

**AMENDMENT TO H.R. 2**  
**OFFERED BY MR. FALLON OF TEXAS**

Add at the end of division B the following:

1       **TITLE IX—MISCELLANEOUS**  
2       **SECTION 901. AMERICAN SAFETY AND FAIRNESS THROUGH**  
3               **EXPEDITED REMOVAL ACT.**

4       (a) EXPANSION OF EXPEDITED REMOVAL OF INAD-  
5 MISSIBLE ARRIVING ALIENS.—Section 235(b)(1)(A) of  
6 the Immigration and Nationality Act (8 U.S.C.  
7 1225(b)(1)(A)) is amended—

8               (1) in clause (i), by inserting “, regardless of  
9 where the alien is encountered or apprehended,”  
10 after “or is described in clause (iii)”;

11               (2) in clause (ii), by inserting “, regardless of  
12 where the alien is encountered or apprehended,”  
13 after “or is described in clause (iii)”;

14               (3) in clause (iii)—

15                       (A) by amending subclause (I) to read as  
16 follows:

17                                       “(I) IN GENERAL.—The Sec-  
18 retary of Homeland Security shall  
19 apply clauses (i) and (ii) of this sub-

1 paragraph to all aliens described in  
2 subclause (II).”; and

3 (B) by adding at the end the following:

4 “(III) DISCRETIONARY APPLICA-  
5 TION TO OTHER ALIENS.—The Sec-  
6 retary of Homeland Security may  
7 apply clauses (i) and (ii) of this sub-  
8 paragraph to any or all other aliens  
9 who have not been admitted or pa-  
10 roled into the United States, as des-  
11 ignated by the Secretary of Homeland  
12 Security. Such designation shall be in  
13 the sole and unreviewable discretion of  
14 the Secretary of Homeland Security  
15 and may be modified at any time.”.

16 (b) RULEMAKING.—

17 (1) NULLIFICATION OF RULE.—The rule of the  
18 Department of Homeland Security entitled “Desig-  
19 nating Aliens for Expedited Removal” (69 Fed. Reg.  
20 48,877; August 11, 2004) shall have no force or ef-  
21 fect.

22 (2) IMPLEMENTATION.—Not later than 90 days  
23 after the date of enactment of this Act, the Sec-  
24 retary of Homeland Security shall make a rule to  
25 implement the amendments made by this Act.

1           (3) LIMITATION ON RULEMAKING.—The Sec-  
2       retary of Homeland Security may not make any  
3       rules implementing section 235(b)(1)(A) of the Im-  
4       migration and Nationality Act (8 U.S.C.  
5       1225(b)(1)(A)) that limit the authority for expedited  
6       removal by the distance from the border of the  
7       United States where an alien is encountered or ap-  
8       prehended.

