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(Original Signature of Member)

113TH CONGRESS  
2D SESSION

**H. R.**

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

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2014

Mr. ROGERS of Kentucky introduced the following bill; which was referred to the Committee on \_\_\_\_\_

**A BILL**

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

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

1                   **DIVISION A—SUPPLEMENTAL**  
2                   **APPROPRIATIONS AND RESCISSIONS**  
3                                   **TITLE I**  
4                   **DEPARTMENT OF HOMELAND SECURITY**  
5                   **U.S. CUSTOMS AND BORDER PROTECTION**  
6                                   **SALARIES AND EXPENSES**

7           For an additional amount for “Salaries and Ex-  
8 penses”, \$71,000,000, to remain available until September  
9 30, 2015, for necessary expenses to apprehend, transport,  
10 and provide temporary shelter associated with the signifi-  
11 cant rise in unaccompanied alien children and alien adults  
12 accompanied by an alien minor at the Southwest Border  
13 of the United States, including related activities to secure  
14 the border, disrupt transnational crime, and the necessary  
15 acquisition, construction, improvement, repair, and man-  
16 agement of facilities: *Provided*, That not later than 30  
17 days after the date of the enactment of this Act, the Sec-  
18 retary of Homeland Security shall submit to the Commit-  
19 tees on Appropriations of the House of Representatives  
20 and the Senate an obligation and quarterly expenditure  
21 plan for these funds: *Provided further*, That the Secretary  
22 shall provide to such Committees quarterly updates on the  
23 expenditure of these funds.

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

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

20 GENERAL PROVISIONS—THIS TITLE  
21 (INCLUDING RESCISSION)

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

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

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

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

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

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

5

TITLE II

6

DEPARTMENT OF DEFENSE—MILITARY

7

MILITARY PERSONNEL

8

NATIONAL GUARD PERSONNEL, ARMY

9

For an additional amount for “National Guard Per-  
10 sonnel, Army”, \$12,419,000, to remain available until  
11 September 30, 2015, for necessary expenses related to the  
12 Southwest Border of the United States.

13

NATIONAL GUARD PERSONNEL, AIR FORCE

14

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

18

OPERATION AND MAINTENANCE

19

OPERATION AND MAINTENANCE, ARMY NATIONAL

20

GUARD

21

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

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD  
2 For an additional amount for “Operation and Main-  
3 tenance, Air National Guard”, \$4,516,000, to remain  
4 available until September 30, 2015, for necessary expenses  
5 related to the Southwest Border of the United States.

6 GENERAL PROVISION—THIS TITLE

7 (RESCISSION)

8 SEC. 201. Of the unobligated balances of amounts ap-  
9 propriated in title II of division C of Public Law 113–  
10 76 for “Operation and Maintenance, Defense-Wide”,  
11 \$35,000,000 is hereby rescinded to reflect excess cash bal-  
12 ances in Department of Defense Working Capital Funds.

13 TITLE III

14 DEPARTMENT OF JUSTICE

15 GENERAL ADMINISTRATION

16 ADMINISTRATIVE REVIEW AND APPEALS

17 For an additional amount for “Administrative Review  
18 and Appeals” for necessary expenses to respond to the sig-  
19 nificant rise in unaccompanied alien children and alien  
20 adults accompanied by an alien minor at the Southwest  
21 Border of the United States, \$22,000,000, to remain  
22 available until September 30, 2015, of which \$12,900,000  
23 shall be for additional temporary immigration judges and  
24 related expenses, and \$9,100,000 shall be for technology



1 90 days thereafter until September 30, 2015, the Sec-  
2 retary of State, in consultation with the Administrator of  
3 the United States Agency for International Development,  
4 shall submit to the appropriate congressional committees  
5 a report on the obligation of funds made available pursu-  
6 ant to this section by country and the steps taken by the  
7 government of each country to—

8 (1) improve border security;

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

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

15 (4) conduct public outreach campaigns to ex-  
16 plain the dangers of the journey to the Southwest  
17 Border of the United States and to emphasize the  
18 lack of immigration benefits available; and

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

23 (c) SUSPENSION OF ASSISTANCE.—The Secretary of  
24 State shall suspend assistance provided pursuant to this  
25 section to the government of a country if such government

1 is not making significant progress on each item described  
2 in paragraphs (1) through (5) of subsection (b): *Provided*,  
3 That assistance may only be resumed if the Secretary re-  
4 ports to the appropriate congressional committees that  
5 subsequent to the suspension of assistance such govern-  
6 ment is making significant progress on each of the items  
7 enumerated in such subsection.

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

13 (RESCISSION)

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

1 lution on the budget or the Balanced Budget and Emer-  
2 gency Deficit Control Act of 1985.

3 TITLE V  
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”, \$197,000,000, to be merged with and avail-  
10 able for the same time period and for the same purposes  
11 as the funds made available under this heading in division  
12 H of Public Law 113–76 “for carrying out such sections  
13 414, 501, 462, and 235”: *Provided*, That of this amount,  
14 \$47,000,000 shall be for the Social Services and Targeted  
15 Assistance programs.

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

1 **DIVISION B—SECURE THE SOUTHWEST**  
2 **BORDER ACT OF 2014**

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

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this division is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PROTECTING CHILDREN**

Sec. 101. Repatriation of unaccompanied alien children.

Sec. 102. Expedited due process and screening of unaccompanied alien children

Sec. 103. Due process protections for unaccompanied alien children present in  
the United States.

Sec. 104. Emergency immigration judge resources.

Sec. 105. Protecting children from human traffickers, sex offenders, and other  
criminals.

Sec. 106. Inclusion of additional grounds for per se ineligibility for asylum.

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

Sec. 201. National Guard support for border operations.

**TITLE III—NATIONAL SECURITY AND FEDERAL LANDS  
PROTECTION**

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

Sec. 302. Sense of Congress on placement of unauthorized aliens at military in-  
stallations.

8 **TITLE I—PROTECTING**  
9 **CHILDREN**

10 **SEC. 101. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**  
11 **DREN.**

12 Section 235(a) of the William Wilberforce Trafficking  
13 Victims Protection Reauthorization Act of 2008 (8 U.S.C.  
14 1232(a)) is amended—

1 (1) in paragraph (2)—

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

5 (B) in subparagraph (A), in the matter  
6 preceding clause (i), by striking “who is a na-  
7 tional or habitual resident of a country that is  
8 contiguous with the United States”; and

9 (C) in subparagraph (C)—

10 (i) by amending the subparagraph  
11 heading to read as follows: “AGREEMENTS  
12 WITH FOREIGN COUNTRIES”; and

13 (ii) in the matter preceding clause (i),  
14 by striking “countries contiguous to the  
15 United States” and inserting “Canada, El  
16 Salvador, Guatemala, Honduras, Mexico,  
17 and any other foreign country that the  
18 Secretary determines appropriate”; and

19 (2) in paragraph (5)(D)—

20 (A) in the subparagraph heading, by strik-  
21 ing “PLACEMENT IN REMOVAL PROCEEDINGS”  
22 and inserting “EXPEDITED DUE PROCESS AND  
23 SCREENING FOR UNACCOMPANIED ALIEN CHIL-  
24 DREN”;

1 (B) in the matter preceding clause (i), by  
2 striking “, except for an unaccompanied alien  
3 child from a contiguous country subject to the  
4 exceptions under subsection (a)(2), shall be—”  
5 and inserting “who meets the criteria listed in  
6 paragraph (2)(A)—”;

7 (C) by striking clause (i) and inserting the  
8 following:

9 “(i) shall be placed in a proceeding in  
10 accordance with section 235B of the Immi-  
11 gration and Nationality Act, which shall  
12 commence not later than 7 days after the  
13 screening of an unaccompanied alien child  
14 described in paragraph (4);”;

15 (D) by redesignating clauses (ii) and (iii)  
16 as clauses (iii) and (iv), respectively;

17 (E) by inserting after clause (i) the fol-  
18 lowing:

19 “(ii) may not be placed in the imme-  
20 diate custody of a nongovernmental spon-  
21 sor or otherwise released from the custody  
22 of the United States Government until the  
23 child is repatriated unless the child is the  
24 subject of an order under section

1           235B(e)(1) of the Immigration and Na-  
2           tionality Act;”;

3           (F) in clause (iii), as redesignated, by in-  
4           serting “is” before “eligible”; and

5           (G) in clause (iv), as redesignated, by in-  
6           serting “shall be” before “provided”.

7   **SEC. 102. EXPEDITED DUE PROCESS AND SCREENING OF**  
8           **UNACCOMPANIED ALIEN CHILDREN .**

9           (a) AMENDMENTS TO IMMIGRATION AND NATION-  
10          ALITY ACT.—

11           (1) IN GENERAL.—Chapter 4 of the Immigra-  
12          tion and Nationality Act is amended by inserting  
13          after section 235A the following:

14   **“SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND**  
15           **SCREENING FOR UNACCOMPANIED ALIEN**  
16           **CHILDREN.**

17          “(a) DEFINED TERM.—In this section, the term ‘asy-  
18          lum officer’ had the meaning given such term in section  
19          235(b)(1)(E) of the Immigration and Nationality Act (8  
20          U.S.C. 1225(b)(1)(E)).

21          “(b) PROCEEDING.—

22           “(1) IN GENERAL.—Not later than 7 days after  
23          the screening of an unaccompanied alien child under  
24          section 235(a)(4) of the William Wilberforce Traf-  
25          ficking Victims Protection Reauthorization Act of

1       2008 (8 U.S.C. 1232(a)(4)), an immigration judge  
2       shall conduct a proceeding to inspect, screen, and  
3       determine the status of an unaccompanied alien  
4       child who is an applicant for admission to the  
5       United States.

6               “(2) TIME LIMIT.—Not later than 72 hours  
7       after the conclusion of a proceeding with respect to  
8       an unaccompanied alien child under this section, the  
9       immigration judge who conducted such proceeding  
10       shall issue an order pursuant to subsection (e).

11       “(c) CONDUCT OF PROCEEDING.—

12               “(1) AUTHORITY OF IMMIGRATION JUDGE.—  
13       The immigration judge conducting a proceeding  
14       under this section—

15               “(A) shall administer oaths, receive evi-  
16       dence, and interrogate, examine, and cross-ex-  
17       amine the alien and any witnesses;

18               “(B) may issue subpoenas for the attend-  
19       ance of witnesses and presentation of evidence;  
20       and

21               “(C) is authorized to sanction by civil  
22       money penalty any action (or inaction) in con-  
23       tempt of the judge’s proper exercise of author-  
24       ity under this Act.

1           “(2) FORM OF PROCEEDING.—A proceeding  
2 under this section may take place—

3           “(A) in person;

4           “(B) at a location agreed to by the parties,  
5 in the absence of the alien;

6           “(C) through video conference; or

7           “(D) through telephone conference.

8           “(3) PRESENCE OF ALIEN.—If it is impracti-  
9 cable by reason of an alien’s mental incompetency  
10 for the alien to be present at the proceeding, the At-  
11 torney General shall prescribe safeguards to protect  
12 the rights and privileges of the alien.

13           “(4) RIGHTS OF THE ALIEN.—In a proceeding  
14 under this section—

15           “(A) the alien shall be given the privilege  
16 of being represented, at no expense to the Gov-  
17 ernment, by counsel of the alien’s choosing who  
18 is authorized to practice in such proceedings;

19           “(B) the alien shall be given a reasonable  
20 opportunity—

21           “(i) to examine the evidence against  
22 the alien;

23           “(ii) to present evidence on the alien’s  
24 own behalf; and

1                   “(iii) to cross-examine witnesses pre-  
2                   sented by the Government;

3                   “(C) the rights set forth in subparagraph  
4                   (B) shall not entitle the alien—

5                   “(i) to examine such national security  
6                   information as the Government may prof-  
7                   fer in opposition to the alien’s admission to  
8                   the United States; or

9                   “(ii) to an application by the alien for  
10                  discretionary relief under this Act; and

11                  “(D) a complete record shall be kept of all  
12                  testimony and evidence produced at the pro-  
13                  ceeding.

14                  “(5) WITHDRAWAL OF APPLICATION FOR AD-  
15                  MISSION.—In the discretion of the Attorney General,  
16                  an alien applying for admission to the United States  
17                  may, and at any time, be permitted to withdraw  
18                  such application and immediately be returned to the  
19                  alien’s country of nationality or country of last ha-  
20                  bitual residence.

21                  “(6) CONSEQUENCES OF FAILURE TO AP-  
22                  PEAR.—Any alien who fails to appear at a pro-  
23                  ceeding required under this section, shall be ordered  
24                  removed in absentia if the Government establishes

1 by a preponderance of the evidence that the alien  
2 was at fault for their absence from the proceedings.

3 “(d) DECISION AND BURDEN OF PROOF.—

4 “(1) DECISION.—

5 “(A) IN GENERAL.—At the conclusion of a  
6 proceeding under this section, the immigration  
7 judge shall determine whether an unaccom-  
8 panied alien child is likely to be—

9 “(i) admissible to the United States;

10 or

11 “(ii) eligible for any form of relief  
12 from removal under this Act.

13 “(B) EVIDENCE.—The determination of  
14 the immigration judge under subparagraph (A)  
15 shall be based only on the evidence produced at  
16 the hearing.

17 “(2) BURDEN OF PROOF.—

18 “(A) IN GENERAL.—In a proceeding under  
19 this section, an alien who is an applicant for  
20 admission has the burden of establishing, by a  
21 preponderance of the evidence, that the alien—

22 “(i) is likely to be entitled to be law-  
23 fully admitted to the United States or eli-  
24 gible for any form of relief from removal  
25 under this Act; or

1                   “(ii) is lawfully present in the United  
2                   States pursuant to a prior admission.

3                   “(B) ACCESS TO DOCUMENTS.—In meeting  
4                   the burden of proof under subparagraph (A)(ii),  
5                   the alien shall be given access to—

6                   “(i) the alien’s visa or other entry  
7                   document, if any; and

8                   “(ii) any other records and docu-  
9                   ments, not considered by the Attorney  
10                  General to be confidential, pertaining to  
11                  the alien’s admission or presence in the  
12                  United States.

13                  “(e) ORDERS.—

14                  “(1) PLACEMENT IN FURTHER PRO-  
15                  CEEDINGS.—If an immigration judge determines  
16                  that the unaccompanied alien child has met the bur-  
17                  den of proof under subsection (d)(2), the judge shall  
18                  order the alien to be placed in further proceedings  
19                  in accordance with section 240.

20                  “(2) ORDERS OF REMOVAL.—If an immigration  
21                  judge determines that the unaccompanied alien child  
22                  has not met the burden of proof required under sub-  
23                  section (d)(2), the judge shall order the alien re-  
24                  moved from the United States without further hear-  
25                  ing or review unless the alien claims—

1           “(A) an intention to apply for asylum  
2           under section 208; or

3           “(B) a fear of persecution.

4           “(3) CLAIMS FOR ASYLUM.—If an unaccom-  
5           panied alien child described in paragraph (2) claims  
6           an intention to apply for asylum under section 208  
7           or a fear of persecution, the judge shall order the  
8           alien referred for an interview by an asylum officer  
9           under subsection (f).

10          “(f) ASYLUM INTERVIEWS.—

11           “(1) DEFINED TERM.—In this subsection, the  
12           term ‘credible fear of persecution’ has the meaning  
13           given such term in section 235(b)(1)(B)(v) of the  
14           Immigration and Nationality Act (8 U.S.C.  
15           1225(b)(1)(B)(v)).

16           “(2) CONDUCT BY ASYLUM OFFICER.—An asy-  
17           lum officer shall conduct interviews of aliens referred  
18           under subsection (e)(3).

19           “(3) REFERRAL OF CERTAIN ALIENS.—If the  
20           officer determines at the time of the interview that  
21           an alien has a credible fear of persecution, the alien  
22           shall be held in the custody of the Secretary of  
23           Health and Human Services pursuant to section  
24           235(b) of the William Wilberforce Trafficking Vic-  
25           tims Protection Reauthorization Act of 2008 (8

1 U.S.C. 1232(b)) during further consideration of the  
2 application for asylum.

3 “(4) REMOVAL WITHOUT FURTHER REVIEW IF  
4 NO CREDIBLE FEAR OF PERSECUTION.—

5 “(A) IN GENERAL.—Subject to subpara-  
6 graph (C), if the asylum officer determines that  
7 an alien does not have a credible fear of perse-  
8 cution the officer shall order the alien removed  
9 from the United States without further hearing  
10 or review.

11 “(B) RECORD OF DETERMINATION.—The  
12 officer shall prepare a written record of a deter-  
13 mination under subparagraph (A), which shall  
14 include—

15 “(i) a summary of the material facts  
16 as stated by the applicant;

17 “(ii) such additional facts (if any) re-  
18 lied upon by the officer;

19 “(iii) the officer’s analysis of why, in  
20 light of such facts, the alien has not estab-  
21 lished a credible fear of persecution; and

22 “(iv) a copy of the officer’s interview  
23 notes.

24 “(C) REVIEW OF DETERMINATION.—

1                   “(i) RULEMAKING.—The Attorney  
2                   General shall establish, by regulation, a  
3                   process by which an immigration judge will  
4                   conduct a prompt review, upon the alien’s  
5                   request, of a determination under subpara-  
6                   graph (A) that the alien does not have a  
7                   credible fear of persecution.

8                   “(ii) MANDATORY COMPONENTS.—  
9                   The review described in clause (i)—

10                   “(I) shall include an opportunity  
11                   for the alien to be heard and ques-  
12                   tioned by the immigration judge, ei-  
13                   ther in person or by telephonic or  
14                   video connection; and

15                   “(II) shall be conducted—

16                   “(aa) as expeditiously as  
17                   possible;

18                   “(bb) within the 24-hour pe-  
19                   riod beginning at the time the  
20                   asylum officer makes a deter-  
21                   mination under subparagraph  
22                   (A), to the maximum extent  
23                   practicable; and

24                   “(cc) in no case later than 7  
25                   days after such determination.

1           “(5) MANDATORY PROTECTIVE CUSTODY.—Any  
2           alien subject to the procedures under this subsection  
3           shall be held in the custody of the Secretary of  
4           Health and Human Services pursuant to Section  
5           235(b) of the William Wilberforce Trafficking Vic-  
6           tims Protection Reauthorization Act of 2008 (8  
7           U.S.C. 1232(b))—

8                   “(A) pending a final determination of an  
9                   asylum application under section 208; or

10                   “(B) after a determination that the alien  
11                   does not have a credible fear of persecution,  
12                   until the alien is removed.

13           “(g) LIMITATION ON ADMINISTRATIVE REVIEW.—

14                   “(1) IN GENERAL.—Except as provided in sub-  
15                   section (f)(4)(C) and paragraph (2), a removal order  
16                   entered in accordance with subsection (e)(2) or  
17                   (f)(4)(A) is not subject to administrative appeal.

18                   “(2) RULEMAKING.—The Attorney General  
19                   shall establish, by regulation, a process for the  
20                   prompt review of an order under subsection (e)(2)  
21                   against an alien who claims under oath, or as per-  
22                   mitted under penalty of perjury under section 1746  
23                   of title 28, United States Code, after having been  
24                   warned of the penal ties for falsely making such  
25                   claim under such conditions to have been—

1                   “(A) lawfully admitted for permanent resi-  
2                   dence;

3                   “(B) admitted as a refugee under section  
4                   207; or

5                   “(C) granted asylum under section 208.

6                   “(h) LAST IN, FIRST OUT.—In any proceedings, de-  
7 terminations, or removals under this section, priority shall  
8 be accorded to the alien who has most recently arrived  
9 in the United States.”.

10                   (2) CLERICAL AMENDMENT.—The table of con-  
11                   tents for the Immigration and Nationality Act (8  
12                   U.S.C. 1101 et seq.) is amended by inserting after  
13                   the item relating to section 235A the following:

                  “Sec. 235B. Humane and expedited inspection and screening for unaccom-  
                  panied alien children.”.

14                   (b) JUDICIAL REVIEW OF ORDERS OF REMOVAL.—  
15                   Section 242 of the Immigration and Nationality Act (8  
16                   U.S.C. 1252) is amended—

17                   (1) in subsection (a)—

18                   (A) in paragraph (1), by inserting “, or an  
19                   order of removal issued to an unaccompanied  
20                   alien child after proceedings under section  
21                   235B” after “section 235(b)(1)”; and

22                   (B) in paragraph (2)—

- 1 (i) by inserting “or section 235B”  
2 after “section 235(b)(1)” each place it ap-  
3 pears; and
- 4 (ii) in subparagraph (A)—
- 5 (I) in the subparagraph heading,  
6 by inserting “OR 235B” after “SEC-  
7 TION 235(B)(1)”;
- 8 (II) in clause (iii), by striking  
9 “section 235(b)(1)(B),” and inserting  
10 “section 235(b)(1)(B) or 235B(f);”;  
11 and
- 12 (2) in subsection (e)—
- 13 (A) in the subsection heading, by inserting  
14 “OR 235B” after “SECTION 235(B)(1)”;
- 15 (B) by inserting “or section 235B” after  
16 “section 235(b)(1)” in each place it appears;
- 17 (C) in subparagraph (2)(C), by inserting  
18 “or section 235B(g)” after “section  
19 235(b)(1)(C)”;
- 20 (D) in subparagraph (3)(A), by inserting  
21 “or section 235B” after “section 235(b).

1 **SEC. 103. DUE PROCESS PROTECTIONS FOR UNACCOM-**  
2 **PANIED ALIEN CHILDREN PRESENT IN THE**  
3 **UNITED STATES.**

4 (a) **FILING AUTHORIZED.**—Not later than 60 days  
5 after the date of the enactment of this Act, the Secretary  
6 of Homeland Security, notwithstanding any other provi-  
7 sion of law, shall, at an immigration court designated to  
8 conduct proceedings under section 235B of the Immigra-  
9 tion and Nationality Act, permit an unaccompanied alien  
10 child who was issued a Notice to Appear under section  
11 239 of the Immigration and Nationality Act (8 U.S.C.  
12 1229) during the period beginning on January 1, 2013,  
13 and ending on the date of the enactment of this Act—

14 (1) to appear, in-person, before an immigration  
15 judge who has been authorized by the Attorney Gen-  
16 eral to conduct proceedings under section 235B of  
17 the Immigration and Nationality Act, as added by  
18 section 102;

19 (2) to attest to their desire to apply for admis-  
20 sion to the United States; and

21 (3) to file a motion—

22 (A) to replace any Notice to Appear issued  
23 between January 1, 2013 and the date of the  
24 enactment of this Act under section 239 of the  
25 Immigration and Nationality Act (8 U.S.C.  
26 1229); and

1 (B) to apply for admission to the United  
2 States by being placed in proceedings under  
3 section 235B of the Immigration and Nation-  
4 ality Act.

5 (b) MOTION GRANTED.—An immigration judge may,  
6 at the sole and unreviewable discretion of the judge, grant  
7 a motion filed under subsection (a)(3) upon a finding  
8 that—

9 (1) the petitioner was an unaccompanied alien  
10 child (as such term is defined in section 462 of the  
11 Homeland Security Act of 2002 (6 U.S.C. 279)) on  
12 the date on which a Notice to Appear described in  
13 subsection (a) was issued to the alien;

14 (2) the Notice to Appear was issued during the  
15 period beginning on January 1, 2013, and ending on  
16 the date of the enactment of this Act;

17 (3) the unaccompanied alien child is applying  
18 for admission to the United States; and

19 (4) the granting of such motion would not be  
20 manifestly unjust.

21 (c) EFFECT OF MOTION.—Notwithstanding any  
22 other provision of law, upon the granting of a motion to  
23 replace under subsection (b), the immigration judge who  
24 granted such motion shall—

1           (1) while the petitioner remains in-person, im-  
2           mediately inspect and screen the petitioner for ad-  
3           mission to the United States by conducting a pro-  
4           ceeding under section 235B of the Immigration and  
5           Nationality Act, as added by section 102;

6           (2) immediately notify the petitioner of the peti-  
7           tioner's ability, under section 235B(e)(5) of the Im-  
8           migration and Nationality Act to withdraw the peti-  
9           tioner's application for admission to the United  
10          States and immediately be returned to the peti-  
11          tioner's country of nationality or country of last ha-  
12          bitual residence; and

13          (3) replace the petitioner's notice to appear  
14          with an order under section 235B(e) of the Immi-  
15          gration and Nationality Act.

16          (d) **PROTECTIVE CUSTODY.**—An unaccompanied  
17          alien child who has been granted a motion under sub-  
18          section (b) shall be held in the custody of the Secretary  
19          of Health and Human Services pursuant to section 235  
20          of the William Wilberforce Trafficking Victims Protection  
21          Reauthorization Act of 2008 (8 U.S.C. 1232).

22          **SEC. 104. EMERGENCY IMMIGRATION JUDGE RESOURCES.**

23          (a) **DESIGNATION.**—Not later than 14 days after the  
24          date of the enactment of this Act, the Attorney General  
25          shall designate up to 40 immigration judges, including

1 through the hiring of retired immigration judges, adminis-  
2 trative law judges, or magistrate judges, or the reassign-  
3 ment of current immigration judges, that are dedicated  
4 to conducting humane and expedited inspection and  
5 screening for unaccompanied alien children under section  
6 235B of the Immigration and Nationality Act, as added  
7 by section 102. Such designations shall remain in effect  
8 solely for the duration of the humanitarian crisis at the  
9 southern border (as determined by the Secretary of Home-  
10 land Security, in consultation with the Attorney General).

11 (b) REQUIREMENT.—The Attorney General shall en-  
12 sure that sufficient immigration judge resources are dedi-  
13 cated to the purpose described in subsection (a) to comply  
14 with the requirement under section 235B(b)(1) of the Im-  
15 migration and Nationality Act.

16 **SEC. 105. PROTECTING CHILDREN FROM HUMAN TRAF-**  
17 **FICKERS, SEX OFFENDERS, AND OTHER**  
18 **CRIMINALS.**

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

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

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

1                   “(D) PROHIBITION ON PLACEMENT WITH  
2                   SEX OFFENDERS AND HUMAN TRAFFICKERS.—

3                   “(i) IN GENERAL.—The Secretary of  
4                   Health and Human Services may not place  
5                   an unaccompanied alien child in the cus-  
6                   tody of an individual who has been con-  
7                   victed of—

8                   “(I) a sex offense, (as defined in  
9                   section 111 of the Sex Offender Reg-  
10                  istration and Notification Act (42  
11                  U.S. 16911); or

12                  “(II) a crime involving a severe  
13                  form of trafficking in persons (as de-  
14                  fined in section 103 of the Trafficking  
15                  Victims Protection Act of 2000 (22  
16                  U.S.C. 7102)).

17                  “(ii) REQUIREMENTS OF CRIMINAL  
18                  BACKGROUND CHECK.—A biometric crimi-  
19                  nal history check under subparagraph (A)  
20                  shall be based on a set of fingerprints or  
21                  other biometric identifiers and conducted  
22                  through—

23                  “(I) the Federal Bureau of Inves-  
24                  tigation; and

1                   “(II) criminal history repositories  
2                   of all States that the individual lists  
3                   as current or former residences.”.

4 **SEC. 106. INCLUSION OF ADDITIONAL GROUNDS FOR PER**  
5 **SE INELIGIBILITY FOR ASYLUM.**

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

11 **TITLE II—USE OF NATIONAL**  
12 **GUARD TO IMPROVE BORDER**  
13 **SECURITY**

14 **SEC. 201. NATIONAL GUARD SUPPORT FOR BORDER OPER-**  
15 **ATIONS.**

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

22           (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

23                   (1) IN GENERAL.—National Guard units and  
24                   personnel deployed under subsection (a) may be as-  
25                   signed such operations as may be necessary to pro-

1       vide assistance for operations on the southern bor-  
2       der, with priority given to high traffic areas experi-  
3       encing the highest number of crossings by unaccom-  
4       panied alien children.

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

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

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

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

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

1 (e) HIGH TRAFFIC AREAS DEFINED.—In this sec-  
2 tion:

3 (1) The term “high traffic areas” means sec-  
4 tors along the northern and southern borders of the  
5 United States that are within the responsibility of  
6 the Border Patrol that have the most illicit cross-  
7 border activity, informed through situational aware-  
8 ness.

9 (2) The term “unaccompanied alien child”  
10 means a child who—

11 (A) has no lawful immigration status in  
12 the United States;

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

14 (C) with respect to whom—

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

17 (ii) no parent or legal guardian in the  
18 United States is available to provide care  
19 and physical custody.

1 **TITLE III—NATIONAL SECURITY**  
2 **AND FEDERAL LANDS PRO-**  
3 **TECTION**

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

6 (a) PROHIBITION ON SECRETARIES OF THE INTE-  
7 RIOR AND AGRICULTURE.—The Secretary of the Interior  
8 or the Secretary of Agriculture shall not impede, prohibit,  
9 or restrict activities of U.S. Customs and Border Protec-  
10 tion on Federal land located within 100 miles of the  
11 United States border with Mexico that is under the jurisdic-  
12 tion of the Secretary of the Interior or the Secretary  
13 of Agriculture, to execute search and rescue operations,  
14 and to prevent all unlawful entries into the United States,  
15 including entries by terrorists, other unlawful aliens, in-  
16 struments of terrorism, narcotics, and other contraband  
17 through such international land border of the United  
18 States. These authorities of U.S. Customs and Border  
19 Protection on such Federal land apply whether or not a  
20 state of emergency exists.

21 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND  
22 BORDER PROTECTION.—U.S. Customs and Border Pro-  
23 tection shall have immediate access to Federal land within  
24 100 miles of the United States border with Mexico that  
25 is under the jurisdiction of the Secretary of the Interior

1 or the Secretary of Agriculture for purposes of conducting  
2 the following activities on such land that prevent all un-  
3 lawful entries into the United States, including entries by  
4 terrorists, other unlawful aliens, instruments of terrorism,  
5 narcotics, and other contraband through such inter-  
6 national land border of the United States:

7 (1) Construction and maintenance of roads.

8 (2) Construction and maintenance of barriers.

9 (3) Use of vehicles to patrol, apprehend, or res-  
10 cue.

11 (4) Installation, maintenance, and operation of  
12 communications and surveillance equipment and sen-  
13 sors.

14 (5) Deployment of temporary tactical infra-  
15 structure.

16 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-  
17 ITY.—

18 (1) IN GENERAL.—Notwithstanding any other  
19 provision of law (including any termination date re-  
20 lating to the waiver referred to in this subsection),  
21 the waiver by the Secretary of Homeland Security  
22 on April 1, 2008, under section 102(e)(1) of the Ille-  
23 gal Immigration Reform and Immigrant Responsi-  
24 bility Act of 1996 (8 U.S.C. 1103 note; Public Law  
25 104–208) of the laws described in paragraph (2)

1 with respect to certain sections of the international  
2 border between the United States and Mexico shall  
3 be considered to apply to all Federal land under the  
4 jurisdiction of the Secretary of the Interior or the  
5 Secretary of Agriculture within 100 miles of such  
6 international land border of the United States for  
7 the activities of U.S. Customs and Border Protection  
8 described in subsection (b).

9 (2) DESCRIPTION OF LAWS WAIVED.—The laws  
10 referred to in paragraph (1) are limited to the Wil-  
11 derness Act (16 U.S.C. 1131 et seq.), the National  
12 Environmental Policy Act of 1969 (42 U.S.C. 4321  
13 et seq.), the Endangered Species Act of 1973 (16  
14 U.S.C. 1531 et seq.), the National Historic Preser-  
15 vation Act (16 U.S.C. 470 et seq.), Public Law 86–  
16 523 (16 U.S.C. 469 et seq.), the Act of June 8,  
17 1906 (commonly known as the “Antiquities Act of  
18 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic  
19 Rivers Act (16 U.S.C. 1271 et seq.), the Federal  
20 Land Policy and Management Act of 1976 (43  
21 U.S.C. 1701 et seq.), the National Wildlife Refuge  
22 System Administration Act of 1966 (16 U.S.C.  
23 668dd et seq.), the Fish and Wildlife Act of 1956  
24 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-  
25 ordination Act (16 U.S.C. 661 et seq.), subchapter

1 II of chapter 5, and chapter 7, of title 5, United  
2 States Code (commonly known as the “Administra-  
3 tive Procedure Act”), the National Park Service Or-  
4 ganic Act (16 U.S.C. 1 et seq.), the General Au-  
5 thorities Act of 1970 (Public Law 91–383) (16  
6 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404  
7 of the National Parks and Recreation Act of 1978  
8 (Public Law 95–625, 92 Stat. 3467), and the Ari-  
9 zona Desert Wilderness Act of 1990 (16 U.S.C.  
10 1132 note; Public Law 101–628).

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

13 (1) authority to restrict legal uses, such as  
14 grazing, hunting, mining, or public-use recreational  
15 and backcountry airstrips on land under the jurisdic-  
16 tion of the Secretary of the Interior or the Secretary  
17 of Agriculture; or

18 (2) any additional authority to restrict legal ac-  
19 cess to such land.

20 (e) EFFECT ON STATE AND PRIVATE LAND.—This  
21 Act shall—

22 (1) have no force or effect on State or private  
23 lands; and

24 (2) not provide authority on or access to State  
25 or private lands.

1 (f) TRIBAL SOVEREIGNTY.—Nothing in this section  
2 supersedes, replaces, negates, or diminishes treaties or  
3 other agreements between the United States and Indian  
4 tribes.

5 **SEC. 302. SENSE OF CONGRESS ON PLACEMENT OF UNAU-**  
6 **THORIZED ALIENS AT MILITARY INSTALLA-**  
7 **TIONS.**

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

10 (1) the Secretary of Defense should not allow  
11 the placement of unauthorized aliens at a military  
12 installation unless—

13 (A) the Secretary submits written notice to  
14 the congressional defense committees and each  
15 Member of Congress representing any jurisdic-  
16 tion in which an affected military installation is  
17 situated; and

18 (B) the Secretary publishes notice in the  
19 Federal Register;

20 (2) the placement of unauthorized aliens at a  
21 military institution should not displace active mem-  
22 bers of the Armed Forces;

23 (3) the placement of unauthorized aliens at a  
24 military institution should not interfere with any  
25 mission of the Department of Defense;

1           (4) the Secretary of Health and Human Serv-  
2           ices should not use a military installation for the  
3           placement of unauthorized aliens unless all other fa-  
4           cilities of the Department of Health and Human  
5           Services are unavailable;

6           (5) the Secretary of Health and Human Serv-  
7           ices should not use a military installation for the  
8           placement of unauthorized aliens for more than 120  
9           days;

10          (6) the Secretary of Health and Human Serv-  
11          ices should ensure that all unauthorized alien chil-  
12          dren are vaccinated upon arrival at a military instal-  
13          lation as set forth in the guidelines of the Office of  
14          Refugee Resettlement;

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

22          (8) the Secretary of Health and Human Serv-  
23          ices should fully comply with the provisions of the  
24          Victims of Child Abuse Act of 1990 (42 U.S.C.  
25          13001 et seq.) with respect to background checks

1 and should retain full legal responsibility for such  
2 compliance; and

3 (9) in accordance with section 1535 of title 31,  
4 United States Code (commonly referred to as the  
5 “Economy Act”), the Secretary of Health and  
6 Human Services should reimburse the Secretary of  
7 Defense for all expenses incurred by the Secretary of  
8 Defense in carrying out the placement of unauthor-  
9 ized aliens at a military installation.

10 (b) DEFINITIONS.—In this section:

11 (1) The term “congressional defense commit-  
12 tees” has the meaning given that term in section  
13 101(a)(16) of title 10, United States Code.

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

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

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

24 (5) The term “unauthorized alien” means an  
25 alien unlawfully present in the United States, but

- 1 does not include a dependent of a member of the
- 2 Armed Forces.