

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 399
OFFERED BY MR. BRAT OF VIRGINIA**

Add at the end the following new section (and conform the table of contents accordingly):

1 SEC. 22. ACTUAL OR IMMINENT INFLUX OF ALIENS; IMMEDIATELY ARRIVING ALIENS.

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3 (a) ACTUAL OR IMMINENT INFLUX OF ALIENS.—Section 103(a)(10) of the Immigration and Nationality Act
4 tion 103(a)(10) of the Immigration and Nationality Act
5 (8 U.S.C. 1103(a)(10)) is amended to read as follows:

6 “(10)(A) Not later than 14 days after the Chief
7 of the Border Patrol determines that an actual or
8 imminent mass influx of aliens has arrived or will
9 arrive off the coast of the United States, or near a
10 land border, the Secretary of Homeland Security
11 shall establish a temporary detention center or centers,
12 as appropriate, within the affected Border Patrol
13 Sector or Sectors to ensure compliance with the
14 provisions of 235(b)(1)(H)(ii) with regard to immediately
15 arriving aliens, which may include the use of
16 tents, trailers, and other disaster relief supplies,
17 which may be provided by the Federal Emergency
18 Management Agency or the Department of Defense.

1 “(B) In the event that the Secretary determines
2 that an actual or imminent mass influx of aliens
3 presents urgent circumstances requiring an imme-
4 diate Federal response, the Secretary may authorize
5 any State or local law enforcement officer, with the
6 consent of the head of the department, agency, or
7 establishment under whose jurisdiction the individual
8 is serving, to perform or exercise any of the powers,
9 privileges, or duties conferred or imposed by this
10 chapter or regulations issued thereunder upon offi-
11 cers or employees of the Department of Homeland
12 Security.”.

13 (b) EXPEDITED REMOVAL FOR IMMEDIATELY ARRIV-
14 ING ALIENS.—Section 235(b)(1) of the Immigration and
15 Nationality Act (8 U.S.C. 1225(b)(1)) is amended—

16 (1) in subparagraph (A)(i), by inserting after
17 “under section 212(a)(6)(C) or 212(a)(7)” the fol-
18 lowing: “or is an immediately arriving alien”; and

19 (2) by adding at the end the following:

20 “(H) IMMEDIATELY ARRIVING ALIENS.—

21 “(i) IN GENERAL.—The procedures
22 under this paragraph shall be the only
23 available forms of removal or relief avail-
24 able to immediately arriving aliens.

1 “(ii) MANDATORY DETENTION.—An
2 immediately arriving alien subject to the
3 procedures under this paragraph shall be
4 detained not more than 25 miles from a
5 border of the United States, and may not
6 be released on bond, or other form of re-
7 lease—

8 “(I) pending a final determina-
9 tion of credible fear of persecution
10 and, if found not to have such a fear,
11 until removed; or

12 “(II) if the alien is not seeking a
13 determination of credible fear of per-
14 secution, until removed.”.

15 (c) DEFINITIONS.—Section 101(a) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1101(a)) is amended
17 by adding at the end the following:

18 “(53) The term ‘actual mass influx of aliens’
19 means that the apprehension by Border Patrol
20 agents of aliens attempting to enter the United
21 States unlawfully in a single Border Patrol Sector
22 has increased, compared to the average number of
23 such apprehensions during the previous 12-month
24 period, by—

1 “(A) 20 percent or more during a 3-month
2 period; or

3 “(B) 30 percent or more during a 1-month
4 period.

5 “(54) The term ‘imminent mass influx of
6 aliens’ means a significant possibility, as determined
7 by the Chief of the Border Patrol based on border
8 intelligence and situational awareness, that the ap-
9 prehension by Border Patrol agents of aliens at-
10 tempting to enter the United States unlawfully in a
11 single Border Patrol Sector will increase, compared
12 to the average number of such apprehensions during
13 the previous 12-month period, by—

14 “(A) 20 percent or more during the up-
15 coming 3-month period; or

16 “(B) 30 percent or more during the up-
17 coming 1-month period.

18 “(55) The term ‘immediately arriving alien’
19 means an alien who is apprehended by a Border Pa-
20 trol agent—

21 “(A) during an attempt to enter the
22 United States unlawfully; or

1 “(B) not more than 96 hours after enter-
2 ing the United States unlawfully, not more than
3 25 miles from a border of the United States.”.

