscal year 2016, 2017, 2018, and 2019  
3           pursuant to the requirements of section 1105(a)  
4           of title 31, United States Code.

5           (G) COMMISSION EXPENDITURE PLAN.—

6           (i) REQUIREMENT FOR PLAN.—If the  
7           Southern Border Security Commission ref-  
8           erenced in section 4 is established, the Sec-  
9           retary shall submit to the appropriate com-  
10          mittees of Congress, not later than 60 days  
11          after the submission of the review required  
12          by section 4(g), a plan for expenditure that  
13          achieves the recommendations in the report  
14          required by section 4(d) and the review re-  
15          quired by section 4(g).

16          (ii) APPROPRIATE COMMITTEES OF  
17          CONGRESS DEFINED.—In clause (i), the  
18          term “appropriate committees of Con-  
19          gress” means—

20               (I) the Committee on Appropria-  
21               tions, the Committee on the Judiciary,  
22               and the Committee on Finance of the  
23               Senate; and

24               (II) the Committee on Appropria-  
25               tions, the Committee on the Judiciary,

1                   and the Committee on Ways and  
2                   Means of the House of Representa-  
3                   tives.

4                   (4) LIMITATION ON COLLECTION.—

5                   (A) IN GENERAL.—No fee deposited in the  
6                   Trust Fund may be collected except to the ex-  
7                   tent that the expenditure of the fee is provided  
8                   for in advance in an appropriations Act only to  
9                   pay the costs of activities and services for which  
10                  appropriations are authorized to be funded  
11                  from the Trust Fund.

12                  (B) RECEIPTS COLLECTED AS OFFSETTING  
13                  RECEIPTS.—Until the date of the enactment of  
14                  an Act making appropriations for the activities  
15                  authorized under this Act through September  
16                  30, 2014, the fees authorized by paragraph  
17                  (2)(B) that are not deposited into the general  
18                  fund pursuant to paragraph (3)(B) may be col-  
19                  lected and shall be credited as to the Trust  
20                  Fund to remain available until expended only to  
21                  pay the costs of activities and services for which  
22                  appropriations are authorized to be funded  
23                  from the Trust Fund.

24                  (b) COMPREHENSIVE IMMIGRATION REFORM START-  
25                  UP ACCOUNT.—

1           (1) ESTABLISHMENT.—There is established in  
2           the Treasury a separate account, to be known as the  
3           “Comprehensive Immigration Reform Startup Ac-  
4           count,” (referred to in this section as the “Startup  
5           Account”), consisting of amounts transferred from  
6           the general fund of the Treasury under paragraph  
7           (2).

8           (2) DEPOSITS.—There is appropriated to the  
9           Startup Account, out of any funds in the Treasury  
10          not otherwise appropriated, \$3,000,000,000, to re-  
11          main available until expended on the later of the  
12          date that is—

13                   (A) the date of the enactment of this Act;

14                   or

15                   (B) October 1, 2013.

16          (3) REPAYMENT OF STARTUP COSTS.—

17                   (A) IN GENERAL.—Notwithstanding sec-  
18                   tion 286(m) of the Immigration and Nationality  
19                   Act (8 U.S.C. 1356(m)), 50 percent of fees col-  
20                   lected under section 245B(c)(10)(A) of the Im-  
21                   migration and Nationality Act, as added by sec-  
22                   tion 2101 of this Act, shall be deposited month-  
23                   ly in the general fund of the Treasury and used  
24                   for Federal budget deficit reduction until the

1 funding provided by paragraph (2) has been re-  
2 paid.

3 (B) DEPOSIT IN THE IMMIGRATION EXAMI-  
4 NATIONS FEE ACCOUNT.—Fees collected in ex-  
5 cess of the amount referenced in subparagraph  
6 (A) shall be deposited in the Immigration Ex-  
7 aminations Fee Account, pursuant to section  
8 286(m) of the Immigration and Nationality Act  
9 (8 U.S.C. 1356(m)), and shall remain available  
10 until expended pursuant to section 286(n) of  
11 the Immigration and Nationality Act (8 U.S.C.  
12 1356(n)).

13 (4) USE OF FUNDS.—The Secretary shall use  
14 the amounts transferred to the Startup Account to  
15 pay for one-time and startup costs necessary to im-  
16 plement this Act, including—

17 (A) equipment, information technology sys-  
18 tems, infrastructure, and human resources;

19 (B) outreach to the public, including devel-  
20 opment and promulgation of any regulations,  
21 rules, or other public notice;

22 (C) grants to community and faith-based  
23 organizations; and

24 (D) anti-fraud programs and actions re-  
25 lated to implementation of this Act.

1           (5) EXPENDITURE PLAN.—Not later than 90  
2 days after the date of the enactment of this Act, the  
3 Secretary, in consultation with the Attorney General  
4 and the Secretary of Defense, shall submit to the  
5 Committee on Appropriations and the Committee on  
6 the Judiciary of the Senate and the Committee on  
7 Appropriations and the Committee on the Judiciary  
8 of the House of Representatives, a plan for expendi-  
9 ture of the one-time and startup funds in the Start-  
10 up Account that provides details on—

11                   (A) the types of equipment, information  
12 technology systems, infrastructure, and human  
13 resources;

14                   (B) the plans for outreach to the public,  
15 including development and promulgation of any  
16 regulations, rules, or other public notice;

17                   (C) the types and amounts of grants to  
18 community and faith-based organizations; and

19                   (D) the anti-fraud programs and actions  
20 related to implementation of this Act.

21 (c) ANNUAL AUDITS.—

22           (1) AUDITS REQUIRED.—Not later than Octo-  
23 ber 1 each year beginning on or after the date of the  
24 enactment of this Act, the Chief Financial Officer of  
25 the Department of Homeland Security shall, in con-

1       junction with the Inspector General of the Depart-  
2       ment of Homeland Security, conduct an audit of the  
3       Trust Fund.

4           (2) REPORTS.—Upon completion of each audit  
5       of the Trust Fund under paragraph (1), the Chief  
6       Financial Officer shall, in conjunction with the In-  
7       spector General, submit to Congress, and make  
8       available to the public on an Internet website of the  
9       Department available to the public, a jointly audited  
10      financial statement concerning the Trust Fund.

11          (3) ELEMENTS.—Each audited financial state-  
12      ment under paragraph (2) shall include the fol-  
13      lowing:

14           (A) The report of an independent certified  
15      public accountant.

16           (B) A balance sheet reporting admitted as-  
17      sets, liabilities, capital and surplus.

18           (C) A statement of cash flow.

19           (D) Such other information on the Trust  
20      Fund as the Chief Financial Officer, the In-  
21      spector General, or the independent certified  
22      public accountant considers appropriate to fa-  
23      cilitate a comprehensive understanding of the  
24      Trust Fund during the year covered by the fi-  
25      nancial statement.

1 (d) DETERMINATION OF BUDGETARY EFFECTS.—

2 (1) EMERGENCY DESIGNATION FOR CONGRES-  
3 SIONAL ENFORCEMENT.—In the Senate, amounts  
4 appropriated by or deposited in the general fund of  
5 the Treasury pursuant to this section are designated  
6 as an emergency requirement pursuant to section  
7 403(a) of S. Con. Res. 13 (111th Congress), the  
8 concurrent resolution on the budget for fiscal year  
9 2010.

10 (2) EMERGENCY DESIGNATION FOR STATUTORY  
11 PAYGO.—Amounts appropriated by or deposited in  
12 the general fund of the Treasury pursuant to this  
13 section are designated as an emergency requirement  
14 under section 4(g) of the Statutory Pay-As-You-Go  
15 Act of 2010 (Public Law 111–139; 2 U.S.C.  
16 933(g)).

17 **SEC. 7. REFERENCE TO THE IMMIGRATION AND NATION-**  
18 **ALITY ACT.**

19 Except as otherwise expressly provided, whenever in  
20 this Act an amendment or repeal is expressed in terms  
21 of an amendment to, or repeal of, a section or other provi-  
22 sion, the reference shall be considered to be made to a  
23 section or other provision of the Immigration and Nation-  
24 ality Act (8 U.S.C. 1101 et seq.).



1 **SEC. 8. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—Except as otherwise pro-  
4 vided, the term “Department” means the Depart-  
5 ment of Homeland Security.

6 (2) SECRETARY.—Except as otherwise provided,  
7 the term “Secretary” means the Secretary of Home-  
8 land Security.

9 **SEC. 9. GRANT ACCOUNTABILITY.**

10 (a) DEFINITIONS.—In this section:

11 (1) AWARDING ENTITIES.—The term “awarding  
12 entities” means the Secretary of Homeland Security,  
13 the Director of the Federal Emergency Management  
14 Agency (FEMA), the Chief of the Office of Citizen-  
15 ship and New Americans, as designated by this Act,  
16 and the Director of the National Science Founda-  
17 tion.

18 (2) NONPROFIT ORGANIZATION.—The term  
19 “nonprofit organization” means an organization that  
20 is described in section 501(c)(3) of the Internal Rev-  
21 enue Code of 1986 and is exempt from taxation  
22 under section 501(a) of such Code.

23 (3) UNRESOLVED AUDIT FINDING.—The term  
24 “unresolved audit finding” means a finding in a  
25 final audit report conducted by the Inspector Gen-  
26 eral of the Department of Homeland Security, or the

1 Inspector General for the National Science Founda-  
2 tion for grants awarded by the Director of the Na-  
3 tional Science Foundation, that the audited grantee  
4 has utilized grant funds for an unauthorized expend-  
5 iture or otherwise unallowable cost that is not closed  
6 or resolved within 1 year from the date when the  
7 final audit report is issued.

8 (b) ACCOUNTABILITY.—All grants awarded by  
9 awarding entities pursuant to this Act shall be subject to  
10 the following accountability provisions:

11 (1) AUDIT REQUIREMENT.—

12 (A) AUDITS.—Beginning in the first fiscal  
13 year beginning after the date of the enactment  
14 of this section, and in each fiscal year there-  
15 after, the Inspector General of the Department  
16 of Homeland Security, or the Inspector General  
17 for the National Science Foundation for grants  
18 awarded by the Director of the National  
19 Science Foundation, shall conduct audits of re-  
20 cipients of grants under this Act to prevent  
21 waste, fraud, and abuse of funds by grantees.  
22 The Inspector Generals shall determine the ap-  
23 propriate number of grantees to be audited  
24 each year.

1 (B) MANDATORY EXCLUSION.—A recipient  
2 of grant funds under this Act that is found to  
3 have an unresolved audit finding shall not be el-  
4 igible to receive grant funds under this Act dur-  
5 ing the first 2 fiscal years beginning after the  
6 end of the 1-year period described in subsection  
7 (a)(3).

8 (C) PRIORITY.—In awarding grants under  
9 this Act, the awarding entities shall give pri-  
10 ority to eligible applicants that did not have an  
11 unresolved audit finding during the 3 fiscal  
12 years before submitting an application for a  
13 grant under this Act.

14 (D) REIMBURSEMENT.—If an entity is  
15 awarded grant funds under this Act during the  
16 2-fiscal-year period during which the entity is  
17 barred from receiving grants under subpara-  
18 graph (B), the awarding entity shall—

19 (i) deposit an amount equal to the  
20 amount of the grant funds that were im-  
21 properly awarded to the grantee into the  
22 General Fund of the Treasury; and

23 (ii) seek to recoup the costs of the re-  
24 payment to the fund from the grant recipi-

1           ent that was erroneously awarded grant  
2           funds.

3           (2) NONPROFIT ORGANIZATION REQUIRE-  
4           MENTS.—

5           (A) PROHIBITION.—An awarding entity  
6           may not award a grant under this Act to a non-  
7           profit organization that holds money in offshore  
8           accounts for the purpose of avoiding paying the  
9           tax described in section 511(a) of the Internal  
10          Revenue Code of 1986.

11          (B) DISCLOSURE.—Each nonprofit organi-  
12          zation that is awarded a grant under this Act  
13          and uses the procedures prescribed in regula-  
14          tions to create a rebuttable presumption of rea-  
15          sonableness for the compensation of its officers,  
16          directors, trustees, and key employees, shall dis-  
17          close to the awarding entity, in the application  
18          for the grant, the process for determining such  
19          compensation, including the independent per-  
20          sons involved in reviewing and approving such  
21          compensation, the comparability data used, and  
22          contemporaneous substantiation of the delibera-  
23          tion and decision. Upon request, the awarding  
24          entity shall make the information disclosed

1 under this subparagraph available for public in-  
2 spection.

3 (3) CONFERENCE EXPENDITURES.—

4 (A) LIMITATION.—No amounts authorized  
5 to be appropriated to the Department of Home-  
6 land Security or the National Science Founda-  
7 tion for grant programs under this Act may be  
8 used by an awarding entity or by any individual  
9 or entity awarded discretionary funds through a  
10 cooperative agreement under this Act to host or  
11 support any expenditure for conferences that  
12 uses more than \$20,000 in funds made avail-  
13 able by the Department of Homeland Security  
14 or the National Science Foundation unless the  
15 Deputy Secretary for Homeland Security, or  
16 the Deputy Director of the National Science  
17 Foundation, or their designee, provides prior  
18 written authorization that the funds may be ex-  
19 pended to host the conference.

20 (B) WRITTEN APPROVAL.—Written ap-  
21 proval under subparagraph (A) shall include a  
22 written estimate of all costs associated with the  
23 conference, including the cost of all food, bev-  
24 erages, audio-visual equipment, honoraria for  
25 speakers, and entertainment.

1           (C) REPORT.—The Deputy Secretary of  
2           Homeland Security and the Deputy Director of  
3           the National Science Foundation shall submit  
4           an annual report to Congress on all conference  
5           expenditures approved under this paragraph.

6           (4) ANNUAL CERTIFICATION.—Beginning in the  
7           first fiscal year beginning after the date of the en-  
8           actment of this subsection, each awarding entity  
9           shall submit to Congress a report—

10           (A) indicating whether—

11           (i) all audits issued by the Offices of  
12           the Inspector General under paragraph (1)  
13           have been completed and reviewed by the  
14           appropriate individuals;

15           (ii) all mandatory exclusions required  
16           under paragraph (1)(B) have been issued;  
17           and

18           (iii) all reimbursements required  
19           under paragraph (1)(D) have been made;  
20           and

21           (B) including a list of any grant recipients  
22           excluded under paragraph (1) from the previous  
23           year.

1       **TITLE I—BORDER SECURITY**  
2               **AND OTHER PROVISIONS**  
3               **Subtitle A—Border Security**

4       **SEC. 1101. DEFINITIONS.**

5       In this title:

6               (1) **NORTHERN BORDER.**—The term “Northern  
7       border” means the international border between the  
8       United States and Canada.

9               (2) **RURAL, HIGH-TRAFFICKED AREAS.**—The  
10       term “rural, high-trafficked areas” means rural  
11       areas through which drugs and undocumented aliens  
12       are routinely smuggled, as designated by the Com-  
13       missioner of U.S. Customs and Border Protection.

14              (3) **SOUTHERN BORDER.**—The term “Southern  
15       border” means the international border between the  
16       United States and Mexico.

17              (4) **SOUTHWEST BORDER REGION.**—The term  
18       “Southwest border region” means the area in the  
19       United States that is within 100 miles of the South-  
20       ern border.

21       **SEC. 1102. ADDITIONAL U.S. BORDER PATROL AND U.S. CUS-**  
22               **TOMS AND BORDER PROTECTION OFFICERS.**

23              (a) **U.S. BORDER PATROL.**—Not later than Sep-  
24       tember 30, 2019, the Secretary shall increase the number

1 of trained full-time active duty U.S. Border Patrol agents  
2 deployed to the Southern border to 38,405.

3 (b) U.S. CUSTOMS AND BORDER PROTECTION.—Not  
4 later than September 30, 2017, the Secretary shall in-  
5 crease the number of trained U.S. Customs and Border  
6 Protection officers by 3,500, compared to the number of  
7 such officers as of the date of the enactment of this Act.  
8 In allocating any new officers to international land ports  
9 of entry and high volume international airports, the pri-  
10 mary goals shall be to increase security and reduce wait  
11 times of commercial and passenger vehicles at inter-  
12 national land ports of entry and primary processing wait  
13 times at high volume international airports by 50 percent  
14 by fiscal year 2104 and screening all air passengers within  
15 45 minutes under normal operating conditions or 80 per-  
16 cent of passengers within 30 minutes by fiscal year 2016.  
17 The Secretary shall make progress in increasing such  
18 number of officers during each of the fiscal years 2014  
19 through 2017.

20 (c) CONSTRUCTION.—Nothing in subsection (a) may  
21 be construed to preclude the Secretary from reassigning  
22 or stationing U.S. Customs and Border Protection Offi-  
23 cers and U.S. Border Patrol Agents from the Northern  
24 border to the Southern border.



1 (d) FUNDING.—Section 217(h)(3)(B) (8 U.S.C.  
2 1187(h)(3)(B)) is amended—

3 (1) in clause (i)—

4 (A) by striking “No later than 6 months  
5 after the date of enactment of the Travel Pro-  
6 motion Act of 2009, the” and inserting “The”;

7 (B) in subclause (I), by striking “and” at  
8 the end;

9 (C) by redesignating subclause (II) as sub-  
10 clause (III); and

11 (D) by inserting after subclause (I) the fol-  
12 lowing:

13 “(II) \$16 for border processing;  
14 and”;

15 (2) in clause (ii), by striking “Amounts col-  
16 lected under clause (i)(II)” and inserting “Amounts  
17 collected under clause (i)(II) shall be deposited into  
18 the Comprehensive Immigration Reform Trust Fund  
19 established under section 6(a)(1) of the Border Se-  
20 curity, Economic Opportunity, and Immigration  
21 Modernization Act, for the purpose of implementing  
22 section 1102(a) of such Act. Amounts collected  
23 under clause (i)(III)”;

24 (3) by striking clause (iii).

1 (e) CORPORATION FOR TRAVEL PROMOTION.—Sec-  
2 tion 9(d)(2)(B) of the Travel Promotion Act of 2009 (22  
3 U.S.C. 2131(d)(2)(B)) is amended by striking “For each  
4 of fiscal years 2012 through 2015,” and inserting “For  
5 each fiscal year after 2012,”. (1)

6 (f) REPORT.—Prior to the hiring and training of ad-  
7 ditional U.S. Customs and Border Protection officers  
8 under subsection (a), the Secretary shall submit to Con-  
9 gress a report on current wait times at land, air, and sea  
10 ports of entry, officer staffing at land, air, and sea ports  
11 of entry and projections for new officer allocation at land,  
12 air, and sea ports of entry designed to implement sub-  
13 section (a), including the need to hire non-law enforcement  
14 personnel for administrative duties.

15 **SEC. 1103. NATIONAL GUARD SUPPORT TO SECURE THE**  
16 **SOUTHERN BORDER.**

17 (a) IN GENERAL.—With the approval of the Sec-  
18 retary of Defense, the Governor of a State may order any  
19 unit or personnel of the National Guard of such State to  
20 perform operations and missions under section 502(f) of  
21 title 32, United States Code, in the Southwest Border re-  
22 gion for the purposes of assisting U.S. Customs and Bor-  
23 der Protection in securing the Southern border.

24 (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

1           (1) IN GENERAL.—National Guard units and  
2 personnel deployed under subsection (a) may be as-  
3 signed such operations and missions specified in sub-  
4 section (c) as may be necessary to secure the South-  
5 ern border.

6           (2) NATURE OF DUTY.—The duty of National  
7 Guard personnel performing operations and missions  
8 described in paragraph (1) shall be full-time duty  
9 under title 32, United States Code.

10          (c) RANGE OF OPERATIONS AND MISSIONS.—The op-  
11 erations and missions assigned under subsection (b) shall  
12 include the temporary authority—

13           (1) to construct fencing, including double-layer  
14 and triple-layer fencing;

15           (2) to increase ground-based mobile surveillance  
16 systems;

17           (3) to deploy additional unmanned aerial sys-  
18 tems and manned aircraft sufficient to maintain  
19 continuous surveillance of the Southern border;

20           (4) to deploy and provide capability for radio  
21 communications interoperability between U.S. Cus-  
22 toms and Border Protection and State, local, and  
23 tribal law enforcement agencies;

1           (5) to construct checkpoints along the Southern  
2 border to bridge the gap to long-term permanent  
3 checkpoints; and

4           (6) to provide assistance to U.S. Customs and  
5 Border Protection, particularly in rural, high-traf-  
6 ficked areas, as designated by the Commissioner of  
7 U.S. Customs and Border Protection.

8           (d) MATERIEL AND LOGISTICAL SUPPORT.—The  
9 Secretary of Defense shall deploy such materiel and equip-  
10 ment and logistical support as may be necessary to ensure  
11 success of the operations and missions conducted by the  
12 National Guard under this section.

13           (e) EXCLUSION FROM NATIONAL GUARD PER-  
14 SONNEL STRENGTH LIMITATIONS.—National Guard per-  
15 sonnel deployed under subsection (a) shall not be included  
16 in—

17           (1) the calculation to determine compliance  
18 with limits on end strength for National Guard per-  
19 sonnel; or

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

1 **SEC. 1104. ENHANCEMENT OF EXISTING BORDER SECURITY**  
2 **OPERATIONS.**

3 (a) **BORDER CROSSING PROSECUTIONS.—**

4 (1) **IN GENERAL.—**From the amounts made  
5 available pursuant to the appropriations in para-  
6 graph (3), funds shall be made available—

7 (A) to increase the number of border cross-  
8 ing prosecutions in the Tucson Sector of the  
9 Southwest border region to up to 210 prosecu-  
10 tions per day through increasing funding avail-  
11 able for—

12 (i) attorneys and administrative sup-  
13 port staff in the Office of the United  
14 States Attorney for Tucson;

15 (ii) support staff and interpreters in  
16 the Office of the Clerk of the Court for  
17 Tucson;

18 (iii) pre-trial services;

19 (iv) activities of the Federal Public  
20 Defender Office for Tucson; and

21 (v) additional personnel, including  
22 Deputy United States Marshals in the  
23 United States Marshals Office for Tucson  
24 to perform intake, coordination, transpor-  
25 tation, and court security; and

1           (B) reimburse Federal, State, local, and  
2           tribal law enforcement agencies for any deten-  
3           tion costs related to the border crossing pros-  
4           ecutions carried out pursuant to subparagraph  
5           (A).

6           (2) ADDITIONAL MAGISTRATE JUDGES TO AS-  
7           SIST WITH INCREASED CASELOAD.—The chief judge  
8           of the United States District Court for the District  
9           of Arizona is authorized to appoint additional full-  
10          time magistrate judges, who, consistent with the  
11          Constitution and laws of the United States, shall  
12          have the authority to hear cases and controversies in  
13          the judicial district in which the respective judges  
14          are appointed.

15          (3) FUNDING.—There are authorized to be ap-  
16          propriated, from the Comprehensive Immigration  
17          Reform Trust Fund established under section  
18          6(a)(1), such sums as may be necessary to carry out  
19          this subsection.

20          (b) OPERATION STONEGARDEN.—

21               (1) IN GENERAL.—The Federal Emergency  
22               Management Agency shall enhance law enforcement  
23               preparedness and operational readiness along the  
24               borders of the United States through Operation  
25               Stonegarden. The amounts available under this

1 paragraph are in addition to any other amounts oth-  
2 erwise made available for Operation Stonegarden.  
3 Allocations for grants and reimbursements to law  
4 enforcement agencies under this paragraph shall be  
5 made by the Federal Emergency Management Agen-  
6 cy through a competitive process.

7 (2) FUNDING.—There are authorized to be ap-  
8 propriated, from the amounts made available under  
9 section 6(a)(3)(A)(i), such sums as may be nec-  
10 essary to carry out this subsection.

11 (c) INFRASTRUCTURE IMPROVEMENTS.—

12 (1) BORDER PATROL STATIONS.—The Secretary  
13 shall—

14 (A) construct additional Border Patrol sta-  
15 tions in the Southwest border region that U.S.  
16 Border Patrol determines are needed to provide  
17 full operational support in rural, high-trafficked  
18 areas; and

19 (B) analyze the feasibility of creating addi-  
20 tional Border Patrol sectors along the Southern  
21 border to interrupt drug trafficking operations.

22 (2) FORWARD OPERATING BASES.—The Sec-  
23 retary shall enhance the security of the Southwest  
24 border region by—

1 (A) establishing additional permanent for-  
2 ward operating bases for the U.S. Border Pa-  
3 trol, as needed;

4 (B) upgrading the existing forward oper-  
5 ating bases to include modular buildings, elec-  
6 tricity, and potable water; and

7 (C) ensuring that forward operating bases  
8 surveil and interdict individuals entering the  
9 United States unlawfully immediately after  
10 such individuals cross the Southern border.

11 (3) SAFE AND SECURE BORDER INFRASTRUC-  
12 TURE.—The Secretary and the Secretary of Trans-  
13 portation, in consultation with the governors of the  
14 States in the Southwest border region and the  
15 Northern border region, shall establish a grant pro-  
16 gram, which shall be administered by the Secretary  
17 of Transportation and the General Services Adminis-  
18 tration, to construct transportation and supporting  
19 infrastructure improvements at existing and new  
20 international border crossings necessary to facilitate  
21 safe, secure, and efficient cross border movement of  
22 people, motor vehicles, and cargo.

23 (4) AUTHORIZATION OF APPROPRIATIONS.—  
24 There is authorized to be appropriated for each of



1       fiscal years 2014 through 2018 such sums as may  
2       be necessary to carry out this subsection.

3       (d) ADDITIONAL PERMANENT DISTRICT COURT  
4 JUDGESHIPS IN SOUTHWEST BORDER STATES.—

5           (1) IN GENERAL.—The President shall appoint,  
6       by and with the advice and consent of the Senate—

7           (A) 2 additional district judges for the dis-  
8       trict of Arizona;

9           (B) 3 additional district judges for the  
10       eastern district of California;

11          (C) 2 additional district judges for the  
12       western district of Texas; and

13          (D) 1 additional district judge for the  
14       southern district of Texas.

15       (2) CONVERSIONS OF TEMPORARY DISTRICT  
16       COURT JUDGESHIPS.—The existing judgeships for  
17       the district of Arizona and the central district of  
18       California authorized by section 312(c) of the 21st  
19       Century Department of Justice Appropriations Au-  
20       thorization Act (28 U.S.C. 133 note; Public Law  
21       107–273; 116 Stat. 1788), as of the effective date  
22       of this Act, shall be authorized under section 133 of  
23       title 28, United States Code, and the incumbents in  
24       those offices shall hold the office under section 133

1 of title 28, United States Code, as amended by this  
2 Act.

3 (3) TECHNICAL AND CONFORMING AMEND-  
4 MENTS.—The table contained in section 133(a) of  
5 title 28, United States Code, is amended—

6 (A) by striking the item relating to the dis-  
7 trict of Arizona and inserting the following:

“Arizona ..... 15”;

8 (B) by striking the item relating to Cali-  
9 fornia and inserting the following:

“California:  
Northern ..... 14  
Eastern ..... 9  
Central ..... 28  
Southern ..... 13”; and

10 (C) by striking the item relating to Texas  
11 and inserting the following:

“Texas:  
Northern ..... 12  
Southern ..... 20  
Eastern ..... 7  
Western ..... 15”.

12 (4) INCREASE IN FILING FEES.—

13 (A) IN GENERAL.—Section 1914(a) of title  
14 28, United States Code, is amended by striking  
15 “\$350” and inserting “\$360”.

16 (B) EXPENDITURE LIMITATION.—Incre-  
17 mental amounts collected by reason of the en-  
18 actment of this paragraph shall be deposited as

1 offsetting receipts in the “Judiciary Filing Fee”  
2 special fund of the Treasury established under  
3 section 1931 of title 28, United States Code.  
4 Such amounts shall be available solely for the  
5 purpose of facilitating the processing of civil  
6 cases, but only to the extent specifically appro-  
7 priated by an Act of Congress enacted after the  
8 date of the enactment of this Act.

9 (5) WHISTLEBLOWER PROTECTION.—

10 (A) IN GENERAL.—No officer, employee,  
11 agent, contractor, or subcontractor of the judi-  
12 cial branch may discharge, demote, threaten,  
13 suspend, harass, or in any other manner dis-  
14 criminate against an employee in the terms and  
15 conditions of employment because of any lawful  
16 act done by the employee to provide informa-  
17 tion, cause information to be provided, or other-  
18 wise assist in an investigation regarding any  
19 possible violation of Federal law or regulation,  
20 or misconduct, by a judge, justice, or any other  
21 employee in the judicial branch, which may as-  
22 sist in the investigation of the possible violation  
23 or misconduct.

1                   (B) CIVIL ACTION.—An employee injured  
2                   by a violation of subparagraph (A) may, in a  
3                   civil action, obtain appropriate relief.

4 **SEC. 1105. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

5           (a) DEFINITIONS.—In this section:

6                   (1) FEDERAL LANDS.—The term “Federal  
7                   lands” includes all land under the control of the Sec-  
8                   retary concerned that is located within the South-  
9                   west border region in the State of Arizona along the  
10                  international border between the United States and  
11                  Mexico.

12                  (2) SECRETARY CONCERNED.—The term “Sec-  
13                  retary concerned” means—

14                               (A) with respect to land under the jurisdic-  
15                               tion of the Secretary of Agriculture, the Sec-  
16                               retary of Agriculture; and

17                               (B) with respect to land under the jurisdic-  
18                               tion of the Secretary of the Interior, the Sec-  
19                               retary of the Interior.

20           (b) SUPPORT FOR BORDER SECURITY NEEDS.—To  
21           achieve effective control of Federal lands—

22                               (1) the Secretary concerned, notwithstanding  
23                               any other provision of law, shall authorize and pro-  
24                               vide U.S. Customs and Border Protection personnel

1 with immediate access to Federal lands for security  
2 activities, including—

3 (A) routine motorized patrols; and

4 (B) the deployment of communications,  
5 surveillance, and detection equipment;

6 (2) the security activities described in para-  
7 graph (1) shall be conducted, to the maximum ex-  
8 tent practicable, in a manner that the Secretary de-  
9 termines will best protect the natural and cultural  
10 resources on Federal lands; and

11 (3) the Secretary concerned may provide edu-  
12 cation and training to U.S. Customs and Border  
13 Protection personnel on the natural and cultural re-  
14 sources present on individual Federal land units.

15 (c) PROGRAMMATIC ENVIRONMENTAL IMPACT  
16 STATEMENT.—

17 (1) IN GENERAL.—After implementing sub-  
18 section (b), the Secretary, in consultation with the  
19 Secretaries concerned, shall prepare and publish in  
20 the Federal Register a notice of intent to prepare a  
21 programmatic environmental impact statement in  
22 accordance with the National Environmental Policy  
23 Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the  
24 impacts of the activities described in subsection (b).

1           (2) EFFECT ON PROCESSING APPLICATION AND  
2 SPECIAL USE PERMITS.—The pending completion of  
3 a programmatic environmental impact statement  
4 under this section shall not result in any delay in the  
5 processing or approving of applications or special  
6 use permits by the Secretaries concerned for the ac-  
7 tivities described in subsection (b).

8           (3) AMENDMENT OF LAND USE PLANS.—The  
9 Secretaries concerned shall amend any land use  
10 plans, as appropriate, upon completion of the pro-  
11 grammatic environmental impact statement de-  
12 scribed in subsection (b).

13           (4) SCOPE OF PROGRAMMATIC ENVIRONMENTAL  
14 IMPACT STATEMENT.—The programmatic environ-  
15 mental impact statement described in paragraph  
16 (1)—

17                   (A) may be used to advise the Secretary on  
18 the impact on natural and cultural resources on  
19 Federal lands; and

20                   (B) shall not control, delay, or restrict ac-  
21 tions by the Secretary to achieve effective con-  
22 trol on Federal lands.

23           (d) INTERMINGLED STATE AND PRIVATE LAND.—  
24 This section shall not apply to any private or State-owned  
25 land within the boundaries of Federal lands.

1 **SEC. 1106. EQUIPMENT AND TECHNOLOGY.**

2 (a) **ENHANCEMENTS.**—The Commissioner of U.S.  
3 Customs and Border Protection, working through U.S.  
4 Border Patrol, shall—

5 (1) deploy additional mobile, video, and agent-  
6 portable surveillance systems, and unarmed, un-  
7 manned aerial vehicles in the Southwest border re-  
8 gion as necessary to provide 24-hour operation and  
9 surveillance;

10 (2) operate unarmed unmanned aerial vehicles  
11 along the Southern border for 24 hours per day and  
12 for 7 days per week;

13 (3) deploy unarmed additional fixed-wing air-  
14 craft and helicopters along the Southern border;

15 (4) acquire new rotorcraft and make upgrades  
16 to the existing helicopter fleet;

17 (5) increase horse patrols in the Southwest bor-  
18 der region; and

19 (6) acquire and deploy watercraft and other  
20 equipment to provide support for border-related  
21 maritime anti-crime activities.

22 (b) **LIMITATION.**—

23 (1) **IN GENERAL.**—Notwithstanding paragraphs  
24 (1) and (2) of subsection (a), and except as provided  
25 in paragraph (2), U.S. Border Patrol may not oper-  
26 ate unarmed, unmanned aerial vehicles in the San

1 Diego and El Centro Sectors, except within 3 miles  
2 of the Southern border.

3 (2) EXCEPTION.—The limitation under this  
4 subsection shall not restrict the maritime operations  
5 of U.S. Customs and Border Protection.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
7 tion to amounts otherwise authorized to be appropriated,  
8 there is authorized to be appropriated to U.S. Customs  
9 and Border Protection such sums as may be necessary to  
10 carry out subsection (a) during fiscal years 2014 through  
11 2018.

12 **SEC. 1107. ACCESS TO EMERGENCY PERSONNEL.**

13 (a) SOUTHWEST BORDER REGION EMERGENCY COM-  
14 MUNICATIONS GRANTS.—

15 (1) IN GENERAL.—The Secretary, in consulta-  
16 tion with the governors of the States in the South-  
17 west border region, shall establish a 2-year grant  
18 program, to be administered by the Secretary, to im-  
19 prove emergency communications in the Southwest  
20 border region.

21 (2) ELIGIBILITY FOR GRANTS.—An individual  
22 is eligible to receive a grant under this subsection if  
23 the individual demonstrates that he or she—

24 (A) regularly resides or works in the  
25 Southwest border region;



1           (B) is at greater risk of border violence  
2           due to the lack of cellular service at his or her  
3           residence or business and his or her proximity  
4           to the Southern border.

5           (3) USE OF GRANTS.—Grants awarded under  
6           this subsection may be used to purchase satellite  
7           telephone communications systems and service  
8           that—

9                   (A) can provide access to 9–1–1 service;  
10           and

11                   (B) are equipped with global positioning  
12           systems.

13           (4) AUTHORIZATION OF APPROPRIATIONS.—  
14           There is authorized to be appropriated such sums as  
15           may be necessary to carry out the grant program es-  
16           tablished under this subsection.

17           (b) INTEROPERABLE COMMUNICATIONS FOR LAW  
18           ENFORCEMENT.—

19                   (1) FEDERAL LAW ENFORCEMENT.—There are  
20           authorized to be appropriated, to the Department,  
21           the Department of Justice, and the Department of  
22           the Interior, during the 5-year period beginning on  
23           the date of the enactment of this Act, such sums as  
24           may be necessary—

1 (A) to purchase, through a competitive  
2 procurement process, P25-compliant radios,  
3 which may include a multi-band option, for  
4 Federal law enforcement agents working in the  
5 Southwest border region in support of the ac-  
6 tivities of U.S. Customs and Border Protection  
7 and U.S. Immigration and Customs Enforce-  
8 ment, including law enforcement agents of the  
9 Drug Enforcement Administration, the Bureau  
10 of Alcohol, Tobacco, Firearms and Explosives,  
11 the Department of the Interior, and the Forest  
12 Service; and

13 (B) to upgrade, through a competitive pro-  
14 curement process, the communications network  
15 of the Department of Justice to ensure coverage  
16 and capacity, particularly when immediate ac-  
17 cess is needed in times of crisis, in the South-  
18 west Border region for appropriate law enforce-  
19 ment personnel of the Department of Justice  
20 (including the Drug Enforcement Administra-  
21 tion and the Bureau of Alcohol, Tobacco, Fire-  
22 arms and Explosives), the Department (includ-  
23 ing U.S. Immigration and Customs Enforce-  
24 ment and U.S. Customs and Border Protec-  
25 tion), the United States Marshals Service, other

1 Federal agencies, the State of Arizona, tribes,  
2 and local governments.

3 (2) STATE AND LOCAL LAW ENFORCEMENT.—

4 (A) AUTHORIZATION OF APPROPRIA-  
5 TIONS.—There is authorized to be appropriated  
6 to the Department of Justice, during the 5-year  
7 period beginning on the date of the enactment  
8 of this Act, such sums as may be necessary to  
9 purchase, through a competitive procurement  
10 process, P25-compliant radios, which may in-  
11 clude a multi-band option, for State and local  
12 law enforcement agents working in the South-  
13 west border region.

14 (B) ACCESS TO FEDERAL SPECTRUM.—If  
15 a State, tribal, or local law enforcement agency  
16 in the Southwest border region experiences an  
17 emergency situation that necessitates immediate  
18 communication with the Department of Justice,  
19 the Department, the Department of the Inte-  
20 rior, or any of their respective subagencies,  
21 such law enforcement agency shall have access  
22 to the spectrum assigned to such Federal agen-  
23 cy for the duration of such emergency situation.

24 (c) DISTRESS BEACONS.—

1           (1) IN GENERAL.—The Commissioner of U.S.  
2 Customs and Border Protection, working through  
3 U.S. Border Patrol, shall—

4           (A) identify areas near the Northern bor-  
5 der and the Southern border where migrant  
6 deaths are occurring due to climatic and envi-  
7 ronmental conditions; and

8           (B) deploy up to 1,000 beacon stations in  
9 the areas identified pursuant to subparagraph  
10 (A).

11          (2) FEATURES.—Beacon stations deployed pur-  
12 suant to paragraph (1) should—

13           (A) include a self-powering mechanism,  
14 such as a solar-powered radio button, to signal  
15 U.S. Border Patrol personnel or other emer-  
16 gency response personnel that a person at that  
17 location is in distress;

18           (B) include a self-powering cellular phone  
19 relay limited to 911 calls to allow persons in  
20 distress in the area who are unable to get to the  
21 beacon station to signal their location and ac-  
22 cess emergency personnel; and

23           (C) be movable to allow U.S. Border Pa-  
24 trol to relocate them as needed—

25           (i) to mitigate migrant deaths;

- 1 (ii) to facilitate access to emergency  
2 personnel; and  
3 (iii) to address any use of the beacons  
4 for diversion by criminals.

5 **SEC. 1108. SOUTHWEST BORDER REGION PROSECUTION**  
6 **INITIATIVE.**

7 (a) REIMBURSEMENT TO STATE AND LOCAL PROS-  
8 ECUTORS FOR FEDERALLY INITIATED CRIMINAL  
9 CASES.—The Attorney General shall reimburse State,  
10 county, tribal, and municipal governments for costs associ-  
11 ated with the prosecution, pretrial services and detention,  
12 clerical support, and public defenders' services associated  
13 with the prosecution of federally initiated immigration-re-  
14 lated criminal cases declined by local offices of the United  
15 States Attorneys.

16 (b) EXCEPTION.—Reimbursement under subsection  
17 (a) shall not be available, at the discretion of the Attorney  
18 General, if the Attorney General determines that there is  
19 reason to believe that the jurisdiction seeking reimburse-  
20 ment has engaged in unlawful conduct in connection with  
21 immigration-related apprehensions.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated such sums as may be nec-  
24 essary to carry out subsection (a) during fiscal years 2014  
25 through 2018.

1 **SEC. 1109. INTERAGENCY COLLABORATION.**

2 The Assistant Secretary of Defense for Research and  
3 Engineering shall collaborate with the Under Secretary of  
4 Homeland Security for Science and Technology to identify  
5 equipment and technology used by the Department of De-  
6 fense that could be used by U.S. Customs and Border Pro-  
7 tection to improve the security of the Southern border  
8 by—

- 9 (1) detecting border tunnels;
- 10 (2) detecting the use of ultralight aircraft;
- 11 (3) enhancing wide aerial surveillance; and
- 12 (4) otherwise improving the enforcement of  
13 such border.

14 **SEC. 1110. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.**

15 (a) SCAAP REAUTHORIZATION.—Section  
16 241(i)(5)(C) (8 U.S.C. 1231(i)(5)) is amended by striking  
17 “2011.” and inserting “2015.”.

18 (b) SCAAP ASSISTANCE FOR STATES.—

19 (1) ASSISTANCE FOR STATES INCARCERATING  
20 UNDOCUMENTED ALIENS CHARGED WITH CERTAIN  
21 CRIMES.—Section 241(i)(3)(A) (8 U.S.C.  
22 1231(i)(3)(A)) is amended by inserting “charged  
23 with or” before “convicted”.

24 (2) ASSISTANCE FOR STATES INCARCERATING  
25 UNVERIFIED ALIENS.—Section 241(i) (8 U.S.C.

1       1231(i)), as amended by subsection (a), is further  
2       amended—

3               (A) by redesignating paragraphs (4), (5),  
4               and (6), as paragraphs (5), (6), and (7), re-  
5               spectively;

6               (B) in paragraph (7), as so redesignated,  
7               by striking “(5)” and inserting “(6)”; and

8               (C) by adding after paragraph (3) the fol-  
9               lowing:

10              “(4) In the case of an alien whose immigration  
11              status is unable to be verified by the Secretary of  
12              Homeland Security, and who would otherwise be an  
13              undocumented criminal alien if the alien is unlaw-  
14              fully present in the United States, the Attorney Gen-  
15              eral shall compensate the State or political subdivi-  
16              sion of the State for incarceration of the alien, con-  
17              sistent with subsection (i)(2).”.

18       **SEC. 1111. USE OF FORCE.**

19              Not later than 180 days after the date of the enact-  
20              ment of this Act, the Secretary, in consultation with the  
21              Assistant Attorney General for the Civil Rights Division  
22              of the Department of Justice, shall issue policies gov-  
23              erning the use of force by all Department personnel that—

24                      (1) require all Department personnel to report  
25                      each use of force; and

1 (2) establish procedures for—

2 (A) accepting and investigating complaints  
3 regarding the use of force by Department per-  
4 sonnel;

5 (B) disciplining Department personnel who  
6 violate any law or Department policy relating to  
7 the use of force; and

8 (C) reviewing all uses of force by Depart-  
9 ment personnel to determine whether the use of  
10 force—

11 (i) complied with Department policy;

12 or

13 (ii) demonstrates the need for changes  
14 in policy, training, or equipment.

15 **SEC. 1112. TRAINING FOR BORDER SECURITY AND IMMI-**  
16 **GRATION ENFORCEMENT OFFICERS.**

17 (a) **IN GENERAL.**—The Secretary shall ensure that  
18 U.S. Customs and Border Protection officers, U.S. Border  
19 Patrol agents, U.S. Immigration and Customs Enforce-  
20 ment officers and agents, United States Air and Marine  
21 Division agents, and agriculture specialists stationed with-  
22 in 100 miles of any land or marine border of the United  
23 States or at any United States port of entry receive appro-  
24 priate training, which shall be prepared in collaboration



1 with the Assistant Attorney General for the Civil Rights  
2 Division of the Department of Justice, in—

3 (1) identifying and detecting fraudulent travel  
4 documents;

5 (2) civil, constitutional, human, and privacy  
6 rights of individuals;

7 (3) the scope of enforcement authorities, includ-  
8 ing interrogations, stops, searches, seizures, arrests,  
9 and detentions;

10 (4) the use of force policies issued by the Sec-  
11 retary pursuant to section 1111;

12 (5) immigration laws, including screening, iden-  
13 tifying, and addressing vulnerable populations, such  
14 as children, victims of crime and human trafficking,  
15 and individuals fleeing persecution or torture;

16 (6) social and cultural sensitivity toward border  
17 communities;

18 (7) the impact of border operations on commu-  
19 nities; and

20 (8) any particular environmental concerns in a  
21 particular area.

22 (b) TRAINING FOR BORDER COMMUNITY LIAISON  
23 OFFICERS.—The Secretary shall ensure that border com-  
24 munities liaison officers in Border Patrol sectors along the  
25 international borders between the United States and Mex-

1 ico and between the United States and Canada receive  
2 training to better—

3 (1) act as a liaison between border communities  
4 and the Office for Civil Rights and Civil Liberties of  
5 the Department and the Civil Rights Division of the  
6 Department of Justice;

7 (2) foster and institutionalize consultation with  
8 border communities;

9 (3) consult with border communities on Depart-  
10 ment programs, policies, strategies, and directives;  
11 and

12 (4) receive Department performance assess-  
13 ments from border communities.

14 (c) HUMANE CONDITIONS OF CONFINEMENT FOR  
15 CHILDREN IN U.S. CUSTOMS AND BORDER PROTECTION  
16 CUSTODY.—Not later than 90 days after the date of the  
17 enactment of this Act, the Secretary shall establish stand-  
18 ards to ensure that children in the custody of U.S. Cus-  
19 toms and Border Protection—

20 (1) are afforded adequate medical and mental  
21 health care, including emergency medical and mental  
22 health care, when necessary;

23 (2) receive adequate nutrition;

24 (3) are provided with climate-appropriate cloth-  
25 ing, footwear, and bedding;

1           (4) have basic personal hygiene and sanitary  
2 products; and

3           (5) are permitted to make supervised phone  
4 calls to family members.

5 **SEC. 1113. DEPARTMENT OF HOMELAND SECURITY BOR-**  
6 **DER OVERSIGHT TASK FORCE.**

7 (a) ESTABLISHMENT.—

8           (1) IN GENERAL.—There is established an inde-  
9 pendent task force, which shall be known as the De-  
10 partment of Homeland Security Border Oversight  
11 Task Force (referred to in this section as the “DHS  
12 Task Force”).

13           (2) DUTIES.—The DHS Task Force shall—

14           (A) review and make recommendations re-  
15 garding immigration and border enforcement  
16 policies, strategies, and programs that take into  
17 consideration their impact on border and tribal  
18 communities;

19           (B) recommend ways in which the Border  
20 Communities Liaison Offices can strengthen re-  
21 lations and collaboration between communities  
22 in the border regions and the Department, the  
23 Department of Justice, and other Federal agen-  
24 cies that carry out such policies, strategies, and  
25 programs;

1 (C) evaluate how the policies, strategies,  
2 and programs of Federal agencies operating  
3 along the international borders between the  
4 United States and Mexico and between the  
5 United States and Canada protect the due pro-  
6 cess, civil, and human rights of border residents,  
7 visitors, and migrants at and near such borders;  
8 and

9 (D) evaluate and make recommendations  
10 regarding the training of border enforcement  
11 personnel described in section 1112.

12 (3) MEMBERSHIP.—

13 (A) IN GENERAL.—The DHS Task Force  
14 shall be composed of 33 members, appointed by  
15 the President, who have expertise in migration,  
16 local crime indices, civil and human rights,  
17 community relations, cross-border trade and  
18 commerce, quality of life indicators, or other  
19 pertinent experience, of whom—

20 (i) 14 members shall be from the  
21 Northern border region and shall include—

22 (I) 2 local government elected of-  
23 ficials;

24 (II) 2 local law enforcement offi-  
25 cials;

- 1 (III) 2 tribal government offi-  
2 cials;
- 3 (IV) 2 civil rights advocates;
- 4 (V) 1 business representative;
- 5 (VI) 1 higher education rep-  
6 resentative;
- 7 (VII) 1 private land owner rep-  
8 resentative;
- 9 (VIII) 1 representative of a faith  
10 community; and
- 11 (IX) 2 representatives of U.S.  
12 Border Patrol; and
- 13 (ii) 19 members shall be from the  
14 Southern border region and include—
- 15 (I) 3 local government elected of-  
16 ficials;
- 17 (II) 3 local law enforcement offi-  
18 cials; (aa)
- 19 (III) 2 tribal government offi-  
20 cials;
- 21 (IV) 3 civil rights advocates;
- 22 (V) 2 business representatives;
- 23 (VI) 1 higher education rep-  
24 resentative;

1 (VII) 2 private land owner rep-  
2 resentatives;

3 (VIII) 1 representative of a faith  
4 community; and

5 (IX) 2 representatives of U.S.  
6 Border Patrol.

7 (B) TERM OF SERVICE.—Members of the  
8 Task Force shall be appointed for the shorter  
9 of—

10 (i) 3 years; or

11 (ii) the life of the DHS Task Force.

12 (C) CHAIR, VICE CHAIR.—The members of  
13 the DHS Task Force shall elect a Chair and a  
14 Vice Chair from among its members, who shall  
15 serve in such capacities for the life of the DHS  
16 Task Force or until removed by the majority  
17 vote of at least 16 members.

18 (b) OPERATIONS.—

19 (1) HEARINGS.—The DHS Task Force may,  
20 for the purpose of carrying out its duties, hold hear-  
21 ings, sit and act, take testimony, receive evidence,  
22 and administer oaths.

23 (2) RECOMMENDATIONS.—The DHS Task  
24 Force may make findings or recommendations to the

1 Secretary related to the duties described in sub-  
2 section (a)(2).

3 (3) RESPONSE.—Not later than 180 days after  
4 receiving the findings and recommendations from  
5 the DHS Task Force under paragraph (2), the Sec-  
6 retary shall issue a response that describes how the  
7 Department has addressed, or will address, such  
8 findings and recommendations. If the Secretary dis-  
9 agrees with any finding of the DHS Task Force, the  
10 Secretary shall provide an explanation for the dis-  
11 agreement.

12 (4) INFORMATION FROM FEDERAL AGENCIES.—  
13 The Chair, or 16 members of the DHS Task Force,  
14 may request statistics relating to the duties de-  
15 scribed in subsection (a)(2) directly from any Fed-  
16 eral agency, which shall, to the extent authorized by  
17 law, furnish such information, suggestions, esti-  
18 mates, and statistics directly to the DHS Task  
19 Force.

20 (5) COMPENSATION.—Members of the DHS  
21 Task Force shall serve without pay, but shall be re-  
22 imbursed for reasonable travel and subsistence ex-  
23 penses incurred in the performance of their duties.

24 (c) REPORT.—Not later than 2 years after its first  
25 meeting, the DHS Task Force shall submit a final report

1 to the President, Congress, and the Secretary that con-  
2 tains—

3 (1) findings with respect to the duties of the  
4 DHS Task Force; and

5 (2) recommendations regarding border and im-  
6 migration enforcement policies, strategies, and pro-  
7 grams, including—

8 (A) a recommendation as to whether the  
9 DHS Task Force should continue to operate;  
10 and

11 (B) a description of any duties for which  
12 the DHS Task Force should be responsible  
13 after the termination date described in sub-  
14 section (e).

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated such sums as may be  
17 necessary to carry out this section for each of the fiscal  
18 years 2014 through 2017.

19 (e) SUNSET.—The DHS Task Force shall terminate  
20 operations 60 days after the date on which the DHS Task  
21 Force submits the report described in subsection (e).



1 **SEC. 1114. OMBUDSMAN FOR IMMIGRATION RELATED CON-**  
2 **CERNS OF THE DEPARTMENT OF HOMELAND**  
3 **SECURITY.**

4 (a) ESTABLISHMENT.—Title I of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 111 et seq.) is amended by  
6 adding at the end the following new section:

7 **“SEC. 104. OMBUDSMAN FOR IMMIGRATION RELATED CON-**  
8 **CERNS.**

9 “(a) IN GENERAL.—There shall be within the De-  
10 partment an Ombudsman for Immigration Related Con-  
11 cerns (in this section referred to as the ‘Ombudsman’).  
12 The individual appointed as Ombudsman shall have a  
13 background in immigration law as well as civil and human  
14 rights law. The Ombudsman shall report directly to the  
15 Deputy Secretary.

16 “(b) FUNCTIONS.—The functions of the Ombudsman  
17 shall be as follows:

18 “(1) To receive and resolve complaints from in-  
19 dividuals and employers and assist in resolving prob-  
20 lems with the immigration components of the De-  
21 partment.

22 “(2) To conduct inspections of the facilities or  
23 contract facilities of the immigration components of  
24 the Department.

1           “(3) To assist individuals and families who  
2           have been the victims of crimes committed by aliens  
3           or violence near the United States border.

4           “(4) To identify areas in which individuals and  
5           employers have problems in dealing with the immi-  
6           gration components of the Department.

7           “(5) To the extent practicable, to propose  
8           changes in the administrative practices of the immi-  
9           gration components of the Department to mitigate  
10          problems identified under paragraph (4).

11          “(6) To review, examine, and make rec-  
12          ommendations regarding the immigration and en-  
13          forcement policies, strategies, and programs of U.S.  
14          Customs and Border Protection, U.S. Immigration  
15          and Customs Enforcement, and U.S. Citizenship and  
16          Immigration Services.

17          “(c) OTHER RESPONSIBILITIES.—In addition to the  
18          functions specified in subsection (b), the Ombudsman  
19          shall—

20                 “(1) monitor the coverage and geographic allo-  
21                 cation of local offices of the Ombudsman, including  
22                 appointing a local ombudsman for immigration re-  
23                 lated concerns; and

1           “(2) evaluate and take personnel actions (in-  
2           cluding dismissal) with respect to any employee of  
3           the Ombudsman.

4           “(d) REQUEST FOR INVESTIGATIONS.—The Ombuds-  
5           man shall have the authority to request the Inspector Gen-  
6           eral of the Department of Homeland Security to conduct  
7           inspections, investigations, and audits.

8           “(e) COORDINATION WITH DEPARTMENT COMPO-  
9           NENTS.—The Director of U.S. Citizenship and Immigra-  
10          tion Services, the Assistant Secretary of Immigration and  
11          Customs Enforcement, and the Commissioner of Customs  
12          and Border Protection shall each establish procedures to  
13          provide formal responses to recommendations submitted  
14          to such official by the Ombudsman.

15          “(f) ANNUAL REPORTS.—Not later than June 30 of  
16          each year, the Ombudsman shall submit a report to the  
17          Committee on the Judiciary of the Senate and the Com-  
18          mittee on the Judiciary of the House of Representatives  
19          on the objectives of the Ombudsman for the fiscal year  
20          beginning in such calendar year. Each report shall contain  
21          full and substantive analysis, in addition to statistical in-  
22          formation, and shall set forth any recommendations the  
23          Ombudsman has made on improving the services and re-  
24          sponsiveness of U.S. Citizenship and Immigration Serv-  
25          ices, U.S. Immigration and Customs Enforcement, and

1 U.S. Customs and Border Protection and any responses  
2 received from the Department regarding such rec-  
3 ommendations.”.

4 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section  
5 452 of the Homeland Security Act of 2002 (6 U.S.C. 272)  
6 is repealed.

7 (c) CLERICAL AMENDMENTS.—The table of contents  
8 for the Homeland Security Act of 2002 is amended—

9 (1) by inserting after the item relating to sec-  
10 tion 103 the following new item:

“Sec. 104. Ombudsman for Immigration Related Concerns.”; and

11 (2) by striking the item relating to section 452.

12 **SEC. 1115. PROTECTION OF FAMILY VALUES IN APPREHEN-**  
13 **SION PROGRAMS.**

14 (a) DEFINITIONS.—In this section:

15 (1) APPREHENDED INDIVIDUAL.—The term  
16 “apprehended individual” means an individual ap-  
17 prehended by personnel of the Department of Home-  
18 land Security or of a cooperating entity pursuant to  
19 a migration deterrence program carried out at a bor-  
20 der.

21 (2) BORDER.—The term “border” means an  
22 international border of the United States.

23 (3) CHILD.—Except as otherwise specifically  
24 provided, the term “child” has the meaning given to

## 101

1 the term in section 101(b)(1) of the Immigration  
2 and Nationality Act (8 U.S.C. 1101(b)(1)).

3 (4) COOPERATING ENTITY.—The term “cooper-  
4 ating entity” means a State or local entity acting  
5 pursuant to an agreement with the Secretary.

6 (5) MIGRATION DETERRENCE PROGRAM.—The  
7 term “migration deterrence program” means an ac-  
8 tion related to the repatriation or referral for pros-  
9 ecution of 1 or more apprehended individuals for a  
10 suspected or confirmed violation of the Immigration  
11 and Nationality Act (8 U.S.C. 1001 et seq.) by the  
12 Secretary or a cooperating entity.

13 (b) PROCEDURES FOR MIGRATION DETERRENCE  
14 PROGRAMS AT THE BORDER.—

15 (1) PROCEDURES.—In any migration deterrence  
16 program carried out at a border, the Secretary and  
17 cooperating entities shall for each apprehended indi-  
18 vidual—

19 (A) as soon as practicable after such indi-  
20 vidual is apprehended—

21 (i) inquire as to whether the appre-  
22 hended individual is—

23 (I) a parent, legal guardian, or  
24 primary caregiver of a child; or

1 (II) traveling with a spouse or  
2 child; and

3 (ii) ascertain whether repatriation of  
4 the apprehended individual presents any  
5 humanitarian concern or concern related to  
6 such individual's physical safety; and

7 (B) ensure that, with respect to a decision  
8 related to the repatriation or referral for pros-  
9 ecution of the apprehended individual, due con-  
10 sideration is given—

11 (i) to the best interests of such indi-  
12 vidual's child, if any;

13 (ii) to family unity whenever possible;  
14 and

15 (iii) to other public interest factors,  
16 including humanitarian concerns and con-  
17 cerns related to the apprehended individ-  
18 ual's physical safety.

19 (c) MANDATORY TRAINING.—The Secretary, in con-  
20 sultation with the Secretary of Health and Human Serv-  
21 ices, the Attorney General, the Secretary of State, and  
22 independent immigration, child welfare, family law, and  
23 human rights law experts, shall—

24 (1) develop and provide specialized training for  
25 all personnel of U.S. Customs and Border Protection

1 and cooperating entities who come into contact with  
2 apprehended individuals in all legal authorities, poli-  
3 cies, and procedures relevant to the preservation of  
4 a child's best interest, family unity, and other public  
5 interest factors, including those described in this  
6 Act; and

7 (2) require border enforcement personnel to un-  
8 dertake periodic and continuing training on best  
9 practices and changes in relevant legal authorities,  
10 policies, and procedures pertaining to the preserva-  
11 tion of a child's best interest, family unity, and other  
12 public interest factors, including those described in  
13 this Act.

14 (d) ANNUAL REPORT ON THE IMPACT OF MIGRATION  
15 DETERRENCE PROGRAMS AT THE BORDER.—

16 (1) REQUIREMENT FOR ANNUAL REPORT.—Not  
17 later than 1 year after the date of the enactment of  
18 this Act, and annually thereafter, the Secretary shall  
19 submit to Congress a report that describes the im-  
20 pact of migration deterrence programs on parents,  
21 legal guardians, primary caregivers of a child, indi-  
22 viduals traveling with a spouse or child, and individ-  
23 uals who present humanitarian considerations or  
24 concerns related to the individual's physical safety.

1           (2) CONTENTS.—Each report submitted under  
2 paragraph (1) shall include for the previous 1-year  
3 period an assessment of—

4           (A) the number of apprehended individuals  
5 removed, repatriated, or referred for prosecu-  
6 tion who are the parent, legal guardian, or pri-  
7 mary caregiver of a child who is a citizen of the  
8 United States;

9           (B) the number of occasions in which both  
10 parents, or the primary caretaker of such a  
11 child was removed, repatriated, or referred for  
12 prosecution as part of a migration deterrence  
13 program;

14           (C) the number of apprehended individuals  
15 traveling with close family members who are re-  
16 moved, repatriated, or referred for prosecution.

17           (D) the impact of migration deterrence  
18 programs on public interest factors, including  
19 humanitarian concerns and physical safety.

20           (e) REGULATIONS.—Not later than 120 days after  
21 the date of the enactment of this Act, the Secretary shall  
22 promulgate regulations to implement this section.



1 **SEC. 1116. OVERSIGHT OF POWER TO ENTER PRIVATE**  
2 **LAND AND STOP VEHICLES WITHOUT A WAR-**  
3 **RANT AT THE NORTHERN BORDER.**

4 (a) IN GENERAL.—Section 287(a) (8 U.S.C.  
5 1357(a)) is amended—

6 (1) in paragraph (5), by redesignating subpara-  
7 graphs (A) and (B) as clauses (i) and (ii), respec-  
8 tively;

9 (2) by redesignating paragraphs (1) through  
10 (3) as subparagraphs (A) through (C), respectively;

11 (3) by redesignating paragraphs (4) and (5) as  
12 subparagraphs (F) and (G), respectively;

13 (4) in the matter preceding subparagraph (A),  
14 as so redesignated—

15 (A) by inserting “(1)” before “Any offi-  
16 cer”;

17 (B) by striking “Service” and inserting  
18 “Department of Homeland Security”; and

19 (C) by striking “Attorney General” and in-  
20 serting “Secretary of Homeland Security”;

21 (5) in paragraph (1)(C), as so redesignated, by  
22 inserting the following at the beginning: “except as  
23 provided in subparagraphs (D) and (E),”;

24 (6) by inserting after paragraph (1)(C) the fol-  
25 lowing:

1           “(D) with respect to the Northern border, as  
2           defined in section 1101 of the Border Security, Eco-  
3           nomic Opportunity, and Immigration Enforcement  
4           Act, within a distance of 25 air miles from the  
5           Northern border, or such distance from the North-  
6           ern border as may be prescribed by the Secretary  
7           pursuant to paragraph (2) of this subsection, to  
8           board and search for aliens any vessel within the  
9           territorial waters of the United States and any rail-  
10          way car, aircraft, conveyance, or vehicle for the pur-  
11          pose of patrolling the border to prevent the illegal  
12          entry of aliens into the United States;

13           “(E) with respect to the Northern border, as  
14          defined in section 1101 of the Border Security, Eco-  
15          nomic Opportunity, and Immigration Enforcement  
16          Act, within a distance of 10 air miles from the  
17          Northern border, or such distance from the North-  
18          ern border as may be prescribed by the Secretary  
19          pursuant to paragraph (2) of this subsection, to  
20          have access to private lands, but not dwellings, for  
21          the purpose of patrolling the border to prevent the  
22          illegal entry of aliens into the United States;”;

23           (7) by inserting after the flush text at the end  
24          of subparagraph (F), as so redesignated, the fol-  
25          lowing:

1           “(2)(A)(i) The Secretary of Homeland Security may  
2 establish for a Northern border sector or district a dis-  
3 tance less than or greater than 25 air miles, but in no  
4 case greater than 100 air miles, as the maximum distance  
5 from the Northern border in which the authority described  
6 in paragraph (1)(C) may be exercised, if the Secretary cer-  
7 tifies that such a distance is necessary for the purpose  
8 of patrolling the Northern border to prevent the illegal  
9 entry of aliens into the United States, and justified by the  
10 considerations listed in subparagraph (B).

11           “(ii) The Secretary of Homeland Security may estab-  
12 lish for a Northern border sector or district a distance less  
13 than or greater than 10 air miles, but in no case greater  
14 than 25 air miles, as the maximum distance from the  
15 Northern border of the United States in which the author-  
16 ity described in paragraph (1)(D) may be exercised, if the  
17 Secretary certifies that such a distance is necessary for  
18 the purpose of patrolling the Northern border to prevent  
19 the illegal entry of aliens into the United States, and justi-  
20 fied by the considerations listed in subparagraph (B).

21           “(B) In making the certifications described in sub-  
22 paragraph (A), the Secretary shall consider, as appro-  
23 priate, land topography, confluence of arteries of transpor-  
24 tation leading from external boundaries, density of popu-  
25 lation, possible inconvenience to the traveling public, types

1 of conveyances used, reliable information as to movements  
2 of persons effecting illegal entry into the United States,  
3 effects on private property and quality of life for relevant  
4 communities and residents, consultations with affected  
5 State, local, and tribal governments, including the gov-  
6 ernor of any relevant State, and other factors that the Sec-  
7 retary considers appropriate.

8 “(C) A certification made under subparagraph (A)  
9 shall be valid for a period of 5 years and may be renewed  
10 for additional 5-year periods. If the Secretary finds at any  
11 time that circumstances no longer justify a certification,  
12 the Secretary shall terminate the certification.

13 “(D) The Secretary shall report annually to the Com-  
14 mittee on the Judiciary and Committee on Homeland Se-  
15 curity and Governmental Affairs of the Senate and the  
16 Committee on the Judiciary and Committee on Homeland  
17 Security of the House of Representatives the number of  
18 certifications made under subparagraph (A), and for each  
19 such certification, the Northern border sector or district  
20 and reasonable distance prescribed, the period of time the  
21 certification has been in effect, and the factors justifying  
22 the certification.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) AUTHORITIES WITHOUT A WARRANT.—In  
25 section 287(a) (8 U.S.C. 1357(a)), the undesignated

1 matter following paragraph (2), as added by sub-  
2 section (a)(5), is amended—

3 (A) by inserting “(3)” before “Under regu-  
4 lations”;

5 (B) by striking “paragraph (5)(B)” both  
6 places that term appears and inserting “sub-  
7 paragraph (F)(ii)”;

8 (C) by striking “(i)” and inserting “(A)”;

9 (D) by striking “(ii) establish” and insert-  
10 ing “(B) establish”;

11 (E) by striking “(iii) require” and insert-  
12 ing “(C) require”; and

13 (F) by striking “clause (ii), and (iv)” and  
14 inserting “subparagraph (B), and (D)”.

15 (2) CONFORMING AMENDMENT.—Section  
16 287(e) (8 U.S.C. 1357(e)) is amended by striking  
17 “paragraph (3) of subsection (a),” and inserting  
18 “subsection (a)(1)(D),”.

19 **SEC. 1117. REPORTS.**

20 (a) REPORT ON CERTAIN BORDER MATTERS.—The  
21 Secretary shall submit a report to the Committee on  
22 Homeland Security and Governmental Affairs of the Sen-  
23 ate, the Committee on Homeland Security of the House  
24 of Representatives, the Committee on the Judiciary of the

1 Senate, and the Committee on the Judiciary of the House  
2 of Representatives that sets forth—

3 (1) the effectiveness rate (as defined in section  
4 2(a)(4)) for each Border Patrol sector along the  
5 Northern border and the Southern border;

6 (2) the number of miles along the Southern  
7 border that are under persistent surveillance;

8 (3) the monthly wait times per passenger, in-  
9 cluding data on averages and peaks, for crossing the  
10 Northern border and the Southern border, and the  
11 staffing of such border crossings;

12 (4) the allocations at each port of entry along  
13 the Northern border and the Southern border; and

14 (5) the number of migrant deaths occurring  
15 near the Northern border and the Southern border  
16 and the efforts that have been undertaken to miti-  
17 gate such deaths.

18 (b) REPORT ON INTERAGENCY COLLABORATION.—

19 The Under Secretary of Defense for Acquisition, Tech-  
20 nology, and Logistics and the Under Secretary of Home-  
21 land Security for Science and Technology shall jointly sub-  
22 mit a report on the results of the interagency collaboration  
23 under section 1109 to—

24 (1) the Committee on Armed Services of the  
25 Senate;

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

3           (3) the Committee on the Judiciary of the Sen-  
4           ate;

5           (4) the Committee on Armed Services of the  
6           House of Representatives;

7           (5) the Committee on Homeland Security of the  
8           House of Representatives; and

9           (6) the Committee on the Judiciary of the  
10          House of Representatives.

11 **SEC. 1118. SEVERABILITY AND DELEGATION.**

12          (a) SEVERABILITY.—If any provision of this Act or  
13 any amendment made by this Act, or any application of  
14 such provision or amendment to any person or cir-  
15 cumstance, is held to be unconstitutional, the remainder  
16 of the provisions of this Act and the amendments made  
17 by this Act and the application of the provision or amend-  
18 ment to any other person or circumstance shall not be af-  
19 fected.

20          (b) DELEGATION.—The Secretary may delegate any  
21 authority provided to the Secretary under this Act or an  
22 amendment made by this Act to the Secretary of Agri-  
23 culture, the Attorney General, the Secretary of Defense,  
24 the Secretary of Health and Human Services, the Sec-  
25 retary of State, or the Commissioner of Social Security.

1 **SEC. 1119. PROHIBITION ON NEW LAND BORDER CROSSING**  
2 **FEES.**

3 (a) IN GENERAL.—Beginning on the date of the en-  
4 actment of this Act, the Secretary shall not—

5 (1) establish, collect, or otherwise impose any  
6 new border crossing fee on individuals crossing the  
7 Southern border or the Northern border at a land  
8 port of entry; or

9 (2) conduct any study relating to the imposition  
10 of a border crossing fee.

11 (b) BORDER CROSSING FEE DEFINED.—In this sec-  
12 tion, the term “border crossing fee” means a fee that  
13 every pedestrian, cyclist, and driver and passenger of a  
14 private motor vehicle is required to pay for the privilege  
15 of crossing the Southern border or the Northern border  
16 at a land port of entry.

17 **SEC. 1120. HUMAN TRAFFICKING REPORTING.**

18 (a) SHORT TITLE.—This section may be cited as the  
19 “Human Trafficking Reporting Act of 2013”.

20 (b) FINDINGS.—Congress finds the following:

21 (1) Human trafficking is a form of modern-day  
22 slavery.

23 (2) According to the Trafficking Victims Pro-  
24 tection Act of 2000 “severe forms of trafficking in  
25 persons” means—



1           (A) sex trafficking in which a commercial  
2 sex act is induced by force, fraud, or coercion,  
3 or in which the person induced to perform such  
4 act has not attained 18 years of age; or

5           (B) the recruitment, harboring, transpor-  
6 tation, provision, or obtaining of a person for  
7 labor or services, through the use of force,  
8 fraud, or coercion for the purpose of subjection  
9 to involuntary servitude, peonage, debt bondage,  
10 or slavery.

11           (3) There is an acute need for better data col-  
12 lection of incidents of human trafficking across the  
13 United States in order to effectively combat severe  
14 forms of trafficking in persons.

15           (4) The State Department’s 2012 Trafficking  
16 in Persons report found that—

17           (A) the United States is a “source, transit  
18 and destination country for men, women, and  
19 children, subjected to forced labor, debt bond-  
20 age, domestic servitude and sex trafficking,”;  
21 and

22           (B) the United States needs to “improve  
23 data collection on human trafficking cases at  
24 the federal, state and local levels”.

1           (5) The International Organization for Migra-  
2           tion has reported that in order to effectively combat  
3           human trafficking there must be reliable and stand-  
4           ardized data, however, the following barriers for  
5           data collection exist:

6                   (A) The illicit and underground nature of  
7                   human trafficking.

8                   (B) The reluctance of victims to share in-  
9                   formation with authorities.

10                   (C) Insufficient human trafficking data  
11                   collection and research efforts by governments  
12                   worldwide.

13           (6) A 2009 report to the Department of Health  
14           and Human Services entitled Human Trafficking  
15           Into and Within the United States: A Review of the  
16           Literature found that “the data and methodologies  
17           for estimating the prevalence of human trafficking  
18           globally and nationally are not well developed, and  
19           therefore estimates have varied widely and changed  
20           significantly over time”.

21           (7) The Federal Bureau of Investigation com-  
22           piles national crime statistics through the Uniform  
23           Crime Reporting Program.

24           (8) Under current law, State and local govern-  
25           ments receiving Edward Byrne Memorial Justice As-

1       sistance grants are required to share data on part  
2       1 violent crimes with the Federal Bureau of Inves-  
3       tigation for inclusion in the Uniform Crime Report-  
4       ing Program.

5           (9) The addition of severe forms of trafficking  
6       in persons to the definition of part 1 violent crimes  
7       will ensure that statistics on this heinous crime will  
8       be compiled and available through the Federal Bu-  
9       reau of Investigation’s Uniform Crime Report.

10       (c) HUMAN TRAFFICKING TO BE INCLUDED IN PART  
11       1 VIOLENT CRIMES FOR PURPOSES OF BYRNE GRANTS.—  
12       Section 505 of the Omnibus Crime Control and Safe  
13       Streets Act of 1968 (42 U.S.C. 3755) is amended by add-  
14       ing at the end the following new subsection:

15           “(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN  
16       TRAFFICKING.—For purposes of this section, the term  
17       ‘part 1 violent crimes’ shall include severe forms of traf-  
18       ficking in persons, as defined in section 103(8) of the  
19       Trafficking Victims Protection Act of 2000 (22 U.S.C.  
20       7102(8)).”.

21       **SEC. 1121. RULE OF CONSTRUCTION.**

22       Nothing in this Act may be construed to authorize  
23       the deployment, procurement, or construction of fencing  
24       along the Northern border.

1 **SEC. 1122. LIMITATIONS ON DANGEROUS DEPORTATION**  
2 **PRACTICES.**

3 (a) **CERTIFICATION REQUIRED.—**

4 (1) **IN GENERAL.—**Not later than 1 year after  
5 the date of the enactment of this Act, and every 180  
6 days thereafter, the Secretary, except as provided in  
7 paragraph (2), shall submit written certification to  
8 Congress that the Department has only deported or  
9 otherwise removed a migrant from the United States  
10 through an entry or exit point on the Southern bor-  
11 der during daylight hours.

12 (2) **EXCEPTION.—**The certification required  
13 under paragraph (1) shall not apply to the deporta-  
14 tion or removal of a migrant otherwise described in  
15 that paragraph if—

16 (A) the manner of the deportation or re-  
17 moval is justified by a compelling governmental  
18 interest;

19 (B) the manner of the deportation or re-  
20 moval is in accordance with an applicable Local  
21 Arrangement for the Repatriation of Mexican  
22 Nationals entered into by the appropriate Mexi-  
23 can Consulate; or

24 (C) the migrant is not an unaccompanied  
25 minor and the migrant—

1 (i) is deported or removed through an  
2 entry or exit point in the same sector as  
3 the place where the migrant was appre-  
4 hended; or

5 (ii) agrees to be deported or removed  
6 in such manner after being notified of the  
7 intended manner of deportation or re-  
8 moval.

9 (b) **ADDITIONAL INFORMATION REQUIRED.**—Not  
10 later than 1 year after the date of the enactment of this  
11 Act, the Secretary shall submit to Congress a study of the  
12 Alien Transfer Exit Program, which shall include—

13 (1) the specific locations on the Southern bor-  
14 der where lateral repatriations have occurred during  
15 the 1-year period preceding the submission of the  
16 study;

17 (2) the performance measures developed by  
18 U.S. Customs and Border Protection to determine if  
19 the Alien Transfer Exit Program is deterring mi-  
20 grants from repeatedly crossing the border or other-  
21 wise reducing recidivism; and

22 (3) the consideration given, if any, to the rates  
23 of violent crime and the availability of infrastructure  
24 and social services in Mexico near such locations.

1           (c) PROHIBITION ON CONFISCATION OF PROP-  
2 ERTY.—Notwithstanding any other provision of law, law-  
3 ful, nonperishable belongings of a migrant that are con-  
4 fiscated by personnel operating under Federal authority  
5 shall be returned to the migrant before repatriation, to  
6 the extent practicable.

7                           **Subtitle B—Other Matters**

8           **SEC. 1201. REMOVAL OF NONIMMIGRANTS WHO OVERSTAY**  
9                           **THEIR VISAS.**

10           (a) IN GENERAL.—Not later than 180 days after the  
11 date of the enactment of this Act, the Secretary shall ini-  
12 tiate removal proceedings, in accordance with chapter 4  
13 of title II of the Immigration and Nationality Act (8  
14 U.S.C. 1221 et seq.), confirm that immigration relief or  
15 protection has been granted or is pending, or otherwise  
16 close 90 percent of the cases of nonimmigrants who—

17                   (1) were admitted to the United States as non-  
18 immigrants after the date of the enactment of this  
19 Act; and

20                   (2) during the most recent 12-month period,  
21 have entered the category of having exceeded their  
22 authorized period of admission by more than 180  
23 days.

1 (b) SEMIANNUAL REPORT.—Every 6 months after  
2 the date of the enactment of this Act, the Secretary shall  
3 submit a report to Congress that identifies—

4 (1) the total number of nonimmigrants who the  
5 Secretary has determined have exceeded their au-  
6 thorized period of admission by more than 180 days  
7 after the date of the enactment of this Act, cat-  
8 egorized by—

9 (A) the type of visa that authorized their  
10 entry into the United States;

11 (B) their country of origin; and

12 (C) the length of time since their visa ex-  
13 pired.

14 (2) an estimate of the total number of non-  
15 immigrants who are physically present in the United  
16 States and have exceeded their authorized period of  
17 admission by more than 180 days;

18 (3) for the most recent 6-month and 12-month  
19 periods—

20 (A) the total number of removal pro-  
21 ceedings that were initiated against non-  
22 immigrants who were physically present in the  
23 United States more than 180 days after the ex-  
24 piration of the period for which they were law-  
25 fully admitted; and

1 (B) as a result of the removal proceedings  
2 described in paragraph (A)—

3 (i) the total number of removals pend-  
4 ing;

5 (ii) the total number of non-  
6 immigrants who were ordered to be re-  
7 moved from the United States;

8 (iii) the total number of non-  
9 immigrants whose removal proceedings  
10 were cancelled; and

11 (iv) the total number of non-  
12 immigrants who were granted immigration  
13 relief or protection in removal proceedings.

14 (c) ESTIMATED POPULATION.—Each report sub-  
15 mitted under subsection (b) shall include a comprehensive,  
16 detailed explanation of and justification for the method-  
17 ology used to estimate the population described in sub-  
18 section (a).

19 **SEC. 1202. VISA OVERSTAY NOTIFICATION PILOT PRO-**  
20 **GRAM.**

21 (a) ESTABLISHMENT OF PILOT PROGRAM.—Not  
22 later than 1 year after the date of enactment of this Act,  
23 the Secretary shall establish a pilot program to explore  
24 the feasibility and effectiveness of notifying individuals  
25 who have traveled to the United States from a foreign na-



1 tion that the terms of their admission to the United States  
2 are about to expire, including individuals that entered with  
3 a visa or through the visa waiver program.

4 (b) REQUIREMENTS.—In establishing the pilot pro-  
5 gram required under subsection (a), the Secretary shall—

6 (1) provide for the collection of contact infor-  
7 mation, including telephone numbers and email ad-  
8 dresses, as appropriate, of individuals traveling to  
9 the United States from a foreign nation; and

10 (2) randomly select a pool of participants in  
11 order to form a statistically significant sample of  
12 people who travel to the United States each year to  
13 receive notification by telephone, email, or other  
14 electronic means that the terms of their admission  
15 to the United States is about to expire.

16 (c) REPORT.—Not later than 1 year after the date  
17 on which the Secretary establishes the pilot program  
18 under subsection (a), the Secretary shall submit to Con-  
19 gress a report on whether the telephone or email notifica-  
20 tions have a statistically significant effect on reducing the  
21 rates of visa overstays in the United States.

22 **SEC. 1203. PREVENTING UNAUTHORIZED IMMIGRATION**  
23 **TRANSITING THROUGH MEXICO.**

24 (a) IN GENERAL.—The Secretary of State, in coordi-  
25 nation with the Secretary of Homeland Security, shall de-

1 velop and submit to Congress a strategy to address the  
2 unauthorized immigration of individuals who transit  
3 through Mexico to the United States.

4 (b) REQUIREMENTS.—The strategy developed under  
5 subsection (a) shall include specific steps—

6 (1) to enhance the training, resources, and pro-  
7 fessionalism of border and law enforcement officials  
8 in Mexico, Honduras, El Salvador, Guatemala, and  
9 other countries, as appropriate; and

10 (2) to educate nationals of the countries de-  
11 scribed in paragraph (1) about the perils of the jour-  
12 ney to the United States, including how this Act will  
13 increase the likelihood of apprehension, increase  
14 criminal penalties associated with illegal entry, and  
15 make finding employment in the United States more  
16 difficult.

17 (c) IMPLEMENTATION OF STRATEGY.—In carrying  
18 out the strategy developed under subsection (a)—

19 (1) the Secretary of Homeland Security, in con-  
20 junction with the Secretary of State, shall produce  
21 an educational campaign and disseminate informa-  
22 tion about the perils of the journey across Mexico,  
23 the likelihood of apprehension, and the difficulty of  
24 finding employment in the United States; and

1           (2) the Secretary of State, in coordination with  
2           the Secretary of Homeland Security, shall offer—

3                   (A) training to border and law enforcement  
4                   officials to enable these officials to operate more  
5                   effectively, by using, to the greatest extent  
6                   practicable, Department of Homeland Security  
7                   personnel to conduct the training; and

8                   (B) technical assistance and equipment to  
9                   border officials, including computers, document  
10                  readers, and other forms of technology that  
11                  may be needed, as appropriate.

12          (d) AVAILABILITY OF FUNDS.—The Secretary of  
13          Homeland Security may use such sums as are necessary  
14          from the Comprehensive Immigration Trust Fund estab-  
15          lished under section 6(a)(1) to carry out this section.