

Coalition Border Security & Management Framework

April 2024

This legislative framework proposes solutions to address the challenges at the United States border by creating a process that is **secure, efficient, and humane**. A package of legislative initiatives designed to respond to elevated levels of migrant encounters and security issues at the southern border, this framework aims to meet the challenges at the border in a manner that is pragmatic and can realistically become law.

Changes in migration patterns throughout the Western Hemisphere and the world require that the United States Congress update the country's laws and policies and invest more resources to meet the challenges at America's borders. Increases in migration at the southern border, which reached a record of [2.5 million border encounters](#) in fiscal year (FY) 2023, may no longer be temporary. Migration patterns have changed in recent decades, creating a new reality that requires action from Congress.

Current border security policies and the asylum process in the U.S. can no longer deal with the new global migration reality. As a result, the last two administrations acted unilaterally to severely restrict, or in some cases outright ban, the right of individuals at the border to request asylum. If Congress does not act, it will cede its authority to future Republican and Democratic administrations that will build on existing administrative policies – despite their inefficiencies and questionable legality - until the right to seek protection at the southern border is effectively nonexistent.

This framework proposes a solution by creating a **secure** border. The framework focuses on properly managing migration and asylum claims at the southern border and funding technology and facility improvements, personnel increases, and initiatives to stop human trafficking and the smuggling of illicit substances into the U.S., including illicit fentanyl. Managing migration at the southern border is a key element in achieving lasting border security. An orderly process at the southern border allows U.S. Customs and Border Protection (CBP) to focus its personnel and resources on traditional border security concerns, including combating transnational criminal organizations and stopping national security threats.

This proposal also attempts to make border processing more **efficient** through a new asylum process: instead of waiting multiple years to appear before immigration judges, who reject a majority of asylum claims they preside over, the proposal entails having U.S. asylum officers adjudicate asylum claims made between and at ports of entry (POEs) in a timely manner. It will shorten years-long waits for many asylum and humanitarian claims, instead providing for a final determination within 45-60 days.

The framework is **humane**, as it maintains the right to seek asylum at the border and provides resources and services to properly house and support asylum seekers as they wait for adjudication. The proposal also requires unaccompanied migrant children to continue to be placed in U.S. Department of Health and Human Services (HHS) - Office of Refugee Resettlement (ORR) custody and provides enhanced protections to stop child trafficking and child labor violations.

The framework is divided into four sections that address current challenges at the border and improvements needed to create a more secure, efficient, and humane process:

- **Section I: Asylum in the United States.** Modernize the U.S. asylum process by creating a specialized corps of asylum officers with the authority to adjudicate most asylum claims at the border within 45-60 days.
- **Section II: Personnel and Technology & Operations at the Border.** Provide federal immigration agencies with the personnel and resources to adequately secure the northern and southern borders.
- **Section III: Fentanyl and Illicit Substance Interdiction.** Support investments in interdiction programs and technology at the border to stop the flow of fentanyl and other illicit substances into the U.S.
- **Section IV: Stopping Human Smuggling and Trafficking.** Update federal law and processes to better respond to human smuggling and trafficking cases, particularly in cases involving migrant children.

Congress has a responsibility, and an opportunity, to modernize U.S. border policies. This proposal changes the incentive driving individuals to request asylum by crossing unlawfully, setting an expedited process for final adjudication within 45-60 days. It reduces the multiple-year backlog for asylum cases, provides border authorities with the personnel and technology they need to secure the border, and enhances America's capacity to stop the smuggling of illicit substances and human smuggling and trafficking.

When the general sense is that the current situation at the border is disorderly, it prevents Congress from taking needed steps to reform other aspects of the immigration system. Over the past decade, challenges at the border have undermined prior efforts to reform the immigration system, leading to additional operational dysfunction and legislative gridlock. By prioritizing a secure, efficient, and humane border, this framework is intended to create space to address longstanding shortcomings in other parts of the immigration system. Intended to be paired with legislation to address permanent solutions for Dreamers, Temporary Protected Status (TPS) holders, and the legal workforce, this framework bridges gaps and creates a space for a bipartisan legislative compromise.

We encourage the Congress to use this framework to develop or advance a legislative package that adequately addresses the situational challenges at the border and create processes that are secure, efficient, and humane.

Section I: Asylum in the United States

This proposal would modernize the U.S. asylum process by creating a specialized corps of U.S. Citizenship and Immigration Services (USCIS) asylum officers with the authority to adjudicate most asylum claims at the border within 45-60 days. This new approach to adjudicating asylum claims would replace a traditional adversarial asylum process, particularly in defensive asylum claims, with a non-adversarial process managed by a specially-trained asylum officer. The asylum officer will be charged with protecting the rights of the individual seeking relief, while also serving as a neutral decisionmaker issuing final asylum determinations.

Subsection I: Modernize Asylum at the U.S. Border

U.S. Asylum Officer Adjudications at the Border. Establish within USCIS a specialized corps of U.S. asylum officers with the authority to make a final determination on asylum claims

for individuals who **entered the U.S. between and at ports of entry**. This special corps of asylum officers will adjudicate the claims of individuals apprehended by U.S. Customs and Border Protection (CBP) authorities within 14 days of entering the country.

- **U.S. Asylum Officers.** This corps of asylum officers would receive significant sensitivity training, education around U.S. asylum protection laws, international treaty obligations and country conditions, and include officers with language skills in the top 25 languages encountered at the border, including indigenous languages.
- The number of asylum officers under this program would be sufficient to ensure all claims are properly adjudicated within 45-60 days of the individual's first encounter with immigration authorities in the U.S.
- The Department of Homeland Security (DHS) must conduct an assessment to determine the number of asylum officers needed to adjudicate asylum claims within 45-60 days of first encounter. This should include a plan to rapidly scale up the number of asylum officers when encounters at the border increase above a pre-determined number formulated by DHS.
 - **Funding.** Congress must provide adequate funding to support the large number of asylum officers required to adjudicate asylum claims at the border. While the cost of scaling up the asylum officer corps may be significant, the efficiency gains expected under the new process will provide considerable cost savings to taxpayers in the long run.
 - **Supplemental Funding.** Congress must also establish a discretionary fund that DHS can use to rapidly supplement the number of asylum officers and other personnel in high encounter periods.
- This new approach represents a non-adversarial process. The process would be managed by a specially trained asylum office responsible for protecting the rights of the individual seeking relief, while also serving as a neutral decisionmaker issuing final asylum determinations.
- **Electronic Records.** This process would include the creation of a full, reviewable record maintained online for individuals making an asylum claim. This record would include a recording of an individual's interviews and meetings, documentation, other evidence, and the individual's immigration history.

New Standard: "Significant Possibility" Interview. Asylum officers would conduct an initial interview with the individual under a heightened "significant possibility" standard at a CBP facility, requiring the individual to demonstrate that they faced a "significant possibility" of persecution or torture. This is an intermediate standard that would require a higher showing than the existing "credible fear" standard but lower than the existing "reasonable fear" standard. Use of the "significant possibility" standard is aimed at separating out claims by economic migrants and claims of generalized violence that are unlikely to ultimately succeed.

- The definition of "membership in a particular social group" eligible to receive asylum would be expanded and clarified to include victims of gang violence in countries of origin where the government is unwilling or unable to protect the victim from the perpetrators.

- Unaccompanied minors would be largely exempt from this initial screening interview, similar to current law.

Interim Period: Waiting for Final Interview. Individuals who pass a “significant possibility” interview will receive a final determination within 45-60 days of their entrance into the U.S. During this period, single adults will be in government custody and family units with minor children may be released and placed in Alternatives to Detention (ATDs).

- **Single adult individuals** who pass the “significant possibility” interview would remain in a CBP processing facility (“Central Processing Center” or CPC) for the duration of the asylum adjudication process.
- **Family units with minor children** would be held in an appropriate CBP facility for no more than 72 hours and then released upon placement in a qualifying Alternatives to Detention (ATD) program, until their “Final Adjudication” interview.
 - Family units released on ATDs may select an initial destination within the U.S. to stay in for the duration of their asylum adjudication proceedings, but must check-in with immigration authorities once they reach that destination, most likely a U.S. Immigration and Customs Enforcement (ICE) local office. Family units may not relocate to a second destination before their final adjudication is made, unless provided formal approval to relocate by DHS.
 - Congress should allocate funding for border and other states, communities, and local service providers to reimburse them for transportation, housing, education, and medical costs that may be incurred for individuals released on ATDs.
 - ATD programs would include technology and case management tools to support compliance with release conditions. ATD technology tools would include telephonic reporting, Global Position System (GPS) monitoring (ankle and/or wrist), and SmartLINK.
 - Family units would still be subject to the requirement that their asylum claim is adjudicated within 45-60 days.

“Final Adjudication” Interview and Determination. After an individual passes a “significant possibility” interview, an asylum officer would conduct a “Final Adjudication” interview within 45-60 days of the individual’s entrance into the U.S. and make a final determination. Those facing adverse decisions would retain a limited right to appeal to the Board of Immigration Appeals (BIA) under a “clear error” standard.

- An individual who receives a positive final adjudication determination from the asylum officer must pass a DHS background security check before being formally granted asylum. While the security check is ongoing, the individual may be released from CBP custody with an Alternative to Detention (ATD).
- An individual who receives a negative final adjudication determination would be referred to Immigration and Customs Enforcement (ICE) for additional immigration detention and must be returned to their country of origin in a humane, orderly, and expedient manner.

The individual should not be held in immigration detention for an unreasonable time, generally no longer than 30 days, while awaiting their removal.

Process for Unaccompanied Minors. Unaccompanied minors encountered between and at POEs would continue to be placed in the Department of Health and Human Services (HHS) – Office of Refugee Resettlement (ORR) custody upon arrival in the U.S., after spending no more than 72 hours in a CBP facility.

- **Case Managers.** All unaccompanied minors must receive a case manager within 72 hours of entering U.S. government custody. Case managers must support unaccompanied minors throughout the entirety of the adjudication process.
 - Officials must not communicate with an unaccompanied minor about the facts and circumstances surrounding his or her entrance into the U.S. until the minor is assigned a case manager.
- **Initial Meeting.** Once assigned a case manager, an unaccompanied minor will meet with his or her case manager and an asylum officer to discuss the facts and circumstances surrounding his or her entrance into the U.S. No determination will be made at this time about the validity of the minor’s asylum claim.
- Case managers and asylum officers will be trained and instructed to solicit information that could inform whether an unaccompanied minor may qualify for other types of relief through USCIS.
 - For example, Special Immigrant Juvenile Status (SIJS) classification is available to immigrant children who cannot reunify with one or both of their parents due to abuse, abandonment, neglect, or a similar basis under state law; and it is not in the best interests of the child to be returned to the country of nationality or last habitual residence of you or your parents. This process requires that the minor obtain an SIJS predicate order from an appropriate state juvenile court that makes a factual determination that the minor is eligible for SIJS. Once this happens, the minor may submit the SIJS petition to USCIS, which will make the final determination.
 - Minors found likely to qualify for other types of relief through USCIS but who are unlikely to qualify for asylum may be paroled into the U.S. while their claims for relief are adjudicated.
- **Process: Part I.** The asylum officer will make a final determination on an unaccompanied minor’s asylum case within 45-60 days after the minor entered U.S. government custody. A minor who receives a positive final determination is granted asylum.
 - **UACs’ Electronic Record.** The unaccompanied minor’s electronic record must include information from the asylum adjudication process and of the initial meeting between the case manager, the asylum officer, and the minor that requires them to walk through other forms of relief for which the minor may be eligible. As part of the final determination process, there must be an opportunity for the case manager to formally record disagreement with the final determination made by the asylum officer.

- **Process: Part II.** If the unaccompanied minor receives a negative determination from the asylum officer, they are referred to immigration court to proceed with a defensive asylum application process. An immigration judge will make the final determination on the unaccompanied minor's asylum claim. In the event of an adverse determination, the minor may appeal the immigration judge's decision.
- **Sponsors.** Unaccompanied minors may be released to vetted sponsors for the duration of the two-pronged asylum process for unaccompanied minors. The federal government must implement improved standards and protections for unaccompanied minors released to sponsors.

Considerations for Processing at Ports of Entry (POEs). Support an orderly and expedient process to request asylum at Ports of Entry (POEs), serving as a preferred alternative to irregular migration between POEs.

- **Proper Management: Appointments.** Congress must provide additional funding to improve DHS-supported programs for individuals to schedule appointments to present themselves for inspection and make a claim for asylum at a participating POE. Individuals with an appointment who make a claim for asylum at a POE will be transferred to a CBP central processing center (CPC).
 - DHS must improve the shortcomings in existing DHS-supported websites and mobile applications being used to schedule appointments at POEs.
- **Capacity.** The Office of Field Operations (OFO) would establish capacity at POEs to process up to 52,000 asylum claims per calendar month. Individuals would be transported to CBP central processing centers (CPCs) for their "significant possibility" interviews, thereby decompressing capacity issues at POEs.
- **Non-Attorney Advocates.** Congress must provide funding for non-attorney advocates that would help prepare the asylum claim for individuals who request asylum at POEs. These non-attorney advocates would be present at meetings between the individual seeking relief and the asylum officer selected to adjudicate their claim.
 - DHS must establish partnerships with non-governmental organizations to ensure that all individuals who request asylum at a POE have access to a non-attorney advocate.
 - Non-attorney advocates must be individuals accredited at non-profit organizations formally recognized by the Department of Justice (DOJ) to represent asylum seekers before DHS and the Executive Office for Immigration Review (EOIR).
 - DOJ must take steps to ensure the accreditation process for non-attorney advocates is widespread and accessible.

Consideration for Processing Between Ports of Entry (POEs). Encourage individuals to request asylum protection at Ports of Entry (POEs) by disincentivizing irregular migration between POEs.

- **Border Fine.** Congress must establish a \$500 border fine per person encountered between POEs, including if the individual requests asylum and regardless of the final determination of their asylum claim.
 - **Payment.** Individuals must pay the \$500 border fine within 14 days, either through cash or by requesting a CBP non-interest loan. Individuals who request a loan must pay the loan through installments over a period of up to 18-months.
 - Mirroring the travel loan for refugees to the U.S., this CBP loan would have the added benefit of allowing individuals who receive asylum at the end of the process to build their credit history in the U.S.
 - **Reasoning.** This fine is meant to help cover the transportation of individuals to CBP facilities, their processing, and other related costs attributed to apprehending individuals between POEs.
 - **Lack of Payment.** Congress must allow DHS to establish a set of reasonable consequences for individuals who fail to pay back a CBP loan.
 - **UACs.** Unaccompanied minors apprehended between POEs must be exempt from this fine.
 - **Waiver.** Asylum officers must have the authority to waive the full or part of the fine to individuals due to urgent humanitarian, economic, or national security concerns.
- DHS must create additional programs and establish directives to incentivize entry at POEs and discourage irregular migration between POEs.
 - **Prosecutions.** We acknowledge that the federal government has the authority under current law to prosecute individuals who *unlawfully enter* (8 U.S.C. § 1325) or *unlawfully reenter* (8 U.S.C. § 1326) the U.S. between ports of entry.

CBP central processing centers (CPCs) would be required to provide health services for residents as well as appropriate bedding, food, and recreation. CPCs would also be required to provide licensed child welfare professionals for minors temporarily housed at CPCs to help supervise their care and manage all required screening and processing of minors in the facility.

Case Management for Family Units and UACs. DHS would be required to contract with service providers to secure each minor child or family unit with a case manager. This representative would be contracted to provide case management services, including legal orientation, help in obtaining benefits and services for which the individuals are eligible (including housing, education, and healthcare), and general assistance throughout the asylum adjudication process.

- Unaccompanied children must receive a case manager within 72 hours of entering U.S. government custody, and the case manager must meet with the child in-person.
- Family units must receive a case manager within seven days of entering U.S. government custody, and the case manager can meet with the family unit in-person or in a virtual setting.

- DHS is required to establish a task force to examine methods to help augment the capacity of service providers in the U.S. to provide support to individuals in the asylum adjudication process, with a focus on combatting the existing shortage of legal service providers, and report recommendations to Congress.

“Final Adjudication” Appeals Process. An individual who receives a negative determination retains a limited right to appeal the adverse decision to BIA within 30 days of the final adjudication. BIA will review determinations only in the circumstance where there is a demonstration of “clear error” on the part of the asylum officer. BIA must issue a decision accepting or declining to review the individual’s appeal within seven business days, and issue a decision on the merits of the case within 60 days.

- Individuals who receive a negative determination and are removed from the U.S. are not barred from requesting asylum and going through the asylum process again if new circumstances arise constituting a separate plausible asylum claim.
- In the event an individual appeals a negative final determination, loses the appeal, and subsequently makes a new asylum claim (including a claim based on separate facts and circumstances), the U.S. asylum officer is permitted to make a final determination after the individual’s “significant possibility” interview, assuming the full record of the individual and the circumstances of their claim is available.
- DHS must conduct an assessment to determine additional BIA personnel and training required to ensure all appeals are accepted or declined for review within seven business days, and all accepted cases receive a decision on the merits within 60 days.

Resolving the Immigration Court Backlog. Congress must provide additional resources and policy support to help DHS and the Department of Justice (DOJ) resolve the multi-year immigration court backlog.

- **Resources.** Provide funding for the DOJ – Executive Office for Immigration Review (EOIR) to hire additional immigration judges and support staff.
- **Transition Date: Asylum Adjudications.** To help alleviate the existing multi-year backlog in immigration courts, Congress must allow DHS asylum officers to adjudicate asylum claims made at the border and previously referred to an immigration court if the individual entered the U.S. **on or after January 1, 2020.**

Effective Date: Adjudication by Asylum Officers. Congress must allow DHS to start adjudications via asylum officers under this new system as soon as possible after the bill’s enactment.

- **Priority: New Claims.** New asylum claims made at the border must be the top priority for adjudication via asylum officers. Congress must direct DHS to ensure all incoming asylum claims made at the border are adjudicated by an asylum officer by a certain date, most likely 24 months from the passage of the bill.
 - This incremental adoption of the new process would help DHS start to expedite the asylum process and provide enough time to assess how many additional asylum officers the department requires and to hire and train those officers.

- **Asylum Claims Made Before the Bill’s Enactment.** Once the rate of adjudication via asylum officers for incoming claims is at or near 100 percent, DHS may start to adjudicate via asylum officers the claims made at the border, between January 1, 2020 and the bill’s enactment, that were previously referred to an immigration court.

Subsection II: Develop CBP Central Processing Centers (CPCs)

Build Processing Facilities for Asylum Seekers. CBP will establish regional central processing centers (CPCs) in high-traffic sectors along the U.S. southern borders. Congress shall provide the funds to implement this provision. (*See: Bipartisan Border Solutions Act of 2021 (S. 1358)*).

- These facilities would hold single adult individuals for the duration of the asylum adjudication process, including their “significant possibility” interview.
- The facilities would include space to meet with case managers, non-attorney advocates, other legal representatives, and areas for U.S. asylum officers to work, conduct interviews, and make final determinations.
- **Facility Standards.** The regional CPCs would serve as facilities where DHS and partner governmental agencies, as well as non-governmental organizations, could conduct criminal history checks, medical screenings, identity verification (including FBI fingerprint checks and biometric collection), and legal orientation trainings, and issue legal documents, including immigration court documents.
 - Facilities must include licensed child welfare professionals for minors that help supervise their care and manage all required screening and processes for minors.
 - The facilities must meet appropriate standards for holding detained migrants, including the provision of appropriate bedding, food, recreation, and health services.
- An individual who receives a positive final determination from the asylum officer may be released from CBP custody with an Alternative to Detention (ATD) while they wait for their DHS background security check to be completed.

Subsection III: Establish Expedited Refugee Processing

Third-Country Refugee Processing: Expedited Refugee Protections. Permit certain individuals in a safe third country to request U.S. humanitarian protection by affirmative appointment in a designated regional processing center.

- **Qualifications.** To qualify for expedited refugee processing, an individual must demonstrate that the country they are in would not likely provide them with permanent humanitarian protection because of the country’s limited capacity to provide humanitarian protection and appropriate support services and/or because the country is not a permanent safe location for the individual due to the individual’s race, religion, nationality, membership in a particular social group, political opinion, and/or potential threat of retribution.

- **Refugee Officers.** DHS would station USCIS refugee officers at designated regional processing centers to process and support these cases. These centers are generally maintained by UNHCR, the International Organization for Migration (IOM), or another qualified international organization.
- Third-country refugee processing would not be a prerequisite to request asylum in the U.S.
- **Additional Forms of Relief.** Personnel in the regional processing centers must screen individuals who do not qualify for expedited refugee protection for additional legal immigration pathways to the U.S., including other forms of humanitarian relief and worker programs.
- **Limited Capacity.** Capacity for third-country processing would be limited and arranged through appointment via DHS-supported websites and mobile applications. Resources must be provided to enable DHS to expand its capabilities for scheduling appointments and offering language access to applicants.
- Refugees resettled under such third country refugee processing would be subject to the annual refugee ceiling, as established annually via presidential determination.

New Standard: “Significant Possibility.” Refugee officers would conduct a “significant possibility” interview with the individual at the designated processing center. This intermediate standard, as mentioned in Subsection I, would require a higher showing than the existing “credible fear” standard but lower than the existing “reasonable fear” standard.

- An individual who does not pass the “significant possibility” interview may still be referred for refugee resettlement by UNHCR, or another authorized entity, if they meet the applicable requirements through the standard refugee resettlement process.

“Final Adjudication” Interview. If the individual passes the “significant possibility” interview, a refugee officer would conduct a “Final Adjudication” interview and provide a final determination within 45-60 days.

- An individual who receives a positive determination from the refugee officer must pass a background security check before being formally granted refugee status and receiving the rights and privileges of a refugee. After passing a background check, the individual will be allowed to enter the U.S.

Support Services in the U.S. Individuals who receive humanitarian protection through third-country refugee processing and pass a background check would be eligible for resettlement services provided through the U.S. Refugee Admissions program.

- Congress must provide resources to the Refugee Admissions Program to ensure that individuals within expedited refugee process can be expeditiously resettled in U.S. communities.

Section II: Personnel and Technology & Operations at the Border

The proposal aims to provide U.S. Customs and Border Protection (CBP) with the personnel and resources to adequately secure the northern and southern borders.

Subsection I: Administrative

- **Five-Year Terms for CBP Commissioner, ICE, and USCIS Directors.** Enact statutory changes to establish the CBP Commissioner and the ICE and USCIS Director positions each as a five-year term meant to extend across presidential terms.
 - This change would minimize disruption in agency operations and promote stability and non-partisan decision-making. Leaders in other law enforcement and administrative agencies, including TSA, FBI, and FAA, are appointed for set terms.
- **Transfer GSA Approval for Facility Improvements to CBP.** Authorize U.S. Customs and Border Protection (CBP) to make time-sensitive repairs and modifications to Office of Field Operations (OFO) facilities, including ports of entry, and Border Patrol facilities without the approval of the General Services Administration (GSA). (*See: A bill to require the Commission of U.S. Customs and Border Protection to establish procedures for conducting...*([S. 243](#))).
- **White House Interagency Director on Immigration.** Authorize funding for an office in the White House to oversee interagency coordination and operations related to immigration.
 - The office's responsibilities must include coordination between domestic immigration agencies and the State Department and other diplomatic offices.
- **Reimbursement to States on Border Security.** Authorize the DHS Secretary and Secretary of the Treasury to approve a one-time reimbursement to each border state for state and local funds spent before January 1, 2025 to help achieve operational control of the border.
- **Reimbursement to Local Stakeholders.** Authorize the DHS Secretary and Secretary of the Treasury to reimburse border and other impacted communities, faith groups, medical facilities, and other non-governmental organizations for additional expenditures relating to welcoming vulnerable migrants. DHS must make these reimbursements public.

Subsection II: Personnel

- **Hire Additional Border Patrol Personnel.** Require CBP to hire no fewer than 300 Border Patrol agents annually until they reach staffing requirements set by Congress from April 2011 to March 2019 (22,000 agents) and hire at least 2,000 Border Patrol processing coordinators to help process asylum claims.
 - The Border Patrol [had](#) 19,536 agents as of April 2022. Congress [mandated](#) the Border Patrol to achieve an active-duty presence of not less than 21,370 agents from April 2011 to at least March 2019. The Border Patrol [maintained a peak](#) of 21,444 agents in FY 2011. Most recently, CBP [requested funding](#) for 19,941 Border Patrol agent positions in FY 2024.
- **Establish Border Patrol Reserve.** Direct CBP to establish a Border Patrol Reserve program with up to 2,500 reserve agents to augment and support the mission of the Border Patrol in high-migration periods. Border Patrol Reserve agents must have served

as full-time Border Patrol agents for at least five years and may not have been subject to certain disciplinary actions. (*See: Border Patrol Enhancement Act (S. 4775)*).

- **Hire Additional Office of Field Operation (OFO) Personnel.** Require CBP to hire no fewer than 600 new OFO officers and 100 more agriculture specialists annually until they reach staffing requirements identified each year in the agency's Workforce Staffing Model.
 - OFO [identified](#) in fiscal year (FY) 2019 a need for 26,837 CBP officers and 3,148 agriculture specialists.
- **CBP Personnel: Benefits and Pay.** Raise pay for Border Patrol agents and OFO officers to be more competitive with other federal law enforcement agents, including within DHS.
 - Provide increased funding for retention incentives for CBP employees assigned to remote or hard-to-fill locations.

Subsection III: Technology & Operations

- **Border Technology and Operations between Ports of Entry.** Authorize sufficient funding in the next five fiscal years for CBP to upgrade and/or purchase modern border security technology to support the agency's operation requirements and mission.
 - This provision should include funding for the Border Enforcement Coordination Network (BECN), which supports the modernization of IT systems, equipment, and services that support the detection and analysis of illicit border activity.
 - Fund border technology elements, including Land Interdiction Multi-Role Enforcement Aircraft (MEA), Integrated Surveillance Towers (ISTs), aircraft sensor upgrades, airframes and sensors, mission-critical vehicles for the Border Patrol, rescue beacons, and other technology determined by CBP to be operationally necessary for securing the southern and northern borders.
 - Improve radar and remote surveillance systems. Establish anti-tunnel task forces and detection.
 - Build navigable roads along the southern border. (*See: Border Visibility and Security Act (H.R. 1707)*).
- **Physical Barriers at the Border.** Certain locations at the southern border are in need of additional barrier construction. There are reports of [notable gaps](#) in certain locations, as well as areas needing new maintenance or construction for reasons related to the structural integrity of certain parts of border walling. In cases such as these, continued construction of robust barriers would be a good use of resources.
 - Physical barriers should include fencing, a border wall system, and levee walls, depending on what is the most appropriate solution.
 - These barriers must be effective at preventing entries and focused on high-impact areas.

- **Port of Entry Infrastructure and Technology.** Upgrade or construct additional Port of Entry (POE) facilities along the southern and northern borders, as determined by a CBP OFO assessment, to ease commercial and foreign visitor traffic into the U.S.
 - Expand the primary and secondary inspection lanes, as applicable and determined by an OFO assessment, for vehicles, cargo, and pedestrian lanes at the top ten highest-volume ports of entry at the southern border. (*See: Border Security for America Act of 2017 (H.R. 3548)*).
 - Improve screening capabilities at Ports of Entry, including expanding the use of multi-energy portal (non-intrusive inspection technology) to increase cargo screening capacity at major ports at the southern border. (*Also mentioned in Section 3: Fentanyl and Illicit Substance Interdiction*).
- **Air and Marine Operations Flight Hours.** Increase the annual flight hour goal of U.S. Customs and Border Protection (CBP)'s Air and Marine Operations to at least 98,500 flight hours per year, a level which it met in fiscal year (FY) 2022 and should be maintained at least at that level. Congress must provide funding for maintenance requirements and the implementation of maintenance hubs. (*See: Border Security for America Act of 2017 (H.R. 3548)*).
- **Body-worn Cameras.** Authorize \$45 million for the [Incident Drive Video Recording System \(IDVRS\)](#) at U.S. Customs and Border Protection (CBP), which oversees the implementation of body-worn cameras (BWCs) and related FOIA compliance and data storage.
 - Increased and sustained funding would allow CBP to fully implement the use of BWCs throughout the agency.
- **Consistent Border Metrics.** Direct DHS to develop consistent border metrics and use them to create a comprehensive plan to address future migration influxes in a coordinated and humane manner. (*See: Border Response Resilience Act (S.1949)*).
 - Metrics should be consistent and feasible, so as to be able to identify significant migration influx events and allow the agency to respond accordingly.
 - Relevant metrics may include processing capacity in specific border sectors, the time migrants spend in intake facilities, Border Patrol man-hours, outcomes and timelines for humanitarian protection applications, and costs devoted to migrant detention, transportation, and asylum and removal procedures.
 - Require CBP to report on specific border patrol stations, not just sector-level data.
 - Require CBP to use the metrics to create a proactive response to future increases in migration based on crisis management, coordination, and funding needs.
 - Make data collected public and require regular reporting to Congress.
- **Removal of the Carrizo Cane and Salt Cedar.** Authorize funding to fully remove the Carrizo Cane and the Salt Cedar in the Rio Grande Valley in Texas. These invasive species

along the Rio Grande River impede CBP's activities along the border. The non-native plant is also an obstacle for first responders. (*See: Border Visibility and Security Act (H.R. 1707)*).

Section 3: Fentanyl and Illicit Substance Interdiction

The proposal would support investments in interdiction programs and technology at the border to stop the flow of fentanyl and other illicit substances into the U.S.

- **Advanced Technology at Ports.** Authorize funding for targeted inspections conducted by U.S. Customs and Border Protection (CBP) officers and Homeland Security Investigations (HSI) agents at Ports of Entry (POEs) to stop the smuggling of fentanyl and other illicit substances into the U.S. This element includes [expanding on recent](#) surge operations that stopped more than 900 pounds of illicit fentanyl from coming into the U.S. in a single week. This item could include ideas like:
 - Direct the DHS Secretary to deploy HSI personnel alongside CBP officers so that they can immediately pursue investigations as contraband is discovered.
 - Fund CBP's Forward Operation Labs (FOLs) at Ports of Entry, which conduct real-time analysis of unknown substances, enabling CBP to identify unknown powders, pills, crystalline substances, or organic materials for hard narcotics, precursor chemicals, and other components associated with the production of synthetic drugs.
 - Authorize funding for CBP to acquire additional multi-energy portals (non-intrusive inspection technology) and low-energy portals to increase cargo and vehicle screening capacity at major ports at the southern border.
 - Authorize funding for the Repository for Analytics in Virtualized Environment (RAVEN) program to help special investigative units identify, disrupt, and dismantle transnational criminal organizations and their networks.
- **Bolster Inspections at International Mail Facilities (IMFs).** Provide CBP with the authority and resources, including facility space and scanning technology, to screen and inspect incoming mail shipments at CBP's nine international mail facilities.
 - This includes supporting previously established Border Enforcement Security Taskforce (BEST) units at IMFs.
- **Border Patrol: Interdiction Between Ports.** Require the Chief of the Border Patrol to develop and recommend a plan for the best placement of Border Patrol agents and checkpoints in each sector of the border to maximize their potential to detect, identify, and respond to unlawful border incursions. Instruct the DHS Secretary to upgrade existing forward operating bases of the Border Patrol.
 - The forward operating bases of the Border Patrol are permanent facilities established in strategic or remote locations to provide the Border Patrol with a tactical advantage by reducing the response time to threats or actionable intelligence. (*See: Border Security for America Act of 2017 (H.R. 3548)*).

- Requiring the Border Patrol to recommend a plan for the best placement of checkpoints would help increase effectiveness. This plan should include an assessment of the most adequate strategic mission for each interior checkpoint and whether they should be static or mobile checkpoints.
- **Combat Cartel Use of Social Media.** Require DHS to implement a strategy to combat efforts of transnational criminal organizations to recruit individuals in the U.S. via social media platforms and other online services for illicit activities. (*See: Combating Cartels on Social Media Act of 2022 (S.4963)*).
- **Increase Federal Penalties for Trafficking Fentanyl into the U.S.** Increase criminal penalties for trafficking fentanyl into the U.S., including other illicit substances that are determined to be laced with fentanyl.
- **Merida Initiative.** Establish that assistance to Mexico through the Merida initiative include a focus on providing enhanced border security at Mexico's southern border, judicial reform, and improvements to the country's migrant processing and asylum systems. (*See: Border Security for America Act of 2017 (H.R. 3548)*).
- **Mexico Chemicals Ban.** Direct the Secretary of State and the DHS Secretary to work with the Mexican government to ban the importation into Mexico or production in Mexico of precursor chemicals used in the creation of fentanyl and other illegal substances of major concern.

Section IV: Stopping Human Smuggling and Trafficking

Under the proposal, the federal government would be able to more appropriately respond to human smuggling and trafficking cases, particularly in cases involving migrant children.

- **Improve Standards for Sponsors of Unaccompanied Minors.** Create a safer process for releasing migrant children to sponsors. A New York Times [report](#) found that migrant children as young as 12 years old are being hired for sometimes hazardous jobs ranging from construction to factory workers, resulting in long hours and night shifts that led to the children dropping out of school, injuries, and at least 12 deaths.
 - **Additional Support to Combat Illicit Networks.** Provide additional resources and personnel to identify and combat human smuggling and trafficking networks with the aim towards preventing the use of child labor exploitation.
 - **Biometric Criminal Checks of UAC Sponsors.** Require the Department of Health and Human Services (HHS) to conduct biometric criminal background checks of all adult members of a household before placing an unaccompanied child in that household. Current practice requires a biometric background check only for nonparental sponsors.
 - **Mandatory Check-ins by Service Providers.** Mandate HHS to partner with service providers to conduct in-person check-ins on children it releases to sponsors within 30 days of their release and then every two months afterwards for two years. HHS should set minimum requirements for the check-ins.

- HHS should partner with state child services and other organizations serving migrant children to conduct the check-ins.
 - Top priority for check-ins should be given to children released to sponsors who are not their parents, adult siblings and/or grandparents.
 - State child services should be informed in all cases when a child is released in care other than a custodial parent, even if the individual is a relative.
 - HHS must inform the parents of a child, if they can be located, of the placement of their child, including sponsor information, location of the child, and contact information to connect with the child. HHS must attempt to locate and inform the parents even if they are not in the U.S.
- **Pattern Identification of Possible Child Labor Clusters.** Direct HHS to identify patterns that arise in certain areas with a concentrated number of child migrants where there is an increased chance of child labor violations. Patterns in which a high number of unaccompanied children are being released to the same unrelated sponsors or in certain areas previously linked to labor exploitation should be identified and followed up by the agency.
- **Prevent Information Sharing for Immigration Enforcement.** Prevent Immigration and Customs Enforcement (ICE) from obtaining and using the information collected during the vetting process for immigration enforcement purposes.
 - Immigration judges must dismiss a case if the individual did not commit a major crime and was placed in removal proceedings at least in part based on information collected during the vetting process for placing an unaccompanied minor with a sponsor.
- **Increase Federal Penalties for Smuggling and Trafficking Individuals.** Increase criminal penalties in cases where an individual smuggles or traffics another person into the U.S. in furtherance of the work of transnational criminal organizations.
 - For cases involving human smuggling, modify [8 USC 1324](#) to increase penalties for violations committed for the purpose of commercial advantage by increasing the fine and length of imprisonment.
 - For cases involving human trafficking, which involve the trafficking of persons for the purpose of committing commercial sex acts and/or for involuntary servitude, increase penalties for violations by increasing the fine and length of imprisonment.
 - This will not include charging parents or relatives with paying for and/or arranging their children to be brought into the U.S. or bringing the children themselves.