

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure border security results for the American people by achieving and maintaining operational control and full situational awareness of the Southern border.

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. CORNYN

Viz:

- 1 On page 1, strike line 7 and all that follows through
- 2 page 60, line 25, and insert the following:
- 3 (b) TABLE OF CONTENTS.—The table of contents for
- 4 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Statement of congressional findings.
- Sec. 3. Effective date triggers.
- Sec. 4. Southern Border Security Commission.
- Sec. 5. Comprehensive Southern Border Security Strategy.
- Sec. 6. Border security metrics.
- Sec. 7. Comprehensive Immigration Reform Trust Fund.
- Sec. 8. Reference to the Immigration and Nationality Act.
- Sec. 9. Definitions.

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- Sec. 1101. Definitions.
- Sec. 1102. Additional U.S. Customs and Border Protection officers.
- Sec. 1103. National Guard support to secure the Southern border.
- Sec. 1104. Enhancement of existing border security operations.

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- Sec. 1105. Border security on certain Federal land.
- Sec. 1106. Equipment and technology.
- Sec. 1107. Access to emergency personnel.
- Sec. 1108. Southwest border region prosecution initiative.
- Sec. 1109. Interagency collaboration.
- Sec. 1110. SCAAP reauthorization.
- Sec. 1111. Southern border security assistance grants.
- Sec. 1112. Use of force.
- Sec. 1113. Training for Border Security and Immigration Enforcement officers.
- Sec. 1114. Department of Homeland Security Border Oversight Task Force.
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- Sec. 1116. Reports.
- Sec. 1117. Delegation.
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- Sec. 2103. The DREAM Act.
- Sec. 2104. Additional requirements.
- Sec. 2105. Criminal penalty.
- Sec. 2106. Grant program to assist eligible applicants.
- Sec. 2107. Conforming amendments to the Social Security Act.
- Sec. 2108. Government contracting and acquisition of real property interest.
- Sec. 2109. Long-term legal residents of the Commonwealth of the Northern
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- Sec. 2110. Rulemaking.
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1 **SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS.**

2 Congress makes the following findings:

- 3 (1) The passage of this Act recognizes that the
- 4 primary tenets of its success depend on securing the
- 5 sovereignty of the United States of America and es-
- 6 tablishing a coherent and just system for integrating
- 7 those who seek to join American society.

1 (2) We have a right, and duty, to maintain and
2 secure our borders, and to keep our country safe and
3 prosperous. As a nation founded, built, and sus-
4 tained by immigrants we also have a responsibility
5 to harness the power of that tradition in a balanced
6 way that secures a more prosperous future for
7 America.

8 (3) We have always welcomed newcomers to the
9 United States and will continue to do so, but in
10 order to qualify for the honor and privilege of even-
11 tual citizenship, our laws must be followed. The
12 world depends on America to be strong economically,
13 militarily, and ethically. The establishment of a sta-
14 ble, just, and efficient immigration system only sup-
15 ports those goals. As a nation, we have the right and
16 responsibility to make our borders safe, to establish
17 clear and just rules for seeking citizenship, to con-
18 trol the flow of legal immigration, and to eliminate
19 illegal immigration, which in some cases has become
20 a threat to our national security.

21 (4) All parts of this Act are premised on the
22 right and need of the United States to achieve these
23 goals, and to protect its borders and maintain its
24 sovereignty.

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

2 (a) DEFINITIONS.—In this section and sections 4
3 through 8 of this Act:

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

7 (2) COMPREHENSIVE SOUTHERN BORDER SECU-
8 RITY STRATEGY.—The term “Comprehensive South-
9 ern Border Security Strategy” means the strategy
10 established by the Secretary pursuant to section 5(a)
11 of this Act to achieve and maintain operational con-
12 trol and full situational awareness of the Southern
13 border.

14 (3) CONSEQUENCE DELIVERY SYSTEM.—The
15 term “Consequence Delivery System” means the se-
16 ries of consequences applied to persons illegally en-
17 tering the United States by U.S. Border Patrol to
18 prevent illegal border crossing recidivism.

19 (4) EFFECTIVENESS RATE.—The term “effec-
20 tiveness rate” means a metric, informed by situa-
21 tional awareness, that measures the percentage cal-
22 culated by dividing—

23 (A) the number of illegal border crossers
24 who are apprehended or turned back during a
25 fiscal year (excluding those who are believed to

1 have turned back for the purpose of engaging
2 in criminal activity), by

3 (B) the total number of illegal entries in
4 the sector during such fiscal year.

5 (5) FULL SITUATIONAL AWARENESS.—The
6 term “full situational awareness” means situational
7 awareness of the entire Southern border, including
8 the capability to conduct continuous, manned or un-
9 manned, monitoring, sensing, or surveillance of each
10 and every one-mile segment of the Southern border
11 or its immediate vicinity.

12 (6) MAJOR VIOLATOR.—The term “major viola-
13 tor” means a person or entity that has engaged in
14 serious criminal activities at any port of entry along
15 the Southern border, including possession of nar-
16 cotics, smuggling of prohibited products, human
17 smuggling, human trafficking, weapons possession,
18 use of fraudulent United States documents, or other
19 offenses serious enough to result in arrest.

20 (7) OPERATIONAL CONTROL.—The term “oper-
21 ational control” means that, within each and every
22 sector of the Southern border, a condition exists in
23 which there is an effectiveness rate, informed by sit-
24 uational awareness, of not lower than 90 percent.

1 (8) SITUATIONAL AWARENESS.—The term “sit-
2 uational awareness” means knowledge and an under-
3 standing of current illicit cross-border activity, in-
4 cluding cross-border threats and trends concerning
5 illicit trafficking and unlawful crossings along the
6 international borders of the United States and in the
7 maritime environment, and the ability to predict fu-
8 ture shifts in such threats and trends.

9 (9) SOUTHERN BORDER.—The term “Southern
10 border” means the international border between the
11 United States and Mexico.

12 (b) BORDER SECURITY GOAL.—The border security
13 goal of the Department shall be to achieve and maintain
14 operational control and full situational awareness of the
15 Southern border within 5 years of the date of the enact-
16 ment of this Act.

17 (c) TRIGGERS.—

18 (1) PROCESSING OF APPLICATIONS FOR REG-
19 ISTERED PROVISIONAL IMMIGRANT STATUS.—Not
20 earlier than the date upon which the Secretary has
21 submitted to Congress the Notice of Commencement
22 of implementation of the Comprehensive Southern
23 Border Security Strategy required by section 5 of
24 this Act, the Secretary may commence processing
25 applications for registered provisional immigrant sta-

1 tus pursuant to section 245B of the Immigration
2 and Nationality Act, as added by section 2111 of
3 this Act.

4 (2) ADJUSTMENT OF STATUS OF REGISTERED
5 PROVISIONAL IMMIGRANTS.—The Secretary may not
6 adjust the status of aliens who have been granted
7 registered provisional immigrant status, except for
8 aliens granted blue card status under section 2211
9 of this Act or described in section 245D(b) of the
10 Immigration and Nationality Act, as added by sec-
11 tion 2103 of this Act, until the Secretary and the
12 Comptroller General of the United States jointly
13 submit to the President and Congress a written cer-
14 tification that—

15 (A) the Secretary has achieved and main-
16 tained full situational awareness of Southern
17 border for not less than 1 year;

18 (B) the Secretary has achieved and main-
19 tained operational control of the Southern bor-
20 der for not less than 1 year;

21 (C) the Secretary has implemented the
22 mandatory employment verification system re-
23 quired by section 274A of the Immigration and
24 Nationality Act (8 U.S.C. 1324a), as amended
25 by section 3101 of this Act, for use by all em-

1 (E) One designee of the Governor of the
2 State of Arizona who is not such official or
3 such official's designee under subparagraph
4 (A).

5 (F) One designee of the Governor of the
6 State of California who is not such official or
7 such official's designee under subparagraph
8 (B).

9 (G) One designee of the Governor of the
10 State of New Mexico who is not such official or
11 such official's designee under subparagraph (C).

12 (H) One designee of the Governor of the
13 State of Texas who is not such official or such
14 official's designee under subparagraph (D).

15 (2) CHAIR.—At the first meeting of the Com-
16 mission, a majority of the members of the Commis-
17 sion present and voting shall elect the Chair of the
18 Commission.

19 (3) RULES.—The Commission shall establish
20 the rules and procedures of the Commission which
21 shall require the approval of a majority of members
22 of the Commission.

23 (4) MEETINGS.—Members of the Commission
24 shall meet at the times and places of their choosing.

1 (5) NATURE OF REQUIREMENTS.—The tenure
2 and terms of participation as a member of the Com-
3 mission of any Governor or designee of a Governor
4 under this subsection shall be subject to the sole dis-
5 cretion of such Governor.

6 (c) CONSULTATION; FEDERALISM PROTECTIONS.—

7 (1) CONSULTATION.—The Secretary shall regu-
8 larly consult with members of the Commission as to
9 the substance and contents of any strategy, plan, or
10 report required by section 5 of this Act.

11 (2) FEDERALISM PROTECTIONS.—The Sec-
12 retary may make no rules, regulations, or conditions
13 regarding the operation of the Commission, or the
14 terms of service of members of the Commission.

15 (d) TRANSITION.—The Secretary shall no longer be
16 required to consult with the Commission under subsection
17 (d)(1) on the date which is the earlier of—

18 (1) 30 days after the date on which a certifi-
19 cation is made by the Secretary and Comptroller
20 General of the United States under section
21 3(c)(2)(A) of this Act; or

22 (2) 10 years after the date of the enactment of
23 this Act.

1 **SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY**
2 **STRATEGY.**

3 (a) COMPREHENSIVE SOUTHERN BORDER SECURITY
4 STRATEGY.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary shall submit a strategy, to be known as the
8 “Comprehensive Southern Border Security Strat-
9 egy” (in this section referred to as the “Strategy”),
10 for achieving and maintaining operational control
11 and full situational awareness of the Southern bor-
12 der, to—

13 (A) the Committee on Homeland Security
14 and Governmental Affairs of the Senate;

15 (B) the Committee on Homeland Security
16 of the House of Representatives;

17 (C) the Committee on Appropriations of
18 the Senate;

19 (D) the Committee on Appropriations of
20 the House of Representatives; and

21 (E) the Comptroller General of the United
22 States.

23 (2) ELEMENTS.—The Strategy shall include, at
24 a minimum, a consideration of the following:

1 (A) The state of operational control and
2 situational awareness of the Southern border,
3 including a sector-by-sector analysis.

4 (B) An assessment of principal Southern
5 border security threats.

6 (C) Efforts to analyze and disseminate
7 Southern border security and Southern border
8 threat information between Department border
9 security components.

10 (D) Efforts to increase situational aware-
11 ness of the Southern border in accordance with
12 privacy, civil liberties, and civil rights protec-
13 tions, including—

14 (i) surveillance capabilities developed
15 or utilized by the Department of Defense,
16 including any technology determined to be
17 excess by the Department of Defense; and

18 (ii) use of manned aircraft and un-
19 manned aerial systems, including the cam-
20 era and sensor technology deployed on
21 such assets.

22 (E) A Southern border fencing strategy
23 that identifies where fencing, including double-
24 layer fencing, infrastructure, and technology
25 should be deployed along the Southern border.

1 (F) A comprehensive Southern border se-
2 curity technology plan for detection technology
3 capabilities, including a documented justifica-
4 tion and rationale for the technologies selected,
5 deployment locations, fixed versus mobile as-
6 sets, and a timetable for procurement and de-
7 ployment.

8 (G) Technology required to both enhance
9 security and facilitate trade at Southern border
10 ports of entry, including nonintrusive detection
11 equipment, radiation detection equipment, bio-
12 metric technology, and other sensors and tech-
13 nology that the Secretary determines necessary.

14 (H) Operational coordination of Depart-
15 ment Southern border security components, in-
16 cluding efforts to ensure that a new border se-
17 curity technology can be operationally inte-
18 grated with existing technologies in use by the
19 Department.

20 (I) Cooperative agreements other Federal
21 law enforcement agencies and State, local, trib-
22 al, and territorial law enforcement agencies that
23 have jurisdiction on the Southern border, or in
24 the maritime environment.

1 (J) Information received from consultation
2 with other Federal law enforcement agencies
3 and State, local, tribal, and territorial law en-
4 forcement agencies that have jurisdiction on the
5 Southern border, or the maritime environment,
6 and from Southern border community stake-
7 holders, including representatives from border
8 agricultural and ranching organizations and
9 representatives from business organizations
10 within close proximity of the Southern border.

11 (K) Agreements with foreign governments
12 that support the border security efforts of the
13 United States.

14 (L) Efforts to detect and prevent terrorists
15 and instruments of terrorism from entering the
16 United States.

17 (M) Staffing requirements for all Southern
18 border security functions.

19 (N) Metrics required by section 6 of this
20 Act.

21 (O) An assessment of existing efforts and
22 technologies used for border security and the ef-
23 fect of the use of such efforts and technologies
24 on civil rights, private property rights, privacy
25 rights, and civil liberties.

1 (P) Resources and other measures nec-
2 essary to achieve a 50 percent reduction in the
3 average wait times of commercial and passenger
4 vehicles at international land ports of entry
5 along the Southern border.

6 (Q) A prioritized list of research and devel-
7 opment objectives to enhance the security of the
8 Southern border.

9 (3) IMPLEMENTATION PLAN.—Not later than
10 60 days after the submission of the Strategy under
11 paragraph (1), the Secretary shall submit to the
12 committees of Congress specified in paragraph (1)
13 an implementation plan for each of the border secu-
14 rity components of the Department to carry out the
15 Strategy. The plan shall include, at a minimum—

16 (A) a comprehensive border security tech-
17 nology plan for continuous and systematic sur-
18 veillance of the Southern border, including a
19 documented justification and rationale for the
20 technologies selected, deployment locations,
21 fixed versus mobile assets, and a timetable for
22 procurement and deployment;

23 (B) the resources, including personnel, in-
24 frastructure, and technologies that must be de-
25 veloped, procured, and successfully deployed, to

1 achieve and maintain operational control and
2 full situational awareness of the Southern bor-
3 der; and

4 (C) a set of interim goals and supporting
5 milestones necessary for the Department to
6 achieve and maintain operational control and
7 full situational awareness of the Southern bor-
8 der.

9 (4) SEMIANNUAL REPORTS.—

10 (A) IN GENERAL.—After the Strategy is
11 submitted under paragraph (1), the Secretary
12 shall submit to the committees of Congress
13 specified in paragraph (1), not later than May
14 15 and November 15 each year, a report on the
15 status of the implementation of the Strategy by
16 the Department, including a report on the state
17 of operational control of the Southern border
18 and the metrics required by section 6 of this
19 Act.

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

22 (i) a detailed description of the steps
23 the Department has taken, or plans to
24 take, to execute the Strategy;

25 (ii) a detailed description of—

1 (I) any impediments identified in
2 the Department's efforts to execute
3 the strategy;

4 (II) the actions the Department
5 has taken, or plans to take, to address
6 such impediments; and

7 (III) any additional measures de-
8 veloped by the Department to meas-
9 ure the state of security along the
10 Southern border;

11 (iii) for each U.S. Border Patrol sec-
12 tor along the Southern border—

13 (I) the effectiveness rate for such
14 sector;

15 (II) the number of recidivist ap-
16 prehensions; and

17 (III) the recidivism rate for all
18 unique subjects that received a crimi-
19 nal consequence through the Con-
20 sequence Delivery System process;

21 (iv) the aggregate effectiveness rate of
22 all U.S. Border Patrol sectors along the
23 Southern border;

24 (v) a resource allocation model for
25 current and future year staffing require-

1 ments that includes optimal staffing levels
2 at Southern border land, air, and sea ports
3 of entry, and an explanation of U.S. Cus-
4 toms and Border Protection methodology
5 for aligning staffing levels and workload to
6 threats and vulnerabilities across all mis-
7 sion areas;

8 (vi) detailed information on the level
9 of manpower available at all Southern bor-
10 der land, air, and sea ports of entry and
11 between Southern border ports of entry,
12 including the number of canine and agri-
13 cultural officers assigned to each such port
14 of entry; and

15 (vii) detailed information that de-
16 scribes the difference between the staffing
17 the model suggests and the actual staffing
18 at each Southern border port of entry and
19 between the ports of entry.

20 **SEC. 6. BORDER SECURITY METRICS.**

21 (a) METRICS FOR SECURING THE SOUTHERN BOR-
22 DER BETWEEN PORTS OF ENTRY.—Not later than 90
23 days after the date of the enactment of this Act, the Sec-
24 retary shall implement metrics to measure the effective-
25 ness of security between ports of entry along the Southern

1 border. The metrics shall address, at a minimum, the fol-
2 lowing:

3 (1) The effectiveness rate for the areas covered.

4 (2) Estimates, using alternate methodologies,
5 including recidivism and survey data, of total at-
6 tempted illegal border crossings, the rate of appre-
7 hension of attempted illegal border crossings, and
8 the inflow into the United States of illegal border
9 crossers who evade apprehension.

10 (3) Estimates of the impacts of the Con-
11 sequence Delivery System of U.S. Border Patrol on
12 the rate of recidivism of illegal border crossers.

13 (4) The current level of situational awareness.

14 (5) Amount of narcotics seized between ports of
15 entry.

16 (6) A narcotics interdiction rate which meas-
17 ures the amount of narcotics seized against the total
18 estimated amount of narcotics U.S. Border Patrol
19 fails to seize.

20 (b) METRICS FOR SECURING THE BORDER AT PORTS
21 OF ENTRY.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary
24 shall implement metrics to measure the effectiveness

1 of security at Southern border ports of entry. The
2 metrics shall address, at a minimum, the following:

3 (A) The effectiveness rate for such ports of
4 entry.

5 (B) Estimates, using alternative meth-
6 odologies, including recidivism data, survey
7 data, known-flow data, and randomized sec-
8 ondary screening data, of total attempted inad-
9 missible border crossers, the rate of apprehen-
10 sion of attempted inadmissible border crossers,
11 and the inflow into the United States of inad-
12 missible border crossers who evade apprehen-
13 sion.

14 (C) A narcotics interdiction rate which
15 measures the amount of narcotics seized
16 against the total estimated amount of narcotics
17 U.S. Customs and Border Protection fails to
18 seize.

19 (D) The number of infractions related to
20 personnel and cargo committed by major viola-
21 tors who are apprehended by U.S. Customs and
22 Border Protection at such ports of entry, and
23 the estimated number of such infractions com-
24 mitted by major violators who are not so appre-
25 hended.

1 (E) The effect of the border security appa-
2 ratus on crossing times.

3 (2) COVERT TESTING.—The Inspector General
4 of the Department of Homeland Security shall carry
5 out covert testing at ports of entry along the South-
6 ern border and submit to the Secretary and the com-
7 mittees of Congress specified in section 5(a)(1) of
8 this Act a report that contains the results of such
9 tests. The Secretary shall use such results to assess
10 activities under this subsection.

11 (c) INDEPENDENT ASSESSMENT BY NATIONAL LAB-
12 ORATORY WITHIN DEPARTMENT OF HOMELAND SECU-
13 RITY LABORATORY NETWORK.—The Secretary shall re-
14 quest the head of a national laboratory within the Depart-
15 ment laboratory network with prior expertise in border se-
16 curity to—

17 (1) provide an independent assessment of the
18 metrics implemented in accordance with subsections
19 (a) and (b) to ensure each such metric’s suitability
20 and statistical validity; and

21 (2) make recommendations for other suitable
22 metrics that may be used to measure the effective-
23 ness of border security along the Southern border.

24 (d) EVALUATION BY GOVERNMENT ACCOUNTABILITY
25 OFFICE.—

1 (1) IN GENERAL.—The Secretary shall make
2 available to the Government Accountability Office
3 the data and methodology used to develop the
4 metrics implemented under subsections (a) and (b)
5 and the independent assessment described under
6 subsection (c).

7 (2) REPORT.—Not later than 270 days after re-
8 ceiving the data and methodology described in para-
9 graph (1), the Comptroller General of the United
10 States shall submit to the committees of Congress
11 specified in section 5(a)(1) of this Act a report on
12 the suitability and statistical validity of such data
13 and methodology.

14 (e) GAO REPORT ON BORDER SECURITY DUPLICA-
15 TION.—Not later than 1 year after the date of the enact-
16 ment of this Act, the Comptroller General of the United
17 States shall submit to the committees of Congress speci-
18 fied in section 5(a)(1) of this Act a report addressing
19 areas of overlap in responsibilities within the border secu-
20 rity functions of the Department.

21 **SEC. 7. COMPREHENSIVE IMMIGRATION REFORM TRUST**
22 **FUND.**

23 (a) COMPREHENSIVE IMMIGRATION REFORM TRUST
24 FUND.—

1 (1) ESTABLISHMENT.—There is established in
2 the Treasury an account, to be known as the Com-
3 prehensive Immigration Reform Trust Fund (in this
4 section referred to as the “Trust Fund”), consisting
5 of—

6 (A) amounts transferred from the general
7 fund of the Treasury under paragraph (2)(A);
8 and

9 (B) proceeds from the fees described in
10 paragraph (2)(C).

11 (2) DEPOSITS.—

12 (A) INITIAL FUNDING.—On the later of
13 the date of the enactment of this Act or Octo-
14 ber 1, 2013, \$6,500,000,000 shall be trans-
15 ferred from the general fund of the Treasury to
16 the Trust Fund.

17 (B) START-UP COSTS.—On the later of the
18 date of the enactment of this Act or October 1,
19 2013, \$1,000,000,000 is hereby appropriated
20 from the general fund of the Treasury, to re-
21 main available until September 30, 2015, to the
22 Department of Homeland Security and the De-
23 partment of State to pay for one-time and
24 startup costs necessary to implement this Act
25 and the amendments made by this Act, includ-

1 ing application processing activities by U.S.
2 Citizenship and Immigration Services.

3 (C) ONGOING FUNDING.—In addition to
4 the funding described in subparagraph (A), the
5 following amounts shall be deposited in the
6 Trust Fund:

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

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

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

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

24 (v) PENALTIES FOR FALSE STATE-
25 MENTS IN APPLICATIONS.—Fines collected

1 under section 245F(f) of the Immigration
2 and Nationality Act, as added by section
3 2212(a).

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

9 (vii) H-1B AND L VISA FEES.—Fees
10 collected under section 281(d) of the Immi-
11 gration and Nationality Act.

12 (viii) H-1B OUTPLACEMENT FEE.—
13 Fees collected under section
14 212(n)(1)(F)(ii) of the Immigration and
15 Nationality Act, as amended by section
16 4211(d).

17 (ix) H-1B NONIMMIGRANT DEPEND-
18 ENT EMPLOYER FEES.—Fees collected
19 under section 4233(a)(2).

20 (x) L NONIMMIGRANT DEPENDENT
21 EMPLOYER FEES.—Fees collected under
22 section 423(a)(2) 4305(a)(2).

23 (xi) J-1 VISA MITIGATION FEES.—
24 Fees collected under section 281(e) of the

1 Immigration and Nationality Act, as added
2 by section 4407.

3 (xii) F-1 VISA FEES.—Fees collected
4 under section 281(f) of the Immigration
5 and Nationality Act, as added by section
6 4408.

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

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

15 (xv) H-2B VISA FEES.—Fees collected
16 under section 214(x)(5)(A) of the Immi-
17 gration and Nationality Act, as added by
18 section 4602(a).

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

24 (xvii) X-1 VISA FEES.—Fees collected
25 under section 214(s)(6) of the Immigration

1 and Nationality Act, as added by section
2 4801.

3 (3) USE OF FUNDS.—

4 (A) INITIAL FUNDING.—All funds trans-
5 ferred to the Trust Fund pursuant to para-
6 graph (2)(A) shall be made available to the Sec-
7 retary for carrying out the Comprehensive
8 Southern Border Security Strategy required by
9 section 5 of this Act, including the Southern
10 border fencing strategy required by section
11 5(a)(2)(E) of this Act.

12 (B) REPAYMENT OF BORDER SECURITY
13 ENHANCEMENT EXPENSES.—The first
14 \$7,500,000,000 deposited into the Trust Fund
15 pursuant to paragraph (2)(C) shall be trans-
16 ferred to the general fund of the Treasury and
17 used for Federal budget deficit reduction.

18 (C) ONGOING FUNDING.—After the trans-
19 fer is made pursuant to subparagraph (B),
20 amounts deposited into the Trust Fund pursu-
21 ant to paragraph (2)(C) shall be made avail-
22 able, subject to the availability of funds, for the
23 following purposes:

24 (i) \$50,000,000 shall be available dur-
25 ing each of fiscal years 2014 through 2018

1 to carry out the activities described in sec-
2 tion 1104(a) of this Act.

3 (ii) \$50,000,000 shall be available
4 during each of fiscal years 2014 through
5 2018 to carry out the activities described
6 in section 1104(b) of this Act.

7 (b) LIMITATION ON COLLECTION.—No fee described
8 in paragraph (2)(B) may be collected under this Act ex-
9 cept to the extent that the expenditure of the fee to pay
10 the costs of activities and services for which the fee is im-
11 posed is provided for in advance in an appropriations Act.

12 (c) RECEIPTS COLLECTED AS OFFSETTING RE-
13 CEIPTS.—Notwithstanding section 3302 of title 31,
14 United States Code, any fee collected under this Act—

15 (1) shall be credited as offsetting collections to
16 the Trust Fund;

17 (2) shall be available for expenditure only to
18 pay the costs of activities and services authorized
19 from the Trust Fund; and

20 (3) shall remain available until expended.

21 (d) DETERMINATION OF BUDGETARY EFFECTS.—

22 (1) EMERGENCY DESIGNATION FOR CONGRES-
23 SIONAL ENFORCEMENT.—In the Senate, amounts
24 appropriated by or transferred to the general fund
25 of the Treasury pursuant to this section are des-

1 ignated as an emergency requirement pursuant to
2 section 403(a) of S. Con. Res. 13 (111th Congress),
3 the concurrent resolution on the budget for fiscal
4 year 2010.

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

12 **SEC. 8. REFERENCE TO THE IMMIGRATION AND NATION-**
13 **ALITY ACT.**

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

20 **SEC. 9. DEFINITIONS.**

21 In this Act:

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

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

4 **TITLE I—BORDER SECURITY**

5 **SEC. 1101. DEFINITIONS.**

6 In this title:

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

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

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

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

22 **SEC. 1102. ADDITIONAL U.S. CUSTOMS AND BORDER PRO-** 23 **TECTION OFFICERS.**

24 (a) IN GENERAL.—Not later than September 30,
25 2017, the Secretary shall increase the number of trained

1 U.S. Customs and Border Protection officers by not less
2 than 10,000, not less than 5,000 of which shall be trained
3 full-time active duty U.S. Border Patrol agents deployed
4 to the Southern border, compared to the number of such
5 officers as of the date of the enactment of this Act. The
6 Secretary shall make progress in increasing such number
7 of officers during each of fiscal years 2014 through 2017.

8 (b) CONSTRUCTION.—Nothing in subsection (a) may
9 be construed to preclude the Secretary from reassigning
10 or stationing U.S. Customs and Border Protection officers
11 and U.S. Border Patrol agents from the Northern border
12 to the Southern border.

13 (c) FUNDING.—Section 217(h)(3)(B) (8 U.S.C.
14 1187(h)(3)(B)) is amended—

15 (1) in clause (i)—

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

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

21 (C) by redesignating subclause (II) as sub-
22 clause (III); and

23 (D) by inserting after subclause (I) the fol-
24 lowing:

1 “(II) \$16 for border processing;
2 and”;

3 (2) in clause (ii), by striking “Amounts col-
4 lected under clause (i)(II)” and inserting “Amounts
5 collected under clause (i)(II) shall be deposited into
6 the Comprehensive Immigration Reform Trust Fund
7 established by section 7(a)(1) of the Border Secu-
8 rity, Economic Opportunity, and Immigration Mod-
9 ernization Act. Amounts collected under clause
10 (i)(III)”;

11 (3) by striking clause (iii).

12 **SEC. 1103. NATIONAL GUARD SUPPORT TO SECURE THE**
13 **SOUTHERN BORDER.**

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

21 (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

22 (1) IN GENERAL.—National Guard units and
23 personnel deployed under subsection (a) may be as-
24 signed such operations and missions specified in sub-

1 section (c) as may be necessary to secure the South-
2 ern border.

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

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

10 (1) to construct fencing, including double-layer
11 and triple-layer fencing;

12 (2) to increase ground-based mobile surveillance
13 systems;

14 (3) to deploy additional unmanned aerial sys-
15 tems and manned aircraft sufficient to maintain
16 continuous surveillance of the Southern border;

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

21 (5) to construct checkpoints along the Southern
22 border to bridge the gap to long-term permanent
23 checkpoints; and

24 (6) to provide assistance to U.S. Customs and
25 Border Protection, particularly in rural, high-traf-

1 ficked areas, as designated by the Commissioner of
2 U.S. Customs and Border Protection.

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

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

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

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

19 **SEC. 1104. ENHANCEMENT OF EXISTING BORDER SECURITY**
20 **OPERATIONS.**

21 (a) BORDER CROSSING PROSECUTIONS.—

22 (1) IN GENERAL.—From the amounts available
23 pursuant to the authorization of appropriations in
24 paragraph (3), funds shall be available—

1 (A) to increase the number of border cross-
2 ing prosecutions in each and every sector of the
3 Southwest border region by at least 50 percent
4 per day, as calculated by the previous yearly av-
5 erage on the date of the enactment of this Act,
6 through increasing the funding available for—
7 (i) attorneys and administrative sup-
8 port staff in offices of United States attor-
9 neys;
10 (ii) support staff and interpreters in
11 Court Clerks' Offices;
12 (iii) pre-trial services;
13 (iv) activities of the Federal Public
14 Defenders Office; and
15 (v) additional personnel, including
16 Deputy U.S. Marshals in United States
17 Marshals' Offices to perform intake, co-
18 ordination, transportation, and court secu-
19 rity; and
20 (B) reimburse Federal, State, local, and
21 tribal law enforcement agencies for any deten-
22 tion costs related to the border crossing pros-
23 ecutions carried out pursuant to subparagraph
24 (A).

1 (2) ADDITIONAL MAGISTRATE JUDGES TO AS-
2 SIST WITH INCREASED CASELOAD.—The chief judge
3 of the United States district courts within sectors of
4 the Southwest border region are authorized to ap-
5 point additional full-time magistrate judges, who,
6 consistent with the Constitution and laws of the
7 United States, shall have the authority to hear cases
8 and controversies in the judicial district in which the
9 respective judges are appointed.

10 (3) FUNDING.—There are authorized to be ap-
11 propriated from the Comprehensive Immigration Re-
12 form Trust Fund established by section 7(a)(1) of
13 this Act such sums as may be necessary to carry out
14 this subsection.

15 (b) OPERATION STONEGARDEN.—

16 (1) IN GENERAL.—The Federal Emergency
17 Management Agency shall enhance law enforcement
18 preparedness and operational readiness along the
19 borders of the United States through Operation
20 Stonegarden.

21 (2) GRANTS AND REIMBURSEMENTS.—For pur-
22 poses of paragraph (1), not less than 90 percent of
23 the amounts made available pursuant to the author-
24 ization of appropriations in paragraph (3) shall be
25 allocated for grants and reimbursements to law en-

1 enforcement agencies in the States in the Southwest
2 border region for personnel, overtime, travel, and
3 other costs related combating to illegal immigration
4 and drug smuggling in the Southwest border region.

5 (3) FUNDING.—There are authorized to be ap-
6 propriated from the Comprehensive Immigration Re-
7 form Trust Fund established by section
8 7(a)(3)(C)(ii) of this Act such sums as may be nec-
9 essary to carry out this subsection.

10 (c) PHYSICAL AND TACTICAL INFRASTRUCTURE IM-
11 PROVEMENTS.—

12 (1) CONSTRUCTION, UPGRADE, AND ACQUISI-
13 TION OF BORDER CONTROL FACILITIES.—The Sec-
14 retary shall, consistent with the Southern Border
15 Security Strategy required by section 5 of this Act,
16 upgrade existing physical and tactical infrastructure
17 of the Department, and construct and acquire addi-
18 tional physical and tactical infrastructure, including,
19 but not limited to, the following:

20 (A) U.S. Border Patrol stations.

21 (B) U.S. Border Patrol checkpoints.

22 (C) Forward operating bases.

23 (D) Monitoring stations.

24 (E) Mobile command centers.

25 (F) Field offices.

1 (G) All-weather roads.

2 (H) Lighting.

3 (I) Real property.

4 (J) Other necessary facilities, structures,
5 and properties.

6 (2) REQUIRED USES OF FUNDS.—The Sec-
7 retary, consistent with the Southern Border Security
8 Strategy, shall do the following:

9 (A) U.S. BORDER PATROL STATIONS.—

10 (i) Construct additional U.S. Border
11 Patrol stations in the Southwest border re-
12 gion that U.S. Customs and Border Pro-
13 tection determines are needed to provide
14 full operational support in rural, high-traf-
15 ficked areas.

16 (ii) Analyze the feasibility of creating
17 additional U.S. Border Patrol sectors
18 along the Southern border to interrupt
19 drug trafficking operations.

20 (B) U.S. BORDER PATROL CHECK-
21 POINTS.—Operate and maintain additional tem-
22 porary or permanent checkpoints on roadways
23 in the Southwest border region in order to
24 deter, interdict, and apprehend terrorists,
25 human traffickers, drug traffickers, weapons

1 traffickers, and other criminals before they
2 enter the interior of the United States.

3 (C) U.S. BORDER PATROL FORWARD OPER-
4 ATING BASES.—

5 (i) Establish additional permanent
6 forward operating bases for U.S. Border
7 Patrol, as needed.

8 (ii) Upgrade existing forward oper-
9 ating bases to include modular buildings,
10 electricity, and potable water.

11 (iii) Ensure that forward operating
12 bases surveil and interdict individuals en-
13 tering the United States unlawfully imme-
14 diately after such individuals cross the
15 Southern border.

16 (3) AUTHORIZATION OF APPROPRIATIONS.—

17 There is authorized to be appropriated for each of
18 fiscal years 2014 through 2018, such sums as may
19 be necessary to carry out this subsection.

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

21 (a) DEFINITIONS.—In this section:

22 (1) FEDERAL LANDS.—The term “Federal
23 lands” includes all land under the control of the Sec-
24 retary concerned that is located within the South-

1 west border region in the State of Arizona along the
2 Southern border.

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

5 (A) with respect to land under the jurisdic-
6 tion of the Secretary of Agriculture, the Sec-
7 retary of Agriculture; and

8 (B) with respect to land under the jurisdic-
9 tion of the Secretary of the Interior, the Sec-
10 retary of the Interior.

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

13 (1) the Secretary concerned, notwithstanding
14 any other provision of law, shall authorize and pro-
15 vide U.S. Customs and Border Protection personnel
16 with immediate access to Federal lands for security
17 activities, including—

18 (A) routine motorized patrols; and

19 (B) the deployment of communications,
20 surveillance, and detection equipment;

21 (2) the security activities described in para-
22 graph (1) shall be conducted, to the maximum ex-
23 tent practicable, in a manner that the Secretary de-
24 termines will best protect the natural and cultural
25 resources on Federal lands; and

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

5 (c) PROGRAMMATIC ENVIRONMENTAL IMPACT
6 STATEMENT.—

7 (1) IN GENERAL.—After implementing sub-
8 section (b), the Secretary, in consultation with the
9 Secretaries concerned, shall prepare and publish in
10 the Federal Register a notice of intent to prepare a
11 programmatic environmental impact statement in
12 accordance with the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the
14 impacts of the activities described in subsection (b).

15 (2) EFFECT ON PROCESSING APPLICATION AND
16 SPECIAL USE PERMITS.—The pending completion of
17 a programmatic environmental impact statement
18 under this section shall not result in any delay in the
19 processing or approving of applications or special
20 use permits by the Secretaries concerned for the ac-
21 tivities described in subsection (b).

22 (3) AMENDMENT OF LAND USE PLANS.—The
23 Secretaries concerned shall amend any land use
24 plans, as appropriate, upon completion of the pro-

1 grammatic environmental impact statement de-
2 scribed in subsection (b).

3 (4) SCOPE OF PROGRAMMATIC ENVIRONMENTAL
4 IMPACT STATEMENT.—The programmatic environ-
5 mental impact statement described in paragraph
6 (1)—

7 (A) may be used to advise the Secretary on
8 the impact on natural and cultural resources on
9 Federal lands; and

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

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

16 **SEC. 1106. EQUIPMENT AND TECHNOLOGY.**

17 (a) ENHANCEMENTS.—The Secretary, in consulta-
18 tion with the Commissioner of U.S. Customs and Border
19 Protection and consistent with the Southern Border Secu-
20 rity Strategy required by section 5 of this Act, shall up-
21 grade existing technological assets and equipment, procure
22 and deploy additional technological assets and equipment,
23 including, but not limited to, the following:

24 (1) Unarmed, unmanned aerial vehicles.

25 (2) Fixed-wing aircraft.

- 1 (3) Helicopters.
- 2 (4) Remote video surveillance camera systems.
- 3 (5) Mobile surveillance systems.
- 4 (6) Agent portable surveillance systems.
- 5 (7) Radar technology.
- 6 (8) Satellite technology.
- 7 (9) Fiber optics.
- 8 (10) Integrated fixed towers.
- 9 (11) Relay towers.
- 10 (12) Poles.
- 11 (13) Night vision equipment.
- 12 (14) Sensors, including imaging sensors and
- 13 unattended ground sensors.
- 14 (15) Biometric entry-exit systems.
- 15 (16) Contraband detection equipment.
- 16 (17) Digital imaging equipment.
- 17 (18) Document fraud detection equipment.
- 18 (19) Land vehicles.
- 19 (20) Officer and personnel safety equipment.
- 20 (21) Other technologies and equipment.

21 (b) REQUIRED USES OF FUNDS.—The Secretary,
22 consistent with the Southern Border Security Strategy,
23 shall—

- 24 (1) deploy additional mobile, video, and agent-
25 portable surveillance systems, and unarmed, un-

1 manned aerial vehicles in the Southwest border re-
2 gion as necessary to provide 24-hour operation and
3 surveillance;

4 (2) operate unarmed unmanned aerial vehicles
5 along the Southern border for 24 hours per day and
6 for 7 days per week;

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

9 (4) acquire new rotocraft and make upgrades to
10 the existing helicopter fleet; and

11 (5) increase horse patrols in the Southwest bor-
12 der region.

13 (c) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
14 tion to amounts otherwise authorized to be appropriated,
15 there is authorized to be appropriated for each of fiscal
16 years 2014 through 2018 for U.S. Customs and Border
17 Protection such sums as may be necessary to carry out
18 this section.

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

20 (a) **SOUTHWEST BORDER REGION EMERGENCY COM-**
21 **MUNICATIONS GRANTS.**—

22 (1) **IN GENERAL.**—The Secretary, in consulta-
23 tion with the Governors of the States in the South-
24 west border region, shall establish a 2-year grant
25 program, to be administered by the Secretary, to im-

1 prove emergency communications in the Southwest
2 border region.

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

6 (A) regularly resides or works in the
7 Southwest border region; and

8 (B) is at greater risk of border violence
9 due to the lack of cellular service at his or her
10 residence or business and his or her proximity
11 to the Southern border.

12 (3) USE OF GRANTS.—Grants awarded under
13 this subsection may be used to purchase satellite
14 telephone communications systems and service
15 that—

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

18 (B) are equipped with global positioning
19 systems.

20 (4) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated such sums as
22 may be necessary to carry out the grant program es-
23 tablished under this subsection.

24 (b) INTEROPERABLE COMMUNICATIONS FOR LAW
25 ENFORCEMENT.—

1 (1) FEDERAL LAW ENFORCEMENT.—There are
2 authorized to be appropriated to the Department,
3 the Department of Justice, and the Department of
4 the Interior, during the 5-year period beginning on
5 the date of the enactment of this Act, such sums as
6 may be necessary—

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

19 (B) to upgrade, through a competitive pro-
20 curement process, the communications network
21 of the Department of Justice to ensure coverage
22 and capacity, particularly when immediate ac-
23 cess is needed in times of crisis, in the South-
24 west border region for appropriate law enforce-
25 ment personnel of the Department of Justice

1 (including the Drug Enforcement Administra-
2 tion and the Bureau of Alcohol, Tobacco, Fire-
3 arms, and Explosives), the Department (includ-
4 ing U.S. Immigration and Customs Enforce-
5 ment and U.S. Customs and Border Protec-
6 tion), the United States Marshals Service, other
7 Federal agencies, the State of Arizona, tribes,
8 and local governments.

9 (2) STATE AND LOCAL LAW ENFORCEMENT.—

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

20 (B) ACCESS TO FEDERAL SPECTRUM.—If
21 a State, tribal, or local law enforcement agency
22 in the Southwest border region experiences an
23 emergency situation that necessitates immediate
24 communication with the Department of Justice,
25 the Department, the Department of the Inte-

1 rior, or any of their respective subagencies,
2 such law enforcement agency shall have access
3 to the spectrum assigned to such Federal agen-
4 cy for the duration of such emergency situation.

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

7 (a) REIMBURSEMENT TO STATE AND LOCAL PROS-
8 ECUTORS FOR FEDERALLY INITIATED IMMIGRATION-RE-
9 LATED CRIMINAL CASES.—The Attorney General shall re-
10 imburse State, county, tribal, and municipal governments
11 for costs associated with the prosecution and pre-trial de-
12 tention of Federally initiated criminal cases declined by
13 local offices of the United States attorneys.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for each of fiscal years 2014
16 through 2018 such sums as may be necessary to carry
17 out this section.

18 **SEC. 1109. INTERAGENCY COLLABORATION.**

19 The Assistant Secretary of Defense for Research and
20 Engineering shall collaborate with the Under Secretary of
21 Homeland Security for Science and Technology to identify
22 equipment and technology used by the Department of De-
23 fense that could be used by U.S. Customs and Border Pro-
24 tection to improve the security of the Southern border
25 by—

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

6 **SEC. 1110. SCAAP REAUTHORIZATION.**

7 Section 241(i) (8 U.S.C. 1231(i)) is amended—

- 8 (1) in paragraph (3)(A), by inserting “charged
- 9 with or” before “convicted”;
- 10 (2) in paragraph (4)(A)—
 - 11 (A) by striking “the Attorney General shall
 - 12 give” and inserting the following: “the Attorney
 - 13 General shall—
 - 14 “(i) give”; and
 - 15 (B) by striking the period at the end and
 - 16 inserting the following: “; and
 - 17 “(ii) ensure that a State, or a political
 - 18 subdivision of a State, is compensated for
 - 19 the costs of incarcerating all undocu-
 - 20 mented criminal aliens, including undocu-
 - 21 mented criminal aliens that the Attorney
 - 22 General has classified, designated, counted,
 - 23 or defined as an ‘unknown inmate’, whose
 - 24 immigration status has not been, or cannot

1 be, confirmed by the Department of Home-
2 land Security.”;

3 (3) in paragraph (5)(C), by striking “2011”
4 and inserting “2016”; and

5 (4) by adding at the end the following:

6 “(7) Any funds awarded to a State or a polit-
7 ical subdivision of a State, including a municipality,
8 for a fiscal year under this subsection shall be dis-
9 tributed to such State or political subdivision not
10 later than 120 days after the last day of the applica-
11 tion period for assistance under this subsection for
12 that fiscal year.”.

13 **SEC. 1111. SOUTHERN BORDER SECURITY ASSISTANCE**
14 **GRANTS.**

15 (a) **AUTHORITY.**—

16 (1) **IN GENERAL.**—The Secretary, in consulta-
17 tion with State and local law enforcement agencies,
18 may award border security assistance grants to law
19 enforcement agencies located in the Southwest bor-
20 der region for the purposes described in subsection

21 (b).

22 (2) **PRIORITY.**—In awarding grants under this
23 section, the Secretary shall give priority to law en-
24 forcement agencies located in a county that is lo-
25 cated within 25 miles of the Southern border.

1 (b) PURPOSES.—Each grant awarded under sub-
2 section (a) shall be used to address drug trafficking,
3 smuggling, and border violence—

4 (1) by obtaining law enforcement equipment
5 and tools, including secure 2-way communication de-
6 vices, portable laptops and office computers, license
7 plate readers, unmanned aerial vehicles, unmanned
8 aircraft systems, manned aircraft, cameras with
9 night viewing capabilities, and any other appropriate
10 law enforcement equipment;

11 (2) by hiring additional personnel, including ad-
12 ministrative support personnel, dispatchers, and
13 jailers, and to provide overtime pay for such per-
14 sonnel;

15 (3) by purchasing law enforcement vehicles;

16 (4) by providing high performance aircraft and
17 helicopters for border surveillance and other critical
18 mission applications and paying for the operational
19 and maintenance costs associated with such craft;

20 (5) by providing critical power generation sys-
21 tems, infrastructure, and technological upgrades to
22 support State and local data management systems
23 and fusion centers; or

24 (6) by providing specialized training and paying
25 for the direct operating expenses associated with de-

1 tecting and prosecuting drug trafficking, human
2 smuggling, and other illegal activity or violence that
3 occurs at or near the Southern border.

4 (c) APPLICATION.—

5 (1) REQUIREMENT.—A law enforcement agency
6 seeking a grant under subsection (a), or a nonprofit
7 organization or coalition acting as an agent for 1 or
8 more such law enforcement entities, shall submit an
9 application to the Secretary that includes the infor-
10 mation described in paragraph (2) at such time and
11 in such manner as the Secretary may require.

12 (2) CONTENT.—Each application submitted
13 under paragraph (1) shall include—

14 (A) a description of the activities to be car-
15 ried out with a grant awarded under subsection
16 (a);

17 (B) if equipment will be purchased with
18 the grant, a detailed description of—

19 (i) the type and quantity of such
20 equipment; and

21 (ii) the personnel who will be using
22 such equipment;

23 (C) a description of the need of the law en-
24 forcement agency or agencies for the grant, in-
25 cluding a description of the inability of the

1 agency or agencies to carry out the proposed
2 activities without the grant; and

3 (D) an assurance that the agency or agen-
4 cies will, to the extent practicable, seek, recruit,
5 and hire women and members of racial and eth-
6 nic minority groups in law enforcement posi-
7 tions of the agency or agencies.

8 (d) REVIEW AND AWARD.—

9 (1) REVIEW.—Not later than 90 days after re-
10 ceiving an application submitted under subsection
11 (c), the Secretary shall review and approve or reject
12 the application.

13 (2) AWARD OF FUNDS.—Subject to the avail-
14 ability of appropriations, not later than 45 days
15 after the date an application is approved under
16 paragraph (1), the Secretary shall transmit the
17 grant funds to the applicant.

18 (3) PRIORITY.—In distributing grant funds
19 under this subsection, priority shall be given to high-
20 intensity areas for drug trafficking, smuggling, and
21 border violence.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated for each of fiscal years 2014
24 and 2015, \$300,000,000 for grants authorized under this
25 section.

1 **SEC. 1112. USE OF FORCE.**

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

7 (1) require all Department personnel to report
8 each use of force; and

9 (2) establish procedures for—

10 (A) accepting and investigating complaints
11 regarding the use of force by Department per-
12 sonnel;

13 (B) disciplining Department personnel who
14 violate any law or Department policy relating to
15 the use of force; and

16 (C) reviewing all uses of force by Depart-
17 ment personnel to determine whether the use of
18 force—

19 (i) complied with Department policy;

20 or

21 (ii) demonstrates the need for changes
22 in policy, training, or equipment.

23 **SEC. 1113. TRAINING FOR BORDER SECURITY AND IMMI-
24 GRATION ENFORCEMENT OFFICERS.**

25 (a) IN GENERAL.—The Secretary shall ensure that
26 U.S. Customs and Border Protection officers, U.S. Border

1 Patrol agents, U.S. Immigration and Customs Enforce-
2 ment officers and agents, United States Air and Marine
3 Division agents, agriculture specialists, and , in consulta-
4 tion with the Secretary of Defense, National Guard per-
5 sonnel deployed to assist U.S. Customs and Border Pro-
6 tection under section 1103(c)(6)) of this Act, stationed
7 within 100 miles of any land or marine border of the
8 United States or at any United States port of entry receive
9 appropriate training, which shall be prepared in collabora-
10 tion with the Assistant Attorney General for the Civil
11 Rights Division of the Department of Justice, in—

12 (1) identifying and detecting fraudulent travel
13 documents;

14 (2) civil, constitutional, human, and privacy
15 rights of individuals;

16 (3) the scope of enforcement authorities, includ-
17 ing interrogations, stops, searches, seizures, arrests,
18 and detentions;

19 (4) the use of force policies issued by the Sec-
20 retary pursuant to section 1112 of this Act;

21 (5) immigration laws, including screening, iden-
22 tifying, and addressing vulnerable populations, such
23 as children, victims of crime and human trafficking,
24 and individuals fleeing persecution or torture;

1 (6) social and cultural sensitivity toward border
2 communities;

3 (7) the impact of border operations on commu-
4 nities; and

5 (8) any particular environmental concerns in a
6 particular area.

7 (b) TRAINING FOR BORDER COMMUNITY LIAISON
8 OFFICERS.—The Secretary shall ensure that border com-
9 munities liaison officers in U.S. Border Patrol sectors
10 along the Southern border and the Northern border re-
11 ceive training to better—

12 (1) act as a liaison between border communities
13 and the Office for Civil Rights and Civil Liberties of
14 the Department and the Civil Rights Division of the
15 Department of Justice;

16 (2) foster and institutionalize consultation with
17 border communities;

18 (3) consult with border communities on Depart-
19 ment programs, policies, strategies, and directives;
20 and

21 (4) receive Department performance assess-
22 ments from border communities.

23 **SEC. 1114. DEPARTMENT OF HOMELAND SECURITY BOR-**
24 **DER OVERSIGHT TASK FORCE.**

25 (a) ESTABLISHMENT.—

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

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

7 (A) review and make recommendations re-
8 garding immigration and border enforcement
9 policies, strategies, and programs that take into
10 consideration their impact on border commu-
11 nities;

12 (B) recommend ways in which the Border
13 Communities Liaison Offices can strengthen re-
14 lations and collaboration between communities
15 in the border regions and the Department, the
16 Department of Justice, and other Federal agen-
17 cies that carry out such policies, strategies, and
18 programs;

19 (C) evaluate how the policies, strategies,
20 and programs of Federal agencies operating
21 along the Southern border and the Northern
22 border protect the due process, civil, and
23 human rights of border residents, visitors, and
24 migrants at and near such borders; and

1 (D) evaluate and make recommendations
2 regarding the training of border enforcement
3 personnel described in section 1113 of this Act.

4 (3) MEMBERSHIP.—

5 (A) IN GENERAL.—The DHS Task Force
6 shall be composed of 26 members, appointed by
7 the President, who have expertise in migration,
8 local crime indices, civil and human rights,
9 community relations, cross-border trade and
10 commerce, quality of life indicators, or other
11 pertinent experience, of whom—

12 (i) 11 members shall be from the
13 Northern border region and shall include—

14 (I) 2 local government elected of-
15 ficials;

16 (II) 2 local law enforcement offi-
17 cial;

18 (III) 2 civil rights advocates;

19 (IV) 1 business representative;

20 (V) 1 higher education represent-
21 ative;

22 (VI) 1 representative of a faith
23 community; and

24 (VII) 2 representatives of U.S.
25 Border Patrol; and

1 (ii) 15 members shall be from the
2 Southern border region and include—

3 (I) 3 local government elected of-
4 ficials;

5 (II) 3 local law enforcement offi-
6 cials;

7 (III) 3 civil rights advocates;

8 (IV) 2 business representatives;

9 (V) 1 higher education represent-
10 ative;

11 (VI) 1 representative of a faith
12 community; and

13 (VII) 2 representatives of U.S.
14 Border Patrol.

15 (B) TERM OF SERVICE.—Members of the
16 Task Force shall be appointed for the shorter
17 of—

18 (i) 3 years; or

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

20 (C) CHAIR, VICE CHAIR.—The members of
21 the DHS Task Force shall elect a Chair and a
22 Vice Chair from among its members, who shall
23 serve in such capacities for the life of the DHS
24 Task Force or until removed by the majority
25 vote of at least 14 members.

1 (b) OPERATIONS.—

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

6 (2) RECOMMENDATIONS.—The DHS Task
7 Force may make findings or recommendations to the
8 Secretary related to the duties described in sub-
9 section (a)(2).

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

19 (4) INFORMATION FROM FEDERAL AGENCIES.—
20 The Chair, or 16 members of the DHS Task Force,
21 may request statistics relating to the duties de-
22 scribed in subsection (a)(2) directly from any Fed-
23 eral agency, which shall, to the extent authorized by
24 law, furnish such information, suggestions, esti-

1 mates, and statistics directly to the DHS Task
2 Force.

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

7 (c) REPORT.—Not later than 2 years after its first
8 meeting, the DHS Task Force shall submit to the Presi-
9 dent, the Secretary, and Congress a final report that con-
10 tains—

11 (1) findings with respect to the duties of the
12 DHS Task Force; and

13 (2) recommendations regarding border and im-
14 migration enforcement policies, strategies, and pro-
15 grams, including—

16 (A) a recommendation as to whether the
17 DHS Task Force should continue to operate;
18 and

19 (B) a description of any duties the DHS
20 Task Force should be responsible for after the
21 termination date described in subsection (e).

22 (d) SUNSET.—The DHS Task Force shall terminate
23 operations 60 days after the date on which the DHS Task
24 Force submits the report described in subsection (e).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for each of fiscal years
3 2014 through 2017 such sums as may be necessary to
4 carry out this section.

5 **SEC. 1115. IMMIGRATION OMBUDSMAN.**

6 (a) IN GENERAL.—Section 452 of the Homeland Se-
7 curity Act (6 U.S.C. 272) is amended—

8 (1) by amending the section heading to read as
9 follows:

10 **“SEC. 452. DEPARTMENT OF HOMELAND SECURITY IMMI-
11 GRATION OMBUDSMAN.”;**

12 (2) in subsection (a), by striking “Citizenship
13 and Immigration Services Ombudsman” and insert-
14 ing “DHS Immigration Ombudsman”;

15 (3) in subsection (c)(2), by striking “Director
16 of the Bureau of Citizenship and Immigration Serv-
17 ices” and inserting “Director, U.S. Citizenship and
18 Immigration Services, the Assistant Secretary, U.S.
19 Immigration and Customs Enforcement, the Com-
20 missioner, U.S. Customs and Border Protection”;

21 (4) in subsections (d)(4) and (f), by striking
22 “Director of the Bureau of Citizenship and Immi-
23 gration Services” each place such term appears and
24 inserting “Director, U.S. Citizenship and Immigra-
25 tion Services, the Assistant Secretary, U.S. Immi-

1 gration and Customs Enforcement, and the Commis-
2 sioner, U.S. Customs and Border Protection”;

3 (5) in subsection (f), by striking “director”
4 each place such term appears and inserting “offi-
5 cial”; and

6 (6) by striking “the Bureau of Citizenship and
7 Immigration Services” each place it appears and in-
8 serting “U.S. Citizenship and Immigration Services,
9 U.S. Immigration and Customs Enforcement, or
10 U.S. Customs and Border Protection”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 1 of the Homeland Security Act (6 U.S.C. 101
13 et seq.) is amended by striking the item relating to section
14 452 and inserting the following:

“Sec. 452. Department of homeland security immigration ombudsman.”.

15 **SEC. 1116. REPORTS.**

16 (a) REPORT ON CERTAIN BORDER MATTERS.—The
17 Secretary shall submit to the Committee on Homeland Se-
18 curity and Governmental Affairs of the Senate and the
19 Committee on Homeland Security of the House of Rep-
20 resentatives a report that sets forth—

21 (1) the effectiveness rate (as defined in section
22 3(a)(4) of this Act) for each U.S. Border Patrol sec-
23 tor along the Northern border and the Southern bor-
24 der;

1 (2) the number of miles along the Southern
2 border that is under persistent surveillance;

3 (3) the monthly wait times per passenger, in-
4 cluding data on averages and peaks, for crossing the
5 Southern border, and the staffing of such border
6 crossings; and

7 (4) the allocations at each port of entry along
8 the Southern border.

9 (b) **REPORT ON INTERAGENCY COLLABORATION.**—

10 The Under Secretary of Defense for Acquisition, Tech-
11 nology, and Logistics and the Under Secretary of Home-
12 land Security for Science and Technology shall jointly sub-
13 mit a report on the results of the interagency collaboration
14 under section 1109 to—

15 (1) the Committee on Armed Services of the
16 Senate;

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

19 (3) the Committee on Armed Services of the
20 House of Representatives; and

21 (4) the Committee on Homeland Security of the
22 House of Representatives.

23 **SEC. 1117. DELEGATION.**

24 The Secretary may delegate any authority provided
25 to the Secretary under this Act or an amendment made

1 by this Act to the Secretary of Agriculture, the Attorney
2 General, the Secretary of Defense, the Secretary of Health
3 and Human Services, the Secretary of State, or the Com-
4 missioner of Social Security.

5 **SEC. 1118. SEVERABILITY.**

6 If any provision of this Act or any amendment made
7 by this Act, or any application of such provision or amend-
8 ment to any person or circumstance, is held to be uncon-
9 stitutional, the remainder of the provisions of this Act and
10 the amendments made by this Act and the application of
11 the provision or amendment to any other person or cir-
12 cumstance shall not be affected.