

**Emergency National Security Supplemental Appropriations Act, 2024**  
*Summary*

**DIVISION A –  
NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2024**

**TITLE I - Department of Defense**

**Assistance to Ukraine.**

Provides \$48.43 billion for continued U.S. support to Ukraine in its fight against Russia through military training, intelligence sharing, increased presence in the European Command area of responsibility, and other support activities through December 31, 2024—including:

- \$19.85 billion to replenish U.S. military weapons and equipment provided to Ukraine from Department of Defense (DoD) inventory;
- \$13.8 billion to allow Ukraine to re-arm itself through the purchase of weapons and munitions from the U.S. defense industrial base; and
- \$14.8 billion for continued U.S. support to Ukraine through military training, intelligence sharing, increased presence, and other support activities.

The bill also includes \$8 million for the DoD Inspector General (IG), who serves as the Special IG for Operation Atlantic Resolve, to continue to exercise oversight over U.S. assistance to Ukraine.

**Assistance to Israel and U.S. operations in the Middle East.**

Provides \$10.6 billion to support Israel, including \$4 billion for Israeli missile defense capabilities and \$1.2 billion for the procurement of the Iron Beam missile defense system.

Also provides \$2.44 billion to support U.S. operations in the U.S. CENTRAL COMMAND area of operations, and to replace combat expenditures for weapons in the Red Sea.

**Deterring the Chinese government.**

The bill includes \$2.58 billion to bolster U.S. and allied capabilities in the Indo-Pacific and deter China—including:

- \$1.9 billion to be invested in the U.S. industrial base to replenish U.S. weapons provided to Taiwan;
- \$542.2 million to address the Commander of the Indo-Pacific Command's unfunded requirements; and
- \$133 million to enhance the U.S. industrial base capacity for critical cruise missile components.

**Enhancing the Submarine Industrial Base.**

The bill includes \$3.3 billion to enhance the U.S. submarine industrial base in support of AUKUS, to include continued dry dock construction at public shipyards referenced in Title V.

### **Restoring U.S. Readiness.**

Across all categories of defense funding, the bill provides a total of \$34.9 billion to restore the readiness of the U.S. military by replenishing the weapons and munitions transferred to our partners or strengthening the U.S. defense industrial base through investments to improve and increase production capacity—including:

- \$26.15 billion in total replenishment for DoD stocks provided to Ukraine, Israel, and Taiwan;
- \$3.3 billion for the submarine industrial base; and
- \$5.4 billion in additional procurement and production expansion for artillery, air defense munitions, countering unmanned aerial systems, and critical munition components.

## **TITLE II - Department of Energy**

### **Isotopes.**

Provides \$98 million for investments in the development and production of isotopes.

### **National Nuclear Security Administration.**

Provides \$149 million for the National Nuclear Security Administration to respond to the security situation in Ukraine.

### **Domestic Uranium Production.**

Provides \$2.72 billion in repurposed funding to support domestic uranium enrichment to bolster production of civil nuclear fuel and advanced nuclear fuel.

## **TITLE III - Department of Homeland Security**

### **Nonprofit Security Grants Program.**

Provides \$400 million for the Nonprofit Security Grant Program at the Federal Emergency Management Agency (FEMA.)

## **TITLE IV - Department of Health and Human Services**

### **Refugee and Entrant Assistance.**

Provides \$2.334 billion for assistance for newly arrived refugees, including extending authorization for Ukrainians granted parole in fiscal year 2024 to be eligible for the same refugee benefits as those granted parole in fiscal year 2023 and fiscal year 2022.

## **TITLE V – Department of Defense**

### **Military Construction, Navy and Marine Corps.**

Includes funding for dry dock construction at U.S. public shipyards to modernize submarine maintenance infrastructure, particularly in support of AUKUS requirements.

## **TITLE VI - Department of State and USAID**

### **Operations.**

Provides \$299 million to sustain the protection of U.S. diplomatic facilities in Ukraine, Israel, and other at-risk facilities, and to provide services to American citizens in need overseas.

### **Economic Assistance to Ukraine and Countries Impacted by Russia's Invasion of Ukraine.**

Provides \$7.85 billion for direct budget support for Ukraine, including a prohibition on reimbursement of pensions, and an additional \$1.58 billion to help build the future of a self-reliant Ukrainian economy in priority sectors such as private sector growth, transportation and energy. Includes an additional \$25 million for USAID's Office of Transition Initiative to support recovery and resilience efforts in Ukrainian territory reclaimed from Russia and in Moldova, and \$50 million to respond to food insecurity, including as a result of Russia's invasion of Ukraine.

### **Security Assistance to Ukraine and Countries Impacted by Russia's Invasion of Ukraine.**

Provides \$1.6 billion in foreign military financing to address Ukraine and other regional partners' air defense, artillery, maritime security, and maintenance and sustainment requirements; \$300 million to help Ukraine protect its borders and promote the rule of law; and \$100 million to support demining, counterterrorism and nonproliferation programs.

### **Assistance to Israel.**

Provides \$3.5 billion in foreign military financing to help Israel reestablish territorial security and deterrence.

### **Additional Assistance for Partners in the Middle East.**

Provides \$85 million for U.S. efforts to support Arab partners in the Middle East, including to enhance counterterrorism capabilities.

### **Countering the Aggression and Malign Influence of the People's Republic of China**

Provides \$2 billion in foreign military financing to support critical partners in the Indo-Pacific region. Includes two provisions that enable enhanced support for the world's poorest countries to mitigate the economic impacts of Russia's war against Ukraine and the exploitation of heightened debt vulnerabilities by the People's Republic of China and use economic coercion to advance its interests.

### **Humanitarian Assistance.**

Provides \$9.2 billion in Division A to sustain global humanitarian assistance efforts through the Department of State and USAID by providing emergency food, shelter, and basic services to populations suffering the impacts of a confluence of complex and protracted crises, including in Ukraine, Gaza and the West Bank, East Africa, South Asia, and elsewhere. An additional \$850 million is included in Division B for the Western Hemisphere.

### **Oversight.**

Provides \$25 million for the Department of State and USAID Offices of Inspector General to oversee supplemental funding.

**Other General Provisions.**

General provisions include:

- Provides flexibility in consular operations to enhance preparedness for emergency evacuations or to prevent or respond to security situations.
- Increases Presidential drawdown authority.
- Enhances stockpile authority for the Department of Defense in Israel.
- Extends oversight provisions regarding U.S. assistance for Ukraine.
- Prohibits U.S. funding for the United Nations Relief and Works Agency.
- Includes a certification requirement and additional oversight provisions regarding humanitarian assistance for Gaza.

**TITLE VII - General Provisions – This Act**

**General Provisions.**

Technical budgetary provisions.

Requires the Administration to submit a strategy regarding United States support for Ukraine against aggression by the Government of the Russian Federation.

Requires briefings to Congress on the status and welfare of hostages being held in Gaza.

**DIVISION B –  
BORDER SECURITY AND COMBATTING FENTANYL SUPPLEMENTAL  
APPROPRIATIONS ACT, 2024**

**TITLE I - Department of Justice**

**Executive Office for Immigration Review.**

Provides \$440 million to hire additional immigration judge teams, and to increase the capacity of the immigration courts to expeditiously process and adjudicate cases; and to support a longstanding program that provides legal representation for certain adults who cannot represent themselves due to serious mental or developmental disabilities.

**Criminal Division.**

Provides \$11.8 million to support the efforts of Joint Task Force Alpha to combat human trafficking and smuggling that affect U.S. border communities.

**United States Marshals Service (USMS) Federal Prisoner Detention.**

Provides \$210 million for the USMS to meet housing, medical and transportation requirements for an increased inmate population, including those individuals charged with human and drug trafficking crimes and violating U.S. immigration laws, who remain in USMS custody while awaiting and during trial before the Federal judiciary.

**Federal Bureau of Investigation (FBI).**

Provides \$204 million for the FBI to address the significant and growing backlog of DNA samples collected from migrants encountered by the U.S. Border Patrol. The volume of non-U.S. citizens engaged at the southern border exceeds the FBI Laboratory's capability to process DNA samples for Combined DNA Index System (CODIS) entry.

**Drug Enforcement Administration (DEA).**

Provides \$23.2 million to disrupt and dismantle the Mexican cartels responsible for trafficking fentanyl across the southern border, including by enhancing the DEA's laboratory analysis of illicit fentanyl samples to trace illicit fentanyl supplies back to manufacturers, supporting the DEA's Operation Overdrive, and bolstering the DEA's criminal drug network targeting efforts through data system improvements.

**TITLE II - Department of Homeland Security**

**Office of the Secretary and Executive Management.**

Provides \$33 million to the Office of the Secretary and Executive Management for monitoring, analyzing, public reporting on, and projecting migration flows and the impacts policy changes and funding have on flows, and resource requirements for border security, immigration enforcement, and immigration services. Also funds reporting and oversight relating to expanded detention capacity.

**U.S. Customs and Border Protection.**

Provides \$6.766 billion to U.S. Customs and Border Protection. Within that amount, \$3.88 billion is to fund operational costs to manage and enhance security at our nation's borders, including expanded support at ports of entry, \$723 million is to hire additional Customs and Border Protection officers and Border Patrol agents and support Border Patrol overtime, \$424.5 million is to combat the entry of fentanyl and other illicit narcotics from entering the U.S. with the acquisition of innovative non-intrusive inspection equipment, \$334 million is for additional border security technology and air assets, and \$1.4 billion is to support sheltering and related humanitarian assistance through the Shelter and Services Program.

**U.S. Immigration and Customs Enforcement.**

Provides \$7.6 billion to U.S. Immigration and Customs Enforcement. Within that amount, \$2.55 billion is to fund transportation costs, including increased flights and staging facilities to accommodate the increased operational needs at the border, and \$1.29 billion is to fund an expansion of the Alternatives to Detention program allowing for immediate enrollment at the southwest border and fulfilling the new non-mandatory detention mandates. Also included is \$534.68 million for law enforcement officers and agents and other related personnel. Funding will support increased hiring for Homeland Security Investigations to expand capacity for

counter-fentanyl investigations and enforcement. Includes \$3.2 billion for custodial detention capacity.

**Federal Emergency Management Agency.**

Provides \$100 million for Operation Stonegarden grants under the Federal Emergency Management Agency, including not less than \$25 million for states not along the southwest border. These grants provide additional resources to State, local, Tribal, and Territorial law enforcement agencies to jointly enhance security along the United States land and water borders with federal law enforcement. Funds support recipients' use of their inherent law enforcement authorities to support the border security mission.

**U.S. Citizenship and Immigration Services.**

Provides \$3.99 billion for U.S. Citizenship and Immigration Services (USCIS) for personnel, facilities, and related costs to meet new operational requirements. Funds support new hiring across USCIS, including 4,338 Asylum Officers. Of this amount, \$147.9 million is included for costs related to a new asylum appeals board.

**Federal Law Enforcement Training Centers.**

Provides \$56.702 million for the Federal Law Enforcement Training Centers for training related expenses, including facilities, for instructors, tuition, and other related costs for the new hires funded in this Act.

**General Provisions.**

Requires monitoring, analytic analysis, and reporting to Congress on the impacts of policy changes and the resources provided on key performance measures and operational capabilities throughout the Department of Homeland Security. Includes regular reporting on obligations of funds provided in support of new hiring and the acquisition and deployment of new and expanded capabilities.

Provides a breakout of the type of border security technology that may be acquired with the funds provided in this Act and includes other requirements for those funds.

Provides requirements for the acquisition of additional non-intrusive inspection technology to ensure innovative and cost-effective capabilities are obtained.

Rescinds and reappropriates remaining border barrier balances for the same purpose with additional specifications on type of barrier.

Prevents funds from being used for community-based residential facilities.

Requires the Department of Homeland Security to ensure alternative and cost-benefit analyses are conducted prior to requesting assistance for border operations from the Department of Defense.

Requires certain metrics are met for the release of some of the funding provided to the Shelter and Services Program (SSP). Also directs FEMA to not limit SSP funds to entities that previously received or applied for funding.

### **TITLE III - Department of Health and Human Services**

#### **Refugee and Entrant Assistance/Unaccompanied Children Program.**

Provides \$350 million for the Department of Health and Human Services to provide legal counsel for unaccompanied children age 13 and younger who are in removal proceedings.

### **TITLE IV - Department of State and USAID**

#### **Department of State and U.S. Agency for International Development.**

Provides \$415 million to reduce irregular migration in the Western Hemisphere, including by supporting partner country efforts to improve the integration of migrants and enhancing partner capacity to receive migrants returned and removed from the United States.

Provides \$25 million for programs to counter the flow of fentanyl, fentanyl precursors, and other synthetic drugs into the United States.

### **TITLE V - General Provisions – This Act**

#### **General Provisions.**

Technical budgetary provisions.

## **DIVISION C – THE BORDER ACT OF 2024**

### **TITLE I – CAPACITY BUILDING**

#### **SUBTITLE A – HIRING, TRAINING, AND SYSTEMS MODERNIZATION**

#### **CHAPTER 1 – HIRING AUTHORITIES**

##### **Sec. 3101. USCIS direct hire authority.**

- Provides flexibility to U.S. Citizenship and Immigration Services to hire additional personnel to process asylum claims by authorizing the Secretary of Homeland Security to directly appoint, following public notice and consultation with the Office of Personnel Management, candidates for certain positions within the Refugee, Asylum, and International Operations Directorate, the Field Operations Directorate, or the Services Center Operations Directorate of U.S. Citizenship and Immigration Services. This authority will sunset five years after enactment.

**Sec. 3102. ICE direct hire authority.**

- Provides flexibility to Immigrations and Customs Enforcement to hire additional personnel to implement the new authorities contained in this legislation by authorizing the Secretary of Homeland Security to directly appoint, following public notice and consultation with the Office of Personnel Management, candidates for deportation officers or other positions exclusively relating to the Enforcement and Removal Program. This authority will sunset five years after enactment.

**Sec. 3103. Reemployment of civilian retirees to meet exceptional employment needs.**

- Authorizes the Secretary of Homeland Security to waive certain hiring requirements related to reemployment and annuitant pay on a case-by-case basis to recruit for critical positions necessary to implement this Act.

**Sec. 3104. Establishment of special pay rate for asylum officers.**

- Establishes a special base rate of pay for Asylum Officers at grades 1 through 15, which is the otherwise applicable General Schedule base rate plus 15 percent.

**CHAPTER 2 – HIRING WAIVERS**

**Sec. 3111. Hiring flexibility.**

- Addresses the shortage of U.S. Customs and Border Protection Officers and Border Patrol Agents by allowing the Commissioner to waive the polygraph screening requirement for eligible federal, State, or local law enforcement officers and members or reservists of the Armed Forces who are applicants to law enforcement positions. This authority will sunset three years after the date of enactment.

**Sec. 3112. Supplemental Commissioner authority and definitions.**

- Clarifies that applicants who receive a polygraph waiver under Sec. 3111 of this Act are not exempt from other hiring suitability requirements and may be subject to a polygraph if information discovered during the course of a background investigation indicates it is necessary to make a final suitability determination.
- Requires the Commissioner of U.S. Customs and Border Protection to submit a report to Congress on the use of the polygraph waiver under Sec. 3111 of this Act.
- Directs the Comptroller General of the United States to conduct a review of disciplinary, misconduct, or derogatory records of individuals hired using the polygraph waiver authority under Sec. 3111 of this Act.
- Provides new definitions in the Anti-Border Corruption Act of 2010 relevant for the implementation of this subtitle.



## **CHAPTER 3 – ALTERNATIVES TO DETENTION IMPROVEMENTS AND TRAINING FOR U.S. BORDER PATROL**

### **Sec. 3121. Alternatives to detention improvements.**

- Requires the Director of U.S. Immigration and Customs Enforcement to certify to Congress that there are consistent, standard, and evidence-based escalation and de-escalation policies for the alternatives to detention program in place across all ICE field offices.
- Requires the Director to annually review and publicly report to Congress regarding the use of such policies.
- Independent verification and validation of such policies is to be conducted at least every 5 years.

### **Sec. 3122. Training for U.S. Border Patrol.**

- Establishes annual training requirements for all U.S. Border Patrol agents and other employees on topics essential to the effective performance of their duties, including the non-lethal use of force and de-escalation strategies, migration trends, anti-corruption and officer ethics, trends in transnational criminal organizations, and protecting due process, civil, human and privacy rights.

## **CHAPTER 4 – MODERNIZING NOTICES TO APPEAR**

### **Sec. 3131. Electronic notices to appear.**

- Amends Sec. 239 of the Immigration and Nationality Act to authorize the Secretary to provide service of a notice to appear in writing, by email, or by other electronic means if elected by the applicant.

### **Sec. 3132. Authority to prepare and issue notices to appear.**

- Amends Sec. 239 of the Immigration and Nationality Act to authorize mission support personnel within U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement who have received proper training to prepare a notice to appear for review and issuance by their supervisory immigration officer.

## **SUBTITLE B – ASYLUM PROCESSING AT THE BORDER**

### **Sec. 3141. Provisional noncustodial removal proceedings.**

- Creates Sec. 235B within the Immigration and Nationality Act which establishes provisional noncustodial removal proceedings governed by U.S. Citizenship and Immigration Services to adjudicate asylum requests from the border.
- Provides that individuals referred to provisional noncustodial removal proceedings will be subject to the alternatives to detention program for the duration of the proceedings.
- Establishes that applicants subject to provisional noncustodial removal proceedings should be provided notice, either in writing or by electronic means, of a protection determination interview to take place no later than 90 days after being referred to provisional removal proceedings.
- Requires the Secretary, to the greatest extent possible, to ensure that family units subject to the proceedings under this subject be processed together.

- Establishes procedures for U.S. Citizenship and Immigration Services to conduct protection determination interviews, which are to be 1) an asylum screening pursuant to Sec. 235(b)(1)(B)(v); and 2) a screening to determine if an individual is eligible for withholding of removal under Sec. 241(b)(3) and protection under the Convention Against Torture. Also establishes procedures for the service of a protection determination decision that arises from the interview.
- Provides that applicants who receive a positive protection determination immediately receive work authorizations and are referred to a protection merits interview under Sec. 240D as created in this Act.
- Provides that applicants who receive a negative protection determination are ordered removed from the U.S., subject to a request for reconsideration before an asylum officer or de novo administrative review before a Protection Appellate Board established under the newly created Sec. 240D. Such administrative review must occur not later than 72 hours after receiving a request from an applicant. If the Protection Appellate Board upholds a negative protection determination, the applicant shall be removed from the country without additional review.
- Grants an asylum officer authority to approve an application for relief or protection during the protection determination if an applicant demonstrates, by clear and convincing evidence, they are eligible for 1) asylum under Section 208; 2) withholding of removal under Section 241(b)(3); or 3) protection under the Convention Against Torture. Such approvals are automatically subject to the review of a supervisory officer.
- Provides that if the Secretary fails to conduct a protection determination interview within a 90-day period an applicant will automatically be referred to a protection merits interview in Sec. 240D.
- Exempts unaccompanied children from all provisional removal proceedings.

**Sec. 3142. Protection merits removal proceedings.**

- Creates Sec. 240D within the Immigration and Nationality Act which establishes a new removal process governed by U.S. Citizenship and Immigration Services. Though exceptions apply, most individuals referred to Sec. 235B removal proceedings have either received a positive protection determination (“screening”) or do not receive a protection determination interview within the 90-day timeframe.
- Provides that protection merits removal proceedings must begin immediately after the Secretary serves notice that an applicant was referred and must be concluded within 90 days of initiation of proceedings. However, the Secretary may not schedule a protection merits interview earlier than 30 days prior to notifying an applicant of their protection merits interview.
- Establishes that if an asylum officer determines an applicant does not meet the criteria for a positive merits decision the applicant shall be provided written notice of the decision and ordered removed from the U.S., subject to a request for reconsideration before a Protection Appellate Board established under this subtitle.
- Permits an individual with a minor child who has been ordered removed pursuant to this section to elect to be removed with the minor child.
- Directs the Secretary to promulgate such regulations that are necessary to implement this section.

**Sec. 3143. Voluntary departure after noncustodial processing; withdrawal of application for admission.**

- Creates Sec. 240E within the Immigration and Nationality Act that permits an individual who meets eligibility requirements to voluntarily depart the U.S. at their own expense before the completion of their proceedings under Sec. 235B or Sec. 240D, as established by this Act.
- Prohibits an individual who was permitted to voluntarily depart the U.S. under this section from being eligible for future relief under Sec. 240A, 245, 248 or 249 of the Immigration and Nationality Act if they fail to depart within the period specified by the Secretary.
- Permits any applicant for admission to withdraw their application for protection at any time 1) prior to completing proceedings under Sec. 235B or 2) before a protection merits interview.

**Sec. 3144. Voluntary repatriation.**

- Directs the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a voluntary repatriation program for individuals subject to proceedings under Sec. 235B or Sec. 240D of the Immigration and Nationality Act who knowingly and voluntarily elect repatriation to their country of origin. Authorizes the Secretary to transport individuals who elect voluntary repatriation on commercial flights, where available.

**Sec. 3145. Immigration Examinations Fee account**

- Specifies that the costs of implementing Sec. 235B and Sec. 240D of the Immigration and Nationality Act as established by this Act are appropriated by Congress and not subject to the collection of fees at U.S. Citizenship and Immigration Services.

**Sec. 3146. Border reforms.**

- Creates Section 244A of the Immigration and Nationality Act which establishes special rules for individuals who arrive by land from a contiguous continental land border. Clarifies that nothing in this subsection shall refer an individual for removal proceedings pursuant to Sec. 240 or preclude the use of a withdrawal of admission, reinstatement of removal orders, or parole for urgent humanitarian reasons or significant public benefit.
- Requires the Comptroller General of the United States to certify full implementation of Sec. 235B of the Immigration and Nationality Act, as created by this Act. Provides requirements for the review of implementation and procedures for noncertification. Requires the Secretary to confirm or reject the certification of the Comptroller General.
- Requires the Secretary to publish a semiannual report accessible to the public regarding the number of individuals released.

**Sec. 3147. Protection Appellate Board.**

- Amends the Homeland Security Act of 2002 to establish an appellate authority within U.S. Citizenship and Immigration Services responsible for conducting administrative reviews of protection merits determination decisions made under Sec. 240D of the Immigration and Nationality Act.
- Provides that each panel of the Protection Appellate Board is to be 3 asylum officers from diverse geographic regions assigned at random.

- Establishes standards for independent reviews and clarifies that final determinations made by the Board are made by majority decision submitted by each member of the Board independently.
- Requires the Secretary to annually report to Congress certain information related to membership and outcomes of reviews conducted by the Board.

## **TITLE II – ASYLUM PROCESSING ENHANCEMENTS**

### **Sec. 3201. Combined screenings.**

- Defines “protection determination” as 1) a credible fear screening; or 2) a screening to determine if an individual is eligible for withholding of removal under Sec. 241(b)(3), or protection under the Convention Against Torture.
- Defines “protection merits interview” as an interview to determine whether an individual 1) meets the definition of “refugee” in accordance with the conditions of Sec. 208; 2) qualifies for withholding of removal under Sec. 241(b)(3); or 3) is eligible for protection under the Convention Against Torture.

### **Sec. 3202. Credible fear standard and asylum bars at screening interview.**

- Raises the asylum screening standard by amending the definition of “credible fear of persecution” under Sec. 235(b)(1)(B) of the Immigration and Nationality Act to mean that there is a reasonable possibility that the alien could establish eligibility for asylum under Sec. 208. Currently, credible fear is evaluated using the lower “significant possibility” standard.
- Requires an asylum officer, during a protection determination interview, to determine if an applicant for asylum is disqualified from receiving asylum under any of the exceptions under Sec. 208(b)(2).

### **Sec. 3203. Internal relocation.**

- Establishes an additional asylum bar under Sec. 208(b)(2)(A) if there are reasonable grounds to believe an individual could have internally relocated in their country of origin or country of last habitual residence, in lieu of seeking protection in the United States.

### **Sec. 3204. Asylum officer clarification.**

- Clarifies that an asylum officer defined under Sec. 235(b)(1)(E) is exclusively an employee of U.S. Citizenship and Immigration Services and may never be a law enforcement officer.

## **TITLE III – SECURING AMERICA**

### **SUBTITLE A – BORDER EMERGENCY AUTHORITY**

#### **Sec. 3301. Border emergency authority.**

- Creates Sec. 244B of the Immigration and Nationality Act which grants the Secretary of Homeland Security new emergency authority to respond to extraordinary migration circumstances. The “border emergency authority” *may* be exercised if the 7-day average number of cumulative encounters of inadmissible aliens is between 4,000 and 5,000 per day and *must* be exercised if the 7-day average is above 5,000 per day. Exercise of the authority

is also *required* if the number of encounters on a single day exceeds 8,500. Unaccompanied minors from non-contiguous countries are not included in the total number of encounters for the purposes of this section.

- When use of the emergency authority is authorized, the Secretary has the authority to prohibit the entry into the U.S. of all individuals, except unaccompanied minors, between ports of entry and may only screen individuals for eligibility for withholding of removal or protection under the Convention Against Torture. Concurrently, U.S. Customs and Border Protection is required to continue processing a minimum of 1,400 inadmissible aliens per day across southwest land ports of entry under expedited removal or the 235B non-custodial removal proceedings contained in this title, ensuring that access to the asylum system remains available.
- Requires the Secretary to suspend exercise of the border emergency authority within 14 days of the 7-day average number of encounters falling below 75% of the total applicable encounter number which initially authorized the Secretary to exercise the border emergency authority.
- Provides that the authority shall not be activated for more than 270 days in the first calendar year, 225 days in the second calendar year, and 180 days in the third calendar year.
- Authorizes the President to suspend the border emergency on an emergency basis for up to 45 days if it is in the national interest.
- Provides that the U.S. District Court for the District of Columbia has sole and original jurisdiction over any challenge arising from the Secretary's authority to exercise the border emergency authority.
- Imposes a 1-year inadmissibility bar on any alien who has been removed two or more times pursuant to the border emergency authority.

## **SUBTITLE B – FEND OFF FENTANYL ACT**

This Act incorporates the FEND Off Fentanyl Act, as included in the “National Security and Border Act, 2024.”

## **SUBTITLE C — FULFILLING PROMISES TO AFGHAN ALLIES**

### **Sec. 3331. Definitions.**

- Defines applicable terms used in this Act.

### **Sec. 3332. Support for Afghan allies outside the United States.**

- Directs the Secretary of State to designate an office at the Department of State responsible for overseeing specified applications from Afghan nationals, issuing visas and other travel documents, and providing services that would otherwise be fulfilled by an embassy. Requires the Secretary to respond to Congressional inquiries regarding the status of applications by, or on behalf of, Afghan nationals.

### **Sec. 3333. Conditional permanent resident status for eligible individuals.**

- Authorizes the Secretary of Homeland Security to adjust the status of Afghan nationals who were admitted or paroled into the United States after July 30, 2021 to conditional lawful permanent resident status following completion of a vetting process which is equivalent in

rigor to that of the U.S. Refugee Assistance Program. To be eligible for adjustment, an individual must not be subject to any grounds of inadmissibility under Sec. 212 of the Immigration and Nationality Act. However, the Secretary is permitted to waive application of grounds of inadmissibility under Sec. 212(a) for humanitarian or family unity purposes, except certain criminal, security, and related grounds as specified in this section.

- Provides that individuals granted conditional permanent resident status and their child or spouse who is the beneficiary of an immigrant petition under Sec. 204 of the Immigration and Nationality Act are exempt from numerical limitations under Sec. 201, 202, and 203 of the Immigration and Nationality Act.
- Authorizes conditional lawful permanent resident status to be revoked if the Secretary 1) removes conditions pursuant to this Act; 2) determines that an individual is no longer eligible for conditional status; or 3) determines that the individual is not eligible for removal of conditions. The conditional basis of the status may be removed for eligible individuals within 120 days of the earliest of 1) four years after being paroled into the U.S.; or 2) July 1, 2027.
- Requires the Office of Refugee Resettlement to schedule a nonadversarial meeting to assist an individual with referral or application for benefits under the Department of Health and Human Services and any other benefits administered by the U.S. government within 180 days of conditional lawful permanent resident status being conferred.
- Directs the Secretary to develop procedures for an individual granted conditional lawful permanent resident status to apply for naturalization upon the removal of conditions.

#### **Sec. 3334. Refugee processes for certain at-risk Afghan allies.**

- Defines “Afghan ally” as eligible Afghans who served in elements of the Afghanistan National Defense and Security Forces, including all female members, and senior personnel of the former Ministry of Defense or former Ministry of Interior Affairs of Afghanistan for at least one year in support of the U.S. mission in Afghanistan.
- Provides that Afghan allies are considered refugees of special humanitarian concern. This designation will expire no earlier than 10 years after enactment of this Act or a determination by the Secretary of State that it is no longer in the interest of the United States.
- Requires the Secretary of Defense to establish a program for individuals to apply for classification as an Afghan ally and request a referral to the U.S. Refugee Admissions Program. The program must include a secure, online portal for Afghan nationals to provide information and is permitted to be used by other U.S. departments or agencies according to arrangements made by the Secretary of Defense. An applicant must be referred to the U.S. Refugee Admissions Program following determination that an applicant is an Afghan ally without significant derogatory information.
- Directs the Secretary of State to make reasonable effort to provide protection for or immediately remove an individual designated as an Afghan ally from Afghanistan, if possible.

#### **Sec. 3335. Improving efficiency and oversight of refugee and special immigrant processing.**

- Authorizes the Secretary to accept fingerprint cards or biometric submissions 1) prepared by international or nongovernmental organizations pursuant to an agreement with the Secretary; 2) prepared by employees or contractors of the Department of Homeland Security or Department of State; or 3) provided by an agency.

- Requires the Secretary of Homeland Security and Secretary of Defense to ensure sufficient staffing to efficiently and adequately carry out the vetting requirements established by this subtitle.
- Requires the Secretary of Health and Human Services to ensure sufficient staffing to efficiently provide assistance under chapter 2 of title IV of the Immigration and Nationality Act for refugees resettled in the U.S.
- Directs the Secretary of State and Secretary of Homeland Security to employ remote processing capabilities for refugee processing under Sec. 207 as appropriate, secure, and likely to reduce processing wait times.
- Establishes an Interagency Task Force on Afghan Ally Strategy, chaired by the Secretary of State and comprised of representatives from relevant federal agencies. The Task Force must submit a report to Congress within 180 days of being created that includes a strategy for facilitating the resettlement of Afghan nationals outside of the U.S. who supported the U.S. mission in Afghanistan and other specified information. The Task Force must also brief Congress within 60 days of submitting such report.
- Requires the President to enumerate in the annual refugee ceiling determination the number of individuals granted asylum in the prior fiscal year. Also requires the President to consider projected global resettlement needs published by the U.N. High Commissioner for Refugees when making this determination. Establishes a new reporting requirement in Sec. 207 of the Immigration and Nationality Act related to the number of refugee admissions.

**Sec. 3336. Support for certain vulnerable Afghans relating to employment by or on behalf of the United States.**

- Amends the definition of “special immigrant” to create a new category for a citizen or national of Afghanistan who is the parent, brother, or sister of a member or veteran of the U.S. Armed Forces. Provides that the maximum number of visas that may be issued under this definition is 2,500 per fiscal year and 10,000 total.
- Amends Sec. 602 of the Afghan Allies Protection Act of 2009 to establish an exemption to the service time requirement for the Afghan Special Immigrant program for individuals who were wounded or seriously injured in connection with their employment prior to completing one year of eligible employment.
- Extends the deadline for individuals seeking special immigrant status under Sec. 602(b) of the Afghan Allies Protection Act of 2009 until December 31, 2029, and the annual reporting requirement until January 21, 2030.
- Authorizes an applicant for a special immigrant visa under the Afghan Allies Protection Act of 2009 to sign an application through a virtual video meeting before a consular officer.
- Amends the reporting requirement under the Afghan Allies Protection Act of 2009 to account for changes made under this Act, including average processing time and number of denials issued for applicants for refugee referral made under Sec. 3334 of this Act.

**Sec. 3337. Support for allies seeking resettlement in the United States.**

- Authorizes the Secretary of Homeland Security to waive any fee or surcharge collected in connection with a petition, application, or issuance of an immigrant visa to an Afghan national under specified sections of the Immigration and Nationality Act.

**Sec. 3338. Reporting.**

- Requires the Secretary of Homeland Security to submit to Congress a quarterly report with the number of individuals granted conditional permanent resident status under this subtitle.
- Requires the Secretary of Homeland Security to submit to Congress an annual report with the number of individuals granted conditional permanent resident status who are placed in removal proceedings according to corresponding grounds of deportability

**TITLE IV – PROMOTING LEGAL IMMIGRATION**

**Sec. 3401. Employment authorization for fiancés, fiancées, spouses, and children of United States citizens and specialty workers.**

- Amends Sec. 214(c) of the Immigration and Nationality Act to provide automatic work authorizations to 1) a fiancé, fiancée, or spouse of a United States citizen who has been admitted to await the approval of an immigrant visa; 2) a child of a fiancé, fiancée, or spouse of a United States citizen who has been admitted to await the approval of an immigrant visa; and 3) the alien spouse or child of an H-1B visa holder.

**Sec. 3402. Additional visas.**

- Authorizes an additional 250,000 immigrant visas for the next five fiscal years, which would be divided between the family-based (32,000/fiscal year) and employment-based (18,000/fiscal year) visa categories.
- These visas would not expire until issued and are subject to numerical limitations in Sec. 202 and the allocation of immigrant visas in Sec. 203.

**Sec. 3403. Children of long-term visa holders.**

- Amends Sec. 203 and Sec. 214 of the Immigration and Nationality Act to clarify that the age or marital status determination for a dependent child of an H-1B visa holder is to be made using the individual's age and marital status on the date of the initial petition for classification for the purpose of their order of consideration, ensuring that children who currently "age out" of status due to the green card backlog receive protection from deportation. To be eligible, individuals must have maintained their status as a dependent child for at least 8 years prior to reaching 21 years of age and sought to acquire lawful permanent residence status within a 2-year period of an immigrant visa becoming available to them.
- Provides work authorization for an individual who is determined to be a child pursuant to the changes in this section.
- Provides that a motion to reopen or reconsider the denial of an application for an immigrant visa or adjustment of status under Sec. 245 of the Immigration and Nationality Act may be granted if the petition would have been approved under the changes made in this section. Prohibits the Attorney General or Secretary of Homeland Security from initiating removal proceedings for an individual with a pending, nonfrivolous motion permitted under this section. Provides work authorization to an individual who has a pending, nonfrivolous motion to reopen or reconsider permitted under this section.



**Sec. 3404. Military naturalization modernization.**

- Streamlines the naturalization process for noncitizen servicemembers by striking Sec. 328 of the Immigration and Nationality Act and establishing a single pathway for naturalization for those noncitizens who have honorably served our country.
- Amends Sec. 329 of the Immigration and Nationality Act to clarify that all alien or noncitizen nationals of the United States who served honorably as a member of the U.S. Armed Forces may be naturalized upon certification from the head of the executive department from which the individual separated under honorable conditions.

**Sec. 3405. Temporary family visits.**

- Creates a new nonimmigrant visa category for individuals with pending immigration petitions to allow them to visit for family purposes. Family members may file a petition for their relative to receive this nonimmigrant visa category that includes 1) a declaration of financial support; 2) evidence the relative has obtained short-term travel medical insurance for the duration of their stay; 3) declaration the relative has expressed intent to leave the United States at the conclusion of admission; and 4) attestation they are aware of the penalties for overstaying admission. Individuals who overstay their period of admission may not be reauthorized for admission.

**TITLE V – SELF-SUFFICIENCY AND DUE PROCESS**

**SUBTITLE A – WORK AUTHORIZATIONS**

**Sec. 3501. Work authorization.**

- Amends Sec. 208 of the Immigration and Nationality Act to specify that an applicant for asylum may be eligible for, but is not entitled to, work authorization except as provided in 235C.

**Sec. 3502. Employment eligibility.**

- Creates Sec. 235C within the Immigration and Nationality Act which provides work authorization for individuals who have 1) received a positive protection determination pursuant to Sec. 235B at the higher screening standard; 2) been referred to a protection merits interview; or 3) receives a positive credible fear screening under Sec. 235(b)(1). Work authorization under this section is valid for an initial period of up to 2 years and may be renewed every two years.

**SUBTITLE B – PROTECTING DUE PROCESS**

**Sec. 3511. Access to counsel.**

- Establishes procedures for the Department of Homeland Security to provide information to all asylum seekers regarding their due process rights, obligations, and the asylum system.
- Clarifies that a protection determination interview may not occur until 72 hours after this disclosure and that individuals have a right to seek legal counsel who may participate in the protection determination interview. This information must be provided, to the maximum extent possible, in an individual's native language.

**Sec. 3512. Counsel for certain unaccompanied alien children.**

- Amends the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to require that the Secretary of Health and Human Services provide legal counsel to unaccompanied alien children 13 years or younger in removal proceedings.
- Access to government provided counsel ends after an immigration benefit is granted to the child or removal proceedings are terminated and is not applicable to appeals to a U.S. district court unless it is a case with implications for this area of the law.

**Sec. 3513. Counsel for certain incompetent individuals.**

- Authorizes an immigration judge to appoint legal counsel or certified representation for an individual who has been found incompetent to represent themselves if pro bono counsel is unavailable. Provides criteria for an immigration judge to determine if an individual is incompetent. Requires the Director of the Executive Office for Immigration Review to report to Congress the number of individuals who claimed to be incompetent to represent themselves and subsequent determinations. Authorizes the Attorney General to engage in rulemaking to implement this section.

**Sec. 3514. Conforming amendment**

- Amends Sec. 292 of the Immigration and Nationality Act to clarify that any individual subject to a removal proceeding before an immigration judge and a subsequent appeal proceeding has the ability to access authorized legal counsel. Clarifies that the federal government shall provide, at government expense, counsel for certain unaccompanied alien children and, subject to appropriations, individuals found incompetent to represent themselves.

**TITLE VI – ACCOUNTABILITY AND METRICS**

**Sec. 3601. Employment authorization compliance.**

- Requires the Secretary of Homeland Security to submit a report to Congress that describes the actions taken by the Secretary pursuant to section 235C, including the number of employment authorization applications granted or denied pursuant to subsection (a)(1) of section 235C.

**Sec. 3602. Legal access in custodial settings.**

- Requires the Secretary of Homeland Security to submit a report to Congress regarding alien access to legal representation and consultation in custodial settings.

**Sec. 3603. Credible fear and protection determinations.**

- Requires the Director of U.S. Citizenship and Immigration Services to submit a report to Congress containing information on the number of aliens who received a positive or negative protection determination or screening.

**Sec. 3604. Publication of operational statistics by U.S. Customs and Border Protection.**

- Requires the Commissioner of U.S. Customs and Border Protection to publish publicly available data on alien counters and other regularly collected data no later than the seventh day of each month.

**Sec. 3605. Utilization of parole authorities.**

- Requires the Secretary of Homeland Security to submit a report to Congress identifying the number of aliens paroled into the country pursuant to section 212(d)(5) of the Immigration and Nationality Act.

**Sec. 3606. Accountability in provisional removal proceedings.**

- Requires the Secretary of Homeland Security to submit a report to Congress regarding the implementation of sections 235B and 240D of Immigration and Nationality Act.

**Sec. 3607. Accountability in voluntary repatriation, withdrawal, and departure.**

- Requires the Secretary of Homeland Security to submit a report to Congress regarding the implementation of section 240G of the Immigration and Nationality Act.

**Sec. 3608. GAO analysis of immigration judge and asylum officer decision-making regarding asylum, withholding of removal, and protection under the Convention Against Torture.**

- Requires the Comptroller General to analyze the decision rates of immigration judges and asylum officers regarding aliens who receive a positive protection determination and have been referred to proceedings under section 240 or 240D of the Immigration and Nationality Act.

**Sec. 3609. Report on counsel for unaccompanied children.**

- Requires the Secretary of Health and Human Services to submit a report to Congress with information regarding unaccompanied children who received appointed counsel.

**Sec. 3610. Recalcitrant countries.**

- Requires the Secretary of Homeland Security and Secretary of State to jointly submit a report to Congress which lists all countries that deny, unreasonably delay, or place unreasonable limitation on acceptance of individuals ordered removed to such country. The Secretaries must also brief Congress on the report and any measures taken to encourage compliance with removal orders, information regarding the individuals ordered removed to such countries, and conditions within recalcitrant countries.

**TITLE VII – OTHER MATTERS**

**Sec. 3701. Severability.**

- Clarifies that the remainder of this Act and any amendments made by it are not affected if any provision, amendment, or application of such provision is held to be unconstitutional.

**TITLE VIII – BUDGETARY EFFECTS**

**Sec. 3801. Budgetary Effects.**

Includes technical budgetary provisions.

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