

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

Making further supplemental appropriations for the fiscal year ending September 30, 2023, for border management activities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY \_\_\_\_\_, 2023

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

Making further supplemental appropriations for the fiscal year ending September 30, 2023, for border management activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border Management  
5 and Resilience Act, 2023”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short Title.  
Sec. 2. Table of Contents.  
Sec. 3. References.

DIVISION A—BORDER MANAGEMENT SUPPLEMENTAL  
APPROPRIATIONS ACT, 2023

## DIVISION B—BORDER PROCEDURES AND IMPROVEMENTS ACT

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference  
3 to “this Act” contained in any division of this Act shall  
4 be treated as referring only to the provisions of that divi-  
5 sion.

6 **DIVISION A—BORDER MANAGEMENT SUP-**  
7 **PLEMENTAL APPROPRIATIONS ACT,**  
8 **2023**

9 The following sums are appropriated, out of any  
10 money in the Treasury not otherwise appropriated, for the  
11 fiscal year ending September 30, 2023, and for other pur-  
12 poses, namely:

## 13 TITLE I

## 14 DEPARTMENT OF JUSTICE

## 15 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

16 For an additional amount for “Executive Office for  
17 Immigration Review”, \$95,000,000, to remain available  
18 until September 30, 2024: *Provided*, That of the amounts  
19 made available under this heading, \$60,000,000 shall be  
20 for new Immigration Judge Teams, including travel, sala-  
21 ries, rental space, and support staff; \$10,000,000 shall be  
22 for Information Technology improvements and moderniza-  
23 tion and other efficiencies, including digitizing records and

1 providing remote capabilities for proceedings; \$22,000,000  
2 shall be for covering expenses related to supporting week-  
3 end adjudications; and \$3,000,000 shall be for services  
4 and activities provided by the Legal Orientation Program.

5 LEGAL ACTIVITIES

6 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

7 For an additional amount for “Salaries and Ex-  
8 penses, General Legal Activities”, \$21,873,000, to remain  
9 available until expended: *Provided*, That of the amounts  
10 made available under this heading, \$7,373,000 shall be  
11 to support the Criminal Division’s Joint Task Force  
12 Alpha; \$1,300,000 shall be for the Civil Division’s Office  
13 of Immigration Litigation, District Courts section, to be  
14 used for immediate litigation related to Southwest border  
15 enforcement; and \$13,200,000 shall be for the Civil Divi-  
16 sion’s Office of Immigration Litigation, Appellate section,  
17 to be used for personnel and additional litigation needs  
18 related to Southwest border enforcement.

19 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

20 For an additional amount for “Salaries and Ex-  
21 penses, United States Attorneys”, \$47,000,000, to remain  
22 available until September 30, 2025, for necessary expenses  
23 for increased law enforcement activities related to South-  
24 west border enforcement: *Provided*, That no funds shall  
25 be used to prosecute an alien pursuant to section 275 or

1 276 of the Immigration and Nationality Act (8 U.S.C.  
2 1325 or 8 U.S.C. 1326), if such alien has a pending claim  
3 for protection, has received a positive adjudication of such  
4 claim, or is subject to an administrative or judicial appeal  
5 or process.

6 UNITED STATES MARSHALS SERVICE

7 SALARIES AND EXPENSES

8 For an additional amount for “Salaries and Ex-  
9 penses”, \$50,100,000, to remain available until September  
10 30, 2024, for necessary expenses for increased law en-  
11 forcement activities related to Southwest border enforce-  
12 ment.

13 FEDERAL PRISONER DETENTION

14 For an additional amount for “Federal Prisoner De-  
15 tention”, \$150,000,000, to remain available until ex-  
16 pended.

17 FEDERAL BUREAU OF INVESTIGATION

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-  
20 penses”, \$160,000,000: *Provided*, That of the amounts  
21 made available under this heading, \$2,550,000, to remain  
22 available until September 30, 2024, shall be to acquire ad-  
23 ditional DNA kits related to Southwest border enforce-  
24 ment and \$157,450,000, to remain available until Sep-  
25 tember 30, 2025, shall be for analysis of DNA samples

1 received from the Department of Homeland Security re-  
2 lated to Southwest border enforcement.

3 DRUG ENFORCEMENT ADMINISTRATION

4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-  
6 penses”, \$68,400,000, to remain available until September  
7 30, 2025, for necessary expenses for increased law en-  
8 forcement activities related to Southwest border enforce-  
9 ment.

10 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

11 OFFICE OF JUSTICE PROGRAMS

12 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

13 For an additional amount for “State and Local Law  
14 Enforcement Assistance”, \$13,000,000, to remain avail-  
15 able until September 30, 2024: *Provided*, That of the  
16 amounts made available under this heading, \$3,000,000  
17 shall be for small, rural, and Tribal law enforcement agen-  
18 cies in jurisdictions along or near the Southwest border  
19 for grants authorized under the Missing Persons and Un-  
20 identified Remains Act of 2019 (Public Law 116–277)  
21 and \$10,000,000 shall be for a rural violent crime initia-  
22 tive to support the investigation and prosecution of violent  
23 crime for state, local, and Tribal governments for jurisdic-  
24 tions located within 100 miles of the Southwest border.

1 TITLE II  
2 DEPARTMENT OF DEFENSE  
3 MILITARY PERSONNEL  
4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,  
6 Army”, \$135,000,000 for necessary expenses related to  
7 Southwest border activities.

8 OPERATION AND MAINTENANCE  
9 OPERATION AND MAINTENANCE, ARMY

10 For an additional amount for “Operation and Main-  
11 tenance, Army”, \$116,000,000 for necessary expenses re-  
12 lated to Southwest border activities.

13 TITLE III  
14 SECURITY, ENFORCEMENT, AND  
15 INVESTIGATIONS  
16 U.S. CUSTOMS AND BORDER PROTECTION  
17 OPERATIONS AND SUPPORT  
18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Operations and Sup-  
20 port” for necessary expenses to respond to the rise in non-  
21 citizen arrivals at the southwest border and related activi-  
22 ties, \$2,888,968,000, to remain available until September  
23 30, 2024: *Provided*, That of the amounts made available  
24 under this heading, \$1,950,000,000 shall be transferred  
25 to “Federal Emergency Management Agency—Federal

1 Assistance” for the Shelter and Services Program to sup-  
2 port sheltering and related activities provided by non-Fed-  
3 eral entities, including construction and facility improve-  
4 ments: *Provided further*, That of the amounts made avail-  
5 able under this heading, \$603,520,000 shall be for estab-  
6 lishing and operating temporary processing facilities, in-  
7 cluding auxiliary facilities to increase processing capacity  
8 at ports of entry along the southwest border while sup-  
9 porting trade facilitation and travel; \$67,655,000 shall be  
10 for temporary duty, overtime costs, and volunteer force;  
11 \$57,025,000 shall be for transportation; \$56,000,000  
12 shall be for mission support data systems and analysis;  
13 \$53,150,000 shall be for contract support for intake proc-  
14 essing and data entry; \$51,000,000 shall be for additional  
15 Customs and Border Protection Officers; \$28,618,000  
16 shall be for caregivers and medical care; \$11,000,000 shall  
17 be for employee wellness; and \$11,000,000 shall be for em-  
18 ployee retention.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For an additional amount for “Procurement, Con-  
21 struction, and Improvements” for improving security at  
22 and between ports of entry along the southwest border,  
23 \$1,130,000,000, to remain available until September 30,  
24 2025: *Provided*, That of the amounts made available under  
25 this heading, \$700,000,000 shall be for additional non-

1 intrusive inspection equipment to increase scanning of ve-  
2 hicles and \$430,000,000 shall be for the acquisition and  
3 deployment of innovative border security technology, in-  
4 cluding for surveillance, such as mobile and fixed towers,  
5 unmanned aerial technology, subterranean detection capa-  
6 bilities, and other technologies to assist with search and  
7 rescue detection.

8 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
9 OPERATIONS AND SUPPORT

10 For an additional amount for “Operations and Sup-  
11 port” for necessary expenses to respond to the rise in non-  
12 citizen arrivals at the southwest border and related activi-  
13 ties, \$960,000,000, to remain available until September  
14 30, 2024: *Provided*, That of the amounts made available  
15 under this heading, \$553,420,000 shall be for transpor-  
16 tation and removal; \$127,000,000 shall be for alternatives  
17 to detention; \$13,000,000 shall be for additional tech-  
18 nology and capacity to conduct immigration proceedings  
19 while in custody and access counsel; \$36,000,000 shall be  
20 for Transportation Processing Coordinator positions;  
21 \$52,300,000 shall be for temporary duty, overtime, other  
22 on-board personnel costs including reimbursements, and  
23 employee wellness; \$117,000,000 shall be to reimburse for  
24 noncitizen medical bills accrued by third-parties within  
25 seven days of release from custody, including state, local,



1 and emergency and first response; and \$61,280,000 shall  
2 be for Homeland Security Investigations trafficking inves-  
3 tigations and investigations related to Operation Blue  
4 Lotus.

5 U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
6 OPERATIONS AND SUPPORT

7 For an additional amount for “Operations and Sup-  
8 port” for necessary expenses to respond to the rise in non-  
9 citizen arrivals at the southwest border and related activi-  
10 ties, \$409,000,000, to remain available until September  
11 30, 2024: *Provided*, That of the amounts made available  
12 under this heading, \$210,000,000 shall be for the efficient  
13 processing of asylum claims and related protection  
14 screenings; \$100,000,000 shall be for backlogs in the asy-  
15 lum system; and \$99,000,000 shall be for work authoriza-  
16 tion adjudications associated with processes to adjudicate  
17 protection claims in a safe and orderly way.

18 GENERAL PROVISIONS—THIS TITLE

19 SEC. 301. (a) Not later than 45 days after the date  
20 of enactment of this Act, the Under Secretary for Manage-  
21 ment of the Department of Homeland Security shall pro-  
22 vide an expenditure plan for the use of the funds made  
23 available in this title to the Committees on Appropriations  
24 of the Senate and the House of Representatives.

1 (b) Such plan shall be updated to reflect changes and  
2 expenditures and submitted to the Committees on Appro-  
3 priations of the Senate and the House of Representatives  
4 every 60 days until all funds are expended or expired.

5 SEC. 302. (a) Not later than 180 days after the date  
6 of enactment of this Act, the Under Secretary for Manage-  
7 ment of the Department of Homeland Security, in coordi-  
8 nation with the Federal Emergency Management Agency  
9 and U.S. Customs and Border Protection, shall provide  
10 a report to Congress on the Shelter and Services Program  
11 funds made available in this title.

12 (b) Such plan shall include:

13 (1) award obligations;

14 (2) a description of the outreach to local com-  
15 munities and non-governmental organizations receiv-  
16 ing newly arrived noncitizens;

17 (3) the program criteria and requirements sug-  
18 gested or adapted in response to such outreach to  
19 ensure funding is accessible and meeting the needs  
20 of local communities;

21 (4) a description of the program goals, policies,  
22 and program structure;

23 (5) the award allocation methodology used by  
24 the Program that depends to the greatest extent  
25 possible on available border data; and

1 (6) outcome performance measures and results  
2 related to achieving program goals.

3 TITLE IV  
4 DEPARTMENT OF HEALTH AND HUMAN  
5 SERVICES  
6 ADMINISTRATION FOR CHILDREN AND FAMILIES  
7 REFUGEE AND ENTRANT ASSISTANCE

8 For an additional amount for “Refugee and Entrant  
9 Assistance”, \$1,000,000,000, to remain available until  
10 September 30, 2024, for carrying out section 462 of the  
11 Homeland Security Act of 2002 and section 235 of the  
12 William Wilberforce Trafficking Victims Protection Reau-  
13 thorization Act of 2008, and for refugee and entrant as-  
14 sistance activities authorized by section 414 of the Immi-  
15 gration and Nationality Act and section 501 of the Ref-  
16 ugee Education Assistance Act of 1980, including for hir-  
17 ing additional Federal Field Specialists, increasing and  
18 improving case management and case coordination serv-  
19 ices, and increasing post-release services, legal services,  
20 and child advocate services to ensure the physical and  
21 mental well-being of children in and after release from the  
22 Office of Refugee Resettlement’s care.

## 12

1 TITLE V  
2 BILATERAL ECONOMIC ASSISTANCE  
3 FUNDS APPROPRIATED TO THE PRESIDENT  
4 INTERNATIONAL DISASTER ASSISTANCE

5 For an additional amount for “International Disaster  
6 Assistance”, \$100,000,000, to remain available until ex-  
7 pended, to respond to humanitarian needs in countries in  
8 the Western Hemisphere, including the provision of emer-  
9 gency food and shelter.

10 ECONOMIC SUPPORT FUND

11 For an additional amount for “Economic Support  
12 Fund”, \$150,000,000, to remain available until Sep-  
13 tember 30, 2024, for assistance for countries in the West-  
14 ern Hemisphere to address the root causes of migration:  
15 *Provided*, That funds appropriated under this heading in  
16 this Act may be made available as contributions.

17 DEPARTMENT OF STATE

18 MIGRATION AND REFUGEE ASSISTANCE

19 For an additional amount for “Migration and Ref-  
20 ugee Assistance”, \$500,000,000, to remain available until  
21 expended, to address humanitarian needs in, and to assist  
22 migrants from, countries in the Western Hemisphere.

## 1 TITLE VI

## 2 GENERAL PROVISIONS—THIS ACT

3 SEC. 601. Each amount appropriated or made avail-  
4 able by this Act is in addition to amounts otherwise appro-  
5 priated for the fiscal year involved.

6 SEC. 602. No part of any appropriation contained in  
7 this Act shall remain available for obligation beyond the  
8 current fiscal year unless expressly so provided herein.

9 SEC. 603. Unless otherwise provided for by this Act,  
10 the additional amounts appropriated by this Act to appro-  
11 priations accounts shall be available under the authorities  
12 and conditions applicable to such appropriations accounts  
13 for fiscal year 2023.

14 SEC. 604. Each amount provided by this division is  
15 designated by the Congress as being for an emergency re-  
16 quirement pursuant to section 4001(a)(1) of S. Con. Res.  
17 14 (117th Congress), the concurrent resolution on the  
18 budget for fiscal year 2022, and to legislation establishing  
19 fiscal year 2024 budget enforcement in the House of Rep-  
20 resentatives.

21 This division may be cited as the “Border Manage-  
22 ment Supplemental Appropriations Act, 2023”.

1 **DIVISION B—BORDER PROCE-**  
2 **DURES AND IMPROVEMENTS**  
3 **ACT**

4 **SEC. 1001. CONSEQUENCE DELIVERY.**

5 (a) ENHANCED PENALTIES FOR ORGANIZED SMUG-  
6 GLING SCHEMES.—

7 (1) IN GENERAL.—Section 274(a)(1)(B) of the  
8 Immigration and Nationality Act (8 U.S.C.  
9 1324(a)(1)(B)) is amended—

10 (A) by redesignating clauses (iii) and (iv)  
11 as clauses (iv) and (v), respectively;

12 (B) by inserting after clause (ii) the fol-  
13 lowing:

14 “(iii) in the case of a violation of sub-  
15 paragraph (A)(i) during and in relation to  
16 which the person, while acting for profit or  
17 other financial gain, knowingly directs or  
18 participates in an effort or scheme to as-  
19 sist or cause 10 or more persons (other  
20 than a parent, spouse, or child of the of-  
21 fender) to enter or to attempt to enter the  
22 United States at the same time at a place  
23 other than a designated port of entry or  
24 place other than designated by the Sec-  
25 retary, be fined under title 18, United

1 States Code, imprisoned not more than 15  
2 years, or both;” and

3 (C) in clause (iv), as redesignated, by in-  
4 serting “commits or attempts to commit sexual  
5 assault of,” after “section 1365 of title 18,  
6 United States Code) to,”.

7 (2) BULK CASH SMUGGLING.—Section  
8 5332(b)(1) of title 31, United States Code, is  
9 amended—

10 (A) in the paragraph heading, by striking  
11 “TERM OF IMPRISONMENT” and inserting “IN  
12 GENERAL”; and

13 (B) by inserting “, fined under title 18, or  
14 both” after “5 years”.

15 (b) ENHANCED PENALTIES FOR ILLEGAL SPOTTING  
16 AND SURVEILLANCE.—

17 (1) IMMIGRATION AND NATIONALITY ACT.—The  
18 Immigration and Nationality Act (8 U.S.C. 1101 et  
19 seq.) is amended by inserting after section 274D the  
20 following:

21 **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUS-**  
22 **TOMS CONTROLS.**

23 **“(a) ILLICIT SPOTTING.—**

24 **“(1) IN GENERAL.—**It shall be unlawful to  
25 knowingly surveil, track, monitor, or transmit the lo-

1 cation, movement, or activities of any officer or em-  
2 ployee of a Federal, State, or tribal law enforcement  
3 agency—

4 “(A) with the intent to gain financially;  
5 and

6 “(B) in furtherance of any violation of the  
7 immigration laws, the customs and trade laws  
8 of the United States (as defined in section 2 of  
9 the Trade Facilitation and Trade Enforcement  
10 Act of 2015 (Public Law 114–125)), any other  
11 Federal law relating to transporting controlled  
12 substances, agriculture, or monetary instru-  
13 ments into the United States, or any Federal  
14 law relating to border controls measures of the  
15 United States.

16 “(2) PENALTY.—Any person who violates para-  
17 graph (1) shall be fined under title 18, United  
18 States Code, imprisoned for not more than 5 years,  
19 or both.

20 “(b) DESTRUCTION OF UNITED STATES BORDER  
21 CONTROLS.—

22 “(1) IN GENERAL.—It shall be unlawful to  
23 knowingly and without lawful authorization—

24 “(A) destroy or significantly damage any  
25 fence, barrier, sensor, camera, or other physical



1 or electronic device deployed by the Federal  
2 Government to control an international border  
3 of, or a port of entry to, the United States; or

4 “(B) otherwise seek to construct, excavate,  
5 or make any structure intended to defeat, cir-  
6 cumvent or evade such a fence, barrier, sensor  
7 camera, or other physical or electronic device  
8 deployed by the Federal Government to control  
9 an international border of, or a port of entry to,  
10 the United States.

11 “(2) PENALTY.—Any person who violates para-  
12 graph (1) shall be fined under title 18, United  
13 States Code, imprisoned for not more than 5 years,  
14 or both.”.

15 (2) CLERICAL AMENDMENT.—The table of con-  
16 tents of such Act (8 U.S.C. 1101 et seq.) is amend-  
17 ed by inserting after the item relating to section  
18 274D the following:

“Sec. 274E. Hindering immigration, border, and customs controls.”.

19 **SEC. 1002. STREAMLINING PROCESSING, ACCESS TO LAW-**  
20 **FUL PATHWAYS, AND REMOVALS.**

21 (a) **ELECTRONIC NOTICE TO APPEAR AND IMMIGRA-**  
22 **TION COURT NOTICE.—**

23 (1) **IN GENERAL.—**Section 239(a) of the Immi-  
24 gration and Nationality Act (8 U.S.C. 1229) is  
25 amended—

1 (A) in paragraph (1)—

2 (i) by inserting “or by any other  
3 means that the alien consented to in writ-  
4 ing, including by email or other electronic  
5 means,” after “by mail,”;

6 (ii) by amending subparagraph (F) to  
7 read as follows:

8 “(F)(i) The requirement that the alien  
9 must immediately provide (or have provided)  
10 the Attorney General with a written record of  
11 an address, telephone number (if any), and  
12 electronic means (if any) by which the alien  
13 may be contacted respecting proceedings under  
14 section 1229a of this title.

15 “(ii) The requirement that the alien must  
16 provide the Attorney General immediately with  
17 a written record of any change of the alien’s  
18 contact information described in clause (i).

19 “(iii) The consequences under section  
20 1229a(b)(5) of this title of failure to provide  
21 contact information pursuant to this subpara-  
22 graph.”; and

23 (iii) by amending subsection (c) to  
24 read as follows:

25 “(c) SERVICE.—

1           “(1) BY MAIL.—Service by mail under this sec-  
2           tion shall be sufficient if there is proof of attempted  
3           delivery of the notice to appear to the last address  
4           provided by the alien in accordance with subsection  
5           (a)(1)(F).

6           “(2) BY ELECTRONIC MEANS.—Service by elec-  
7           tronic means under this section shall be sufficient if  
8           there is proof that the notice to appear was sent  
9           electronically through a system that is accessible to  
10          the alien.”.

11          (b) EMPLOYMENT AUTHORIZATION FOR ALIENS  
12          SEEKING A DURABLE SOLUTION.—Section 208(d)(2) of  
13          the Immigration and Nationality Act (8 U.S.C.  
14          1158(d)(2)) is amended to read as follows:

15                 “(2) EMPLOYMENT AUTHORIZATION.—

16                         “(A) ELIGIBILITY.—Notwithstanding the  
17                         Immigration and Nationality Act (8 U.S.C.  
18                         1101, et seq.), the Secretary of Homeland Se-  
19                         curity shall authorize employment for an alien  
20                         who is not in the physical custody of the De-  
21                         partment of Homeland Security after the proce-  
22                         dures required under paragraph (5)(A)(i) have  
23                         been completed, and the alien has—

1                   “(i) a non-frivolous, properly filed ap-  
2                   plication for asylum, or other immigration  
3                   benefit request for humanitarian relief; or

4                   “(ii) been processed for release by the  
5                   Department of Homeland Security pending  
6                   further processing or proceedings.

7                   “(B) EXCEPTIONS.—Paragraph (2)(A)  
8                   shall not apply to an alien who—

9                   “(i) after release, comes into the phys-  
10                  ical custody of any Federal, state, or local  
11                  entity for purposes of criminal or civil vio-  
12                  lations;

13                  “(ii) fails to appear for any pro-  
14                  ceedings described in any section this Act;  
15                  and

16                  “(iii) fails to comply with terms and  
17                  conditions of release, as determined by the  
18                  Secretary.

19                  “(C) TERMS.—At no time shall employ-  
20                  ment authorization under this paragraph shall  
21                  be issued later than 30 days of release from  
22                  custody or after a properly filed application oc-  
23                  curs, whichever is sooner, and shall be—

24                  “(i) for a period of 2 years;

1                   “(ii) renewable for additional 2-year  
2                   periods while the applicant’s asylum claim  
3                   is being adjudicated, pending, or adminis-  
4                   tratively closed, including administrative or  
5                   judicial review; and

6                   “(iii) any other terms or conditions as  
7                   determined by the Secretary.

8                   “(D)           CLARIFICATIONS.—Paragraph  
9                   (2)(A)(ii) shall apply to aliens irrespective of  
10                  whether any form of removal proceedings have  
11                  commenced or whether the alien has a pending  
12                  request for immigration benefits.”.

13                  (c) STREAMLINING VOLUNTARY DEPARTURE.—Sec-  
14                  tion 240B(a)(1) of the Immigration and Nationality Act  
15                  (8 U.S.C. 1229c(a)(1)) is amended by striking “at the  
16                  alien’s own expense”.

17                  (d) DIRECT ACCESS PATHWAYS FOR REFUGEES IN  
18                  THE WESTERN HEMISPHERE.—The Secretary of State, in  
19                  consultation with the Secretary of Homeland Security,  
20                  shall—

21                         (1) monitor Latin America and the Caribbean  
22                         for regional instability and migration resulting from  
23                         large scale persecution on account of race, religion,  
24                         nationality, membership in a particular social group,  
25                         or political opinion; and

1           (2) designate members of the group experi-  
2           encing such persecution as Priority 2 refugees of  
3           special humanitarian concern.

4 **SEC. 1003. STAFFING FOR BORDER MANAGEMENT.**

5           (a) STAFFING ALLOCATION MODELS.—

6           (1) DEPARTMENT OF HOMELAND SECURITY.—

7           The Secretary of the Department of Homeland Se-  
8           curity shall develop and implement staffing alloca-  
9           tion models for U.S. Border Patrol and Air and Ma-  
10          rine Operations of U.S. Customs and Border Protec-  
11          tion and for U.S. Citizenship and Immigration Serv-  
12          ices, by not later than six months after the date of  
13          enactment of this Act.

14          (2) EXECUTIVE OFFICE OF IMMIGRATION RE-  
15          VIEW.—The Attorney General shall develop and im-  
16          plement staffing allocation models for the Executive  
17          Office of Immigration Review, by not later than six  
18          months after the date of enactment of this Act.

19          (b) REQUIREMENTS.—Each staffing model shall—

20               (1) take into account variations in operating en-  
21               vironments, technology, and the required operational  
22               support levels to carry out their respective duties;

23               (2) include a plan for periodically updating and  
24               improving the model, including incorporating oper-  
25               ational, technological, and personnel changes; and

1           (3) receive independent verification and valida-  
2           tion by an entity that is technically, managerially,  
3           and financially independent from the office or De-  
4           partment.

5           (c) REPORTING.—The Secretary and Attorney Gen-  
6           eral shall report to the Committee on Homeland Security  
7           and Governmental Affairs, the Committee on the Judici-  
8           ary, and the Committee on Appropriations of the Senate  
9           and the Committee on Homeland Security, the Committee  
10          on the Judiciary, and the Committee on Appropriations  
11          of the House of Representatives detailing the finalized  
12          models, including a description of—

13           (1) the data sources and methodology used to  
14           general the models;

15           (2) actions taken to independently verify the  
16           model; and

17           (3) the plan for updating and maturing the  
18           model.

19   **SEC. 1004. SHELTER AND SERVICES PROGRAM GAO RE-**  
20                                   **PORT.**

21          Not later than 1 year than the date of enactment of  
22          this Act, and every two years thereafter, the Comptroller  
23          General of the United States shall submit to the Commit-  
24          tees on Homeland Security and Governmental Affairs, the  
25          Committee on the Judiciary, and the Committee on Ap-

1 propriations of the Senate and the Committee on Home-  
2 land Security, the Committee on the Judiciary, and the  
3 Committee on Appropriations of the House of Representa-  
4 tives an assessment of the grant criteria for Shelter and  
5 Services Program funds, the distribution of those funds,  
6 and the impact of program policies and practices on the  
7 ability of State and local governments and nongovern-  
8 mental organizations to issue such funds.