

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, Mr. CORKER, Mr. MCCAIN, Mr. GRAHAM, Mr. RUBIO, Mr. FLAKE, Ms. AYOTTE, Mr. HELLER, Mr. KIRK, Mr. MANCHIN, Mr. DONNELLY, Mr. PRYOR, Mr. BEGICH, and Ms. MURKOWSKI)

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

1 established by the Secretary pursuant to section 5(a)
2 to achieve and maintain an effectiveness rate of 90
3 percent or higher in all border sectors.

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

7 (A) persistent surveillance; and

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

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

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

19 (6) SOUTHERN BORDER FENCING STRATEGY.—
20 The term “Southern Border Fencing Strategy”
21 means the strategy established by the Secretary pur-
22 suant to section 5(b) that identifies where fencing
23 (including double-layer fencing), infrastructure, and
24 technology, including at ports of entry, should be de-
25 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)(iii) 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) 5 members, consisting of 1 member
17 from the Southwestern State of Nevada and 1
18 member from each of the States along the
19 Southern border, who shall be—

20 (i) the Governor of such State; or

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

23 (2) QUALIFICATIONS FOR APPOINTMENT.—The
24 members of the Commission shall be distinguished
25 individuals noted for their knowledge and experience

1 in the field of border security at the Federal, State,
2 or local level and may also include reputable individ-
3 uals who are landowners in the Southern border
4 area with first-hand experience with border issues.

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

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

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

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

21 (c) DUTIES.—

22 (1) IN GENERAL.—The Commission's primary
23 responsibility shall be to make recommendations to
24 the President, the Secretary, and Congress on poli-
25 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)(iii) 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)(iii) 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.

22

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) 6 VADER radar systems.

15 (III) 17 UH-1N helicopters.

16 (IV) 8 C-206H aircraft upgrades.

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

19 (VI) 10 Blackhawk helicopter 10
20 A-L conversions, 5 new Blackhawk M
21 Model.

22 (VII) 30 marine vessels.

23 (4) REDEPLOYMENT OF RESOURCES TO
24 ACHIEVE EFFECTIVE CONTROL.—The Secretary may
25 reallocate the personnel, infrastructure, and tech-

1 nologies required in the Southern Border Security
2 Strategy to achieve effective control of the Southern
3 border.

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

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

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

20 (A) how the resources referred to in para-
21 graph (2)(C) will be properly aligned with the
22 priorities referred to in paragraph (2)(A) to en-
23 sure that the strategy will be successfully exe-
24 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 terim goals and milestone schedule estab-
2 lished pursuant to subparagraphs (B) and
3 (C) of paragraph (3);

4 (ii) a detailed description of—

5 (I) any impediments identified in
6 the Department's efforts to execute
7 the strategy;

8 (II) the actions the Department
9 has taken, or plans to take, to address
10 such impediments; and

11 (III) any additional measures de-
12 veloped by the Department to meas-
13 ure the state of security along the
14 Southern border; and

15 (iii) for each Border Patrol sector
16 along the Southern border—

17 (I) the effectiveness rate for each
18 individual Border Patrol sector and
19 the aggregated effectiveness rate;

20 (II) the number of recidivist ap-
21 prehensions, sorted by Border Patrol
22 sector; and

23 (III) the recidivism rate for all
24 unique subjects that received a crimi-

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) \$8,000,000,000 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 \$7,500,000,000 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, 2021, 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) AIR AND MARINE UNMANNED AIRCRAFT SYS-
21 TEMS CREW.—Not later than September 30, 2015, the
22 Secretary shall increase the number of trained U.S. Cus-
23 toms and Border Protection Air and Marine unmanned
24 aircraft systems crew, marine agent, and personnel by 160
25 compared to the number of such officers as of the date

1 of the enactment of this Act. The Secretary shall increase
2 and maintain Customs and Border Protection Office of
3 Air and Marine flight hours to 130,000 annually.

4 (d) CONSTRUCTION.—Nothing in subsection (a) may
5 be construed to preclude the Secretary from reassigning
6 or stationing U.S. Customs and Border Protection Offi-
7 cers and U.S. Border Patrol Agents from the Northern
8 border to the Southern border.

9 (e) FUNDING.—Section 217(h)(3)(B) (8 U.S.C.
10 1187(h)(3)(B)) is amended—

11 (1) in clause (i)—

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

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

17 (C) by redesignating subclause (II) as sub-
18 clause (III); and

19 (D) by inserting after subclause (I) the fol-
20 lowing:

21 “(II) \$16 for border processing;

22 and”;

23 (2) in clause (ii), by striking “Amounts col-
24 lected under clause (i)(II)” and inserting “Amounts
25 collected under clause (i)(II) shall be deposited into

1 the Comprehensive Immigration Reform Trust Fund
2 established under section 6(a)(1) of the Border Se-
3 curity, Economic Opportunity, and Immigration
4 Modernization Act, for the purpose of implementing
5 section 1102(b) of such Act. Amounts collected
6 under clause (i)(III)”; and

7 (3) by striking clause (iii).

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

13 (g) RECRUITMENT OF FORMER MEMBERS OF THE
14 ARMED FORCES AND MEMBERS OF RESERVE COMPO-
15 NENTS OF THE ARMED FORCES.—

16 (1) REQUIREMENT FOR PROGRAM.—The Sec-
17 retary, in conjunction with the Secretary of Defense,
18 shall establish a program to actively recruit members
19 of the reserve components of the Armed Forces and
20 former members of the Armed Forces, including the
21 reserve components, to serve in United States Cus-
22 toms and Border Protection and United States Im-
23 migration and Customs Enforcement.

24 (2) RECRUITMENT INCENTIVES.—

1 (A) STUDENT LOAN REPAYMENTS FOR
2 UNITED STATES BORDER PATROL AGENTS WITH
3 A THREE-YEAR COMMITMENT.—Section 5379(b)
4 of title 5, United States Code, is amended by
5 adding at the end the following new paragraph:

6 “(4) In the case of an employee who is otherwise eligi-
7 ble for benefits under this section and who is serving as
8 a full-time active-duty United States border patrol agent
9 within the Department of Homeland Security—

10 “(A) paragraph (2)(A) shall be applied by sub-
11 stituting ‘\$20,000’ for ‘\$10,000’; and

12 “(B) paragraph (2)(B) shall be applied by sub-
13 stituting ‘\$80,000’ for ‘\$60,000’.”.

14 (B) RECRUITMENT AND RELOCATION BO-
15 NUSES AND RETENTION ALLOWANCES FOR PER-
16 SONNEL OF THE DEPARTMENT OF HOMELAND
17 SECURITY.—The Secretary of Homeland Secu-
18 rity shall ensure that the authority to pay re-
19 cruitment and relocation bonuses under section
20 5753 of title 5, United States Code, the author-
21 ity to pay retention bonuses under section 5754
22 of such title, and any other similar authorities
23 available under any other provision of law, rule,
24 or regulation, are exercised to the fullest extent

1 allowable in order to encourage service in the
2 Department of Homeland Security.

3 (3) REPORT ON RECRUITMENT INCENTIVES.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of the enactment of this Act, the
6 Secretary and the Secretary of Defense shall
7 jointly submit to the appropriate committees of
8 Congress a report including an assessment of
9 the desirability and feasibility of offering incen-
10 tives to members of the reserve components of
11 the Armed Forces and former members of the
12 Armed Forces, including the reserve compo-
13 nents, for the purpose of encouraging such
14 members to serve in United States Customs
15 and Border Protection and Immigration and
16 Customs Enforcement.

17 (B) CONTENT.—The report required by
18 subparagraph (A) shall include—

19 (i) a description of various monetary
20 and non-monetary incentives considered for
21 purposes of the report; and

22 (ii) an assessment of the desirability
23 and feasibility of utilizing any such incen-
24 tive.

1 perform operations and missions under section 502(f) of
2 title 32, United States Code, in the Southwest Border re-
3 gion for the purposes of assisting U.S. Customs and Bor-
4 der Protection in securing the Southern border.

5 (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

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

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

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

18 (1) to construct fencing, including double-layer
19 and triple-layer fencing;

20 (2) to increase ground-based mobile surveillance
21 systems;

22 (3) to deploy additional unmanned aerial sys-
23 tems and manned aircraft sufficient to maintain
24 continuous surveillance of the Southern border;

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

5 (5) to construct checkpoints along the Southern
6 border to bridge the gap to long-term permanent
7 checkpoints; and

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

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

17 (e) EXCLUSION FROM NATIONAL GUARD PER-
18 SONNEL STRENGTH LIMITATIONS.—National Guard per-
19 sonnel deployed under subsection (a) shall not be included
20 in—

21 (1) the calculation to determine compliance
22 with limits on end strength for National Guard per-
23 sonnel; or

24 (2) limits on the number of National Guard
25 personnel that may be placed on active duty for

1 operational support under section 115 of title 10,
2 United States Code.

3 **SEC. 1104. ENHANCEMENT OF EXISTING BORDER SECURITY**
4 **OPERATIONS.**

5 (a) BORDER CROSSING PROSECUTIONS.—

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

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

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

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

20 (iii) pre-trial services;

21 (iv) activities of the Federal Public
22 Defender Office for Tucson; and

23 (v) additional personnel, including
24 Deputy United States Marshals in the
25 United States Marshals Office for Tucson

1 to perform intake, coordination, transpor-
2 tation, and court security; and

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

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

17 (3) FUNDING.—There are authorized to be ap-
18 propriated, from the Comprehensive Immigration
19 Reform Trust Fund established under section
20 6(a)(1), such sums as may be necessary to carry out
21 this subsection.

22 (b) OPERATION STONEGARDEN.—

23 (1) IN GENERAL.—The Federal Emergency
24 Management Agency shall enhance law enforcement
25 preparedness and operational readiness along the

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

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

13 (c) INFRASTRUCTURE IMPROVEMENTS.—

14 (1) BORDER PATROL STATIONS.—The Secretary
15 shall—

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

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

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

4 (A) establishing additional permanent for-
5 ward operating bases for the U.S. Border Pa-
6 trol, as needed;

7 (B) upgrading the existing forward oper-
8 ating bases to include modular buildings, elec-
9 tricity, and potable water; and

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

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

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for each of
3 fiscal years 2014 through 2018 such sums as may
4 be necessary to carry out this subsection.

5 (d) ADDITIONAL PERMANENT DISTRICT COURT
6 JUDGESHIPS IN SOUTHWEST BORDER STATES.—

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

9 (A) 2 additional district judges for the dis-
10 trict of Arizona;

11 (B) 3 additional district judges for the
12 eastern district of California;

13 (C) 2 additional district judges for the
14 western district of Texas; and

15 (D) 1 additional district judge for the
16 southern district of Texas.

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

1 those offices shall hold the office under section 133
 2 of title 28, United States Code, as amended by this
 3 Act.

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

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

“Arizona 15”;

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

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

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

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

13 (4) INCREASE IN FILING FEES.—

14 (A) IN GENERAL.—Section 1914(a) of title
 15 28, United States Code, is amended by striking
 16 “\$350” and inserting “\$360”.

17 (B) EXPENDITURE LIMITATION.—Incre-
 18 mental amounts collected by reason of the en-

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

10 (5) WHISTLEBLOWER PROTECTION.—

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

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

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. (1)

7 **SEC. 1123. MAXIMUM ALLOWABLE COSTS OF SALARIES OF**
8 **CONTRACTOR EMPLOYEES.**

9 Section 4304(a)(16) of title 41, United States Code,
10 is amended by inserting before the period at the end the
11 following: “, except that in the case of contracts with the
12 Department of Homeland Security or the National Guard
13 while operating in Federal status that relate to border se-
14 curity, the limit on the costs of compensation of all execu-
15 tives and employees of contractors is the annual amount
16 payable under the aggregate limitation on pay as estab-
17 lished by the Office of Management and Budget (currently
18 \$230,700)”.

19 **Subtitle B—Other Matters**

20 **SEC. 1201. REMOVAL OF NONIMMIGRANTS WHO OVERSTAY**
21 **THEIR VISAS.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary shall ini-
24 tiate removal proceedings, in accordance with chapter 4
25 of title II of the Immigration and Nationality Act (8

1 U.S.C. 1221 et seq.), confirm that immigration relief or
2 protection has been granted or is pending, or otherwise
3 close 90 percent of the cases of nonimmigrants who—

4 (1) were admitted to the United States as non-
5 immigrants after the date of the enactment of this
6 Act; and

7 (2) during the most recent 12-month period,
8 have entered the category of having exceeded their
9 authorized period of admission by more than 180
10 days.

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

14 (1) the total number of nonimmigrants who the
15 Secretary has determined have exceeded their au-
16 thorized period of admission by more than 180 days
17 after the date of the enactment of this Act, cat-
18 egorized by—

19 (A) the type of visa that authorized their
20 entry into the United States;

21 (B) their country of origin; and

22 (C) the length of time since their visa ex-
23 pired.

24 (2) an estimate of the total number of non-
25 immigrants who are physically present in the United

1 States and have exceeded their authorized period of
2 admission by more than 180 days after the date of
3 the enactment of this Act;

4 (3) for the most recent 6-month and 12-month
5 periods—

6 (A) the total number of removal pro-
7 ceedings that were initiated against non-
8 immigrants who were physically present in the
9 United States more than 180 days after the ex-
10 piration of the period for which they were law-
11 fully admitted; and

12 (B) as a result of the removal proceedings
13 described in paragraph (A)—

14 (i) the total number of removals pend-
15 ing;

16 (ii) the total number of non-
17 immigrants who were ordered to be re-
18 moved from the United States;

19 (iii) the total number of non-
20 immigrants whose removal proceedings
21 were cancelled; and

22 (iv) the total number of non-
23 immigrants who were granted immigration
24 relief or protection in removal proceedings.

1 (c) ESTIMATED POPULATION.—Each report sub-
2 mitted under subsection (b) shall include a comprehensive,
3 detailed explanation of and justification for the method-
4 ology used to estimate the population described in sub-
5 section (a).

6 **SEC. 1202. VISA OVERSTAY NOTIFICATION PILOT PRO-**
7 **GRAM.**

8 (a) ESTABLISHMENT OF PILOT PROGRAM.—Not
9 later than 1 year after the date of enactment of this Act,
10 the Secretary shall establish a pilot program to explore
11 the feasibility and effectiveness of notifying individuals
12 who have traveled to the United States from a foreign na-
13 tion that the terms of their admission to the United States
14 are about to expire, including individuals that entered with
15 a visa or through the visa waiver program.

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

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

22 (2) randomly select a pool of participants in
23 order to form a statistically significant sample of
24 people who travel to the United States each year to
25 receive notification by telephone, email, or other

1 electronic means that the terms of their admission
2 to the United States is about to expire.

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

9 **SEC. 1203. PREVENTING UNAUTHORIZED IMMIGRATION**
10 **TRANSITING THROUGH MEXICO.**

11 (a) IN GENERAL.—The Secretary of State, in coordi-
12 nation with the Secretary of Homeland Security, shall de-
13 velop, in consultation with the relevant Committees of
14 Congress, a strategy to address the unauthorized immigra-
15 tion of individuals who transit through Mexico to the
16 United States.

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

19 (1) to enhance the training, resources, and pro-
20 fessionalism of border and law enforcement officials
21 in Mexico, Honduras, El Salvador, Guatemala, and
22 other countries, as appropriate; and

23 (2) to educate nationals of the countries de-
24 scribed in paragraph (1) about the perils of the jour-
25 ney to the United States, including how this Act will

1 increase the likelihood of apprehension, increase
2 criminal penalties associated with illegal entry, and
3 make finding employment in the United States more
4 difficult.

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

7 (1) the Secretary of Homeland Security, in con-
8 junction with the Secretary of State, shall produce
9 an educational campaign and disseminate informa-
10 tion about the perils of the journey across Mexico,
11 the likelihood of apprehension, and the difficulty of
12 finding employment in the United States; and

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

15 (A) training to border and law enforcement
16 officials to enable these officials to operate more
17 effectively, by using, to the greatest extent
18 practicable, Department of Homeland Security
19 personnel to conduct the training; and

20 (B) technical assistance and equipment to
21 border officials, including computers, document
22 readers, and other forms of technology that
23 may be needed, as appropriate.

24 (d) AVAILABILITY OF FUNDS.—The Secretary of
25 Homeland Security may use such sums as are necessary

- 1 from the Comprehensive Immigration Trust Fund estab-
- 2 lished under section 6(a)(1) to carry out this section.