

117TH CONGRESS  
1ST SESSION

# H. R. 1883

To enact a moratorium on immigration, build the wall, prioritize securing the Southern border, repeal certain Executive orders which endanger the security of the United States, re-assert a zero-tolerance immigration policy, ensure the safe return of unaccompanied alien children, reduce human trafficking, deport criminal aliens, and end chain migration.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2021

Mrs. GREENE of Georgia introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, Intelligence (Permanent Select), Foreign Affairs, Armed Services, Energy and Commerce, House Administration, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enact a moratorium on immigration, build the wall, prioritize securing the Southern border, repeal certain Executive orders which endanger the security of the United States, re-assert a zero-tolerance immigration policy, ensure the safe return of unaccompanied alien children, reduce human trafficking, deport criminal aliens, and end chain migration.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; SEVER-**  
 2 **ABILITY; DEFINITIONS.**

3 (a) This Act may be cited as the “Protect America  
 4 First Act”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
 6 this Act are as follows:

- Sec. 1. Short title; table of contents; severability; definitions.
- Sec. 2. Purpose.
- Sec. 3. Findings.
- Sec. 4. Sense of Congress.
- Sec. 5. Reduced removal period for aliens ordered removed.
- Sec. 6. Temporary immigration moratorium; expedited deportation.
- Sec. 7. ICE detention of violent aliens.
- Sec. 8. No Federal funding for “Sanctuary Cities”.
- Sec. 9. Empowering local law enforcement to ensure immigration security.
- Sec. 10. Build the wall.
- Sec. 11. Re-asserting zero-tolerance immigration policy.
- Sec. 12. Repeal of certain Executive orders signed after January 19, 2021.
- Sec. 13. Rescinding Deferred Action for Childhood Arrivals (DACA) and De-  
ferred Action for Parental Accountability (DAPA).
- Sec. 14. Prohibition of financial aid to Mexico, Central American, and South  
American countries.

7 (c) SEVERABILITY.—If any provision of this Act, or  
 8 the application of such provision to any person or cir-  
 9 cumstance, is held invalid, the remainder of this Act, and  
 10 the application of such provision to other persons not simi-  
 11 larly situated or to other circumstances, shall not be af-  
 12 fected by such invalidation.

13 (d) DEFINITIONS.—In this Act:

14 (1) “Alien” refers to anyone who is not a cit-  
 15 izen or a national of the United States as defined in  
 16 the Immigration and Nationality Act (INA)  
 17 101(a)(3), 8 U.S.C. 1101(a)(3).

1           (2) “Inadmissible Alien” refers to any alien who  
2           is ineligible to receive visas or be lawfully admitted  
3           to the United States.

4           (3) “Central American country” is defined as  
5           any of the following countries: Guatemala, Belize, El  
6           Salvador, Honduras, Nicaragua, Costa Rica, and  
7           Panama.

8           (4) “South American country” is defined as any  
9           of the following countries: Brazil, Argentina, Peru,  
10          Columbia, Bolivia, Venezuela, Chile, Paraguay, Ec-  
11          uador, Guyana, Uruguay, Suriname, and French  
12          Guiana.

13 **SEC. 2. PURPOSE.**

14          It is the purpose of this Act to cease all foreign immi-  
15          gration to the United States for a period of four years  
16          until the border is secured and Americans can return to  
17          work. It is also the purpose of this Act to repeal certain  
18          Executive orders which endanger the security of the  
19          United States, re-assert a zero-tolerance immigration pol-  
20          icy, ensure the safe return of unaccompanied alien chil-  
21          dren, reduce human trafficking, deport criminal aliens,  
22          and end chain migration.

23 **SEC. 3. FINDINGS.**

24          Congress finds the following:

1           (1) The Constitution gives Congress absolute  
2 power to create a uniform rule of naturalization  
3 under Article I, Section 8, Clause 4.

4           (2) Between 2013 and 2014, the number of un-  
5 accompanied children apprehended at the border in-  
6 creased nearly 80 percent, from 38,759 in fiscal year  
7 2013 (October 2012–September 2013) to 68,541 in  
8 fiscal year 2014 (October 2013–September 2014).

9           (3) The New York Times concluded that the  
10 William Wilberforce Trafficking Victims Protection  
11 Reauthorization Act of 2008 (Public Law 110–457,  
12 hereafter “Wilberforce Act”) enacted during the  
13 transition to the Obama administration was at the  
14 root of the calamitous flow of unaccompanied minors  
15 to the Nation’s southern border in 2014.

16           (4) According to Cable News Network (CNN),  
17 the Wilberforce Act contributed to the surge of child  
18 migrants from Central America by preventing the  
19 United States from sending the children back with-  
20 out an asylum hearing.

21           (5) According to then-Presidential Candidate  
22 Biden, it is a “moral failing when children are  
23 locked away in overcrowded detention centers”.

24           (6) According to the Los Angeles Times, Presi-  
25 dent Obama’s Administration, under the leadership

1 of Vice President Joe Biden, Homeland Security  
2 Secretary Jeh Johnson and Deputy Secretary  
3 Alejandro Mayorkas, built the overcrowded detention  
4 centers (so-called “cages”).

5 (7) President Biden has made the following ac-  
6 tions concerning immigration:

7 (A) Revoked President Trump’s travel ban  
8 (Executive Order 13780) and allowed visa proc-  
9 essing to begin again.

10 (B) Stopped all construction of a Southern  
11 border wall and started the process to redirect  
12 the funds appropriated for building a border  
13 wall.

14 (C) Given Federal agencies the power to  
15 completely overhaul President Trump’s immi-  
16 gration policies (Executive Order 13993).

17 (D) Declared that Federal agents can no  
18 longer deputize local law enforcement to assist  
19 at the border when they are overwhelmed (Ex-  
20 ecutive Order 13993).

21 (E) Directed the Department of Homeland  
22 Security to preserve and fortify DACA.

23 (F) Directed the Department of Homeland  
24 Security to expand pathways for individuals  
25 from the Northern Triangle to enter the United

1 States, including by chain migration, and re-  
2 introduces “catch and release” immigration  
3 practices (Executive Order 14010).

4 (G) Stopped President Trump’s efforts to  
5 halt immigration in order to slow the spread of  
6 COVID–19 (Executive Order 14010).

7 (H) Targeted President Trump’s Migra-  
8 tion Protection Protocols for probable recession  
9 so that asylum seekers can enter more easily  
10 (Executive Order 14010).

11 (8) President Trump supported deporting all  
12 undocumented immigrants (“inadmissible aliens”)  
13 and called for an end to unnaturalized birthright  
14 citizenship in the United States.

15 (9) According to the BBC, border detentions  
16 significantly increased under the Trump Administra-  
17 tion.

18 **SEC. 4. SENSE OF CONGRESS.**

19 It is the sense of Congress that:

20 (1) The legal immigration system of the United  
21 States should be curtailed to those that can con-  
22 tribute not only economically but have demonstrated  
23 respect for this Nation’s culture and rule of law.

1           (2) America’s borders must be defended, and il-  
2           legal immigration must be stopped without excep-  
3           tion.

4           (3) A measure of a country’s greatness is the  
5           value recognized in being a citizen. As such, America  
6           cannot tarnish the citizenship designation by reward-  
7           ing those who fail to follow the laws at the expense  
8           of those who do.

9           (4) Amnesty must be rejected in all forms.

10          (5) Unnaturalized birthright citizenship—which  
11          actively encourages hostile interests to undermine  
12          the legitimacy of democratic self-governance by en-  
13          gaging in subversive “birth tourism” and chain mi-  
14          gration—is contrary to the intent of the 14th  
15          Amendment to the Constitution.

16          (6) Federally imposed refugee resettlement pro-  
17          grams should be rejected due both to disruption to  
18          local communities and the corruption rampant with-  
19          in these programs.

20 **SEC. 5. REDUCED REMOVAL PERIOD FOR ALIENS ORDERED**  
21 **REMOVED.**

22          Title 8 U.S.C. 1231(a)(1)(A) is amended by striking  
23          “90 days” and inserting “30 days”.

1 **SEC. 6. TEMPORARY IMMIGRATION MORATORIUM; EXPE-**  
2 **DITED DEPORTATION.**

3 Title 8, United States Code, is amended by adding  
4 at the end the following new section:

5 **“SEC. 1383. TEMPORARY MORATORIUM OF IMMIGRATION;**  
6 **RAPID DEPORTATION.**

7 “(a) Notwithstanding any other provision of law, fol-  
8 lowing the date of enactment of this Act, any alien who  
9 unlawfully enters the United States without a valid pass-  
10 port or other proof of U.S. Citizenship at a port of entry  
11 shall be treated as an ‘inadmissible alien’ under 8 U.S.C.  
12 1182(a) and under a removal order from the Attorney  
13 General as prescribed at 8 U.S.C. 1231(a)(1)(A).

14 “(b) Further, such inadmissible aliens shall also be—

15 “(1) assumed to fall under the communicable  
16 disease-carrying health-related status (8 U.S.C.  
17 1182(1)(A)(i)); and

18 “(2) be subject to immediate detention and de-  
19 portation (as though already ordered by the Attor-  
20 ney General at 8 U.S.C. 1231(a)(1)(A)) to their  
21 country of origin within 30 days of being detained  
22 by a United States law enforcement or Homeland  
23 Security officer.

24 “(c) Further, such inadmissible aliens who are de-  
25 tained after January 1, 2021, shall not be required to ap-  
26 pear before an immigration judge for adjudication pursu-



1 ant to the procedures outlined in 8 U.S.C. 1229(a) and  
2 8 U.S.C. 1229.

3 “(d) Further, such removal proceedings under  
4 1229(a) shall be used to adjudicate asylum and immigra-  
5 tion claims filed before January 1, 2021.

6 “(e) Further, such inadmissible aliens as described  
7 in this section shall, under no circumstances, be released  
8 from law enforcement custody while awaiting deportation.

9 “(f) TIME LIMITATION.—This section shall apply for  
10 4 calendar years following the date of enactment of this  
11 Act.”.

12 **SEC. 7. ICE DETENTION OF VIOLENT ALIENS.**

13 (a) Section 236(c) of the Immigration and Nation-  
14 ality Act (8 U.S.C. 1226(c)) is amended—

15 (1) in paragraph (1)—

16 (A) in subparagraphs (A) and (B), by  
17 striking the comma at the end of each subpara-  
18 graph and inserting a semicolon;

19 (B) in subparagraph (C)—

20 (i) by striking “sentence” and insert-  
21 ing “sentenced”; and

22 (ii) by striking “, or” and inserting a  
23 semicolon;

24 (C) in subparagraph (D), by striking the  
25 comma at the end and inserting “; or”; and

1 (D) by inserting after subparagraph (D)  
2 the following:

3 “(E)(i)(I) was not inspected and admitted  
4 into the United States;

5 “(II) held a nonimmigrant visa (or other  
6 documentation authorizing admission into the  
7 United States as a nonimmigrant) that has  
8 been revoked under section 221(i); or

9 “(III) is described in section  
10 237(a)(1)(C)(i); and

11 “(ii) has been charged by a prosecuting au-  
12 thority in the United States with any crime  
13 that resulted in the death or serious bodily in-  
14 jury (as defined in section 1365(h)(3) of title  
15 18, United States Code) of another person,”;  
16 and

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

18 “(3) NOTIFICATION REQUIREMENT.—Upon en-  
19 counterering or gaining knowledge of an alien de-  
20 scribed in paragraph (1), the Assistant Secretary of  
21 Homeland Security for Immigration and Customs  
22 Enforcement shall make reasonable efforts—

23 “(A) to obtain information from law en-  
24 forcement agencies and from other available  
25 sources regarding the identity of any victims of

1 the crimes for which such alien was charged or  
2 convicted; and

3 “(B) to provide the victim or, if the victim  
4 is deceased, a parent, guardian, spouse, or clos-  
5 est living relative of such victim, with informa-  
6 tion, on a timely and ongoing basis, including—

7 “(i) the alien’s full name, aliases, date  
8 of birth, and country of nationality;

9 “(ii) the alien’s immigration status  
10 and criminal history;

11 “(iii) the alien’s custody status and  
12 any changes related to the alien’s custody;  
13 and

14 “(iv) a description of any efforts by  
15 the United States Government to remove  
16 the alien from the United States.”.

17 (b) SAVINGS PROVISION.—Nothing in this Act, or the  
18 amendments made by this Act, may be construed to limit  
19 the rights of crime victims under any other provision of  
20 law, including section 3771 of title 18, United States  
21 Code.

22 **SEC. 8. NO FEDERAL FUNDING FOR “SANCTUARY CITIES”.**

23 Section 241(i) of the Immigration and Nationality  
24 Act (8 U.S.C. 1231(i)) is amended by adding at the end  
25 the following:

1           “(7) A State (or a political subdivision of a  
2 State) shall not be eligible to enter into a contrac-  
3 tual arrangement under paragraph (1) if the State  
4 (or political subdivision)—

5                   “(A) has in effect any law, policy, or proce-  
6 dure in contravention of subsection (a) or (b) of  
7 section 642 of the Illegal Immigration Reform  
8 and Immigrant Responsibility Act of 1996 (8  
9 U.S.C. 1373); or

10                   “(B) prohibits State or local law enforce-  
11 ment officials from gathering information re-  
12 garding the citizenship or immigration status,  
13 lawful or unlawful, of any individual.”.

14 (a) LIMITATION ON DOJ GRANT PROGRAMS.—

15           (1) COPS.—In the case of a State or unit of  
16 local government that received a grant award under  
17 part Q of title I of the Omnibus Crime Control and  
18 Safe Streets Act of 1968 (42 U.S.C. 3796dd et  
19 seq.), if, during a fiscal year, that State or local gov-  
20 ernment is a State or local government described in  
21 subsection (c), the Attorney General shall withhold  
22 all of the amount that would otherwise be awarded  
23 to that State or unit of local government for the fol-  
24 lowing fiscal year.

1           (2) BYRNE-JAG.—In the case of a State or  
2           unit of local government that received a grant award  
3           under subpart 1 of part E of title I of the Omnibus  
4           Crime Control and Safe Streets Act of 1968 (42  
5           U.S.C. 3750 et seq.), if, during a fiscal year, that  
6           State or unit of local government is described in  
7           subsection (c), the Attorney General shall withhold  
8           all of the amount that would otherwise be awarded  
9           to that State or unit of local government for the fol-  
10          lowing fiscal year.

11          (3) STATES AND LOCAL GOVERNMENTS DE-  
12          SCRIBED.—A State or unit of local government de-  
13          scribed in this subsection is any State or local gov-  
14          ernment that—

15                 (A) has in effect any law, policy, or proce-  
16                 dure in contravention of subsection (a) or (b) of  
17                 section 642 of the Illegal Immigration Reform  
18                 and Immigrant Responsibility Act of 1996 (8  
19                 U.S.C. 1373); or

20                 (B) prohibits State or local law enforce-  
21                 ment officials from gathering information re-  
22                 garding the citizenship or immigration status,  
23                 lawful or unlawful, of any individual.

1 **SEC. 9. EMPOWERING LOCAL LAW ENFORCEMENT TO EN-**  
2 **SURE IMMIGRATION SECURITY.**

3 (a) FEDERAL AFFIRMATION OF ASSISTANCE IN THE  
4 IMMIGRATION LAW ENFORCEMENT BY STATES AND PO-  
5 LITICAL SUBDIVISIONS OF STATES.—Notwithstanding  
6 any other provision of law and reaffirming the existing in-  
7 herent authority of States, law enforcement personnel of  
8 a State, or of a political subdivision of a State, have the  
9 inherent authority of a sovereign entity to investigate,  
10 identify, apprehend, arrest, detain, or transfer to Federal  
11 custody aliens in the United States (including the trans-  
12 portation of such aliens across State lines to detention  
13 centers), for the purposes of assisting in the enforcement  
14 of the immigration laws of the United States in the course  
15 of carrying out routine duties. This State authority has  
16 never been displaced or preempted by Congress.

17 (b) STATE AUTHORIZATION FOR ASSISTANCE IN THE  
18 ENFORCEMENT OF IMMIGRATION LAWS ENCOURAGED.—

19 (1) IN GENERAL.—Effective on the enactment  
20 date of this Act, a State, or a political subdivision  
21 of a State, that has in effect a statute, policy, or  
22 practice that prohibits law enforcement officers of  
23 the State, or of a political subdivision of the State,  
24 from assisting or cooperating with Federal immigra-  
25 tion law enforcement in the course of carrying out  
26 the officers' routine law enforcement duties shall not

1 receive any of the funds that would otherwise be al-  
2 located to the State under section 241(i) of the Im-  
3 migration and Nationality Act (8 U.S.C. 1231(i)).

4 (2) CONSTRUCTION.—Nothing in this section  
5 shall require law enforcement officials from States,  
6 or from political subdivisions of States, to report or  
7 arrest victims or witnesses of a criminal offense.

8 (3) REALLOCATION OF FUNDS.—Any funds  
9 that are not allocated to a State, or to a political  
10 subdivision of a State, due to the failure of the  
11 State, or of the political subdivision of the State, to  
12 comply with subsection (a) shall be reallocated to  
13 States, or to political subdivisions of States, that  
14 comply with such subsection.

15 (c) LISTING OF IMMIGRATION VIOLATORS IN THE  
16 NATIONAL CRIME INFORMATION CENTER DATABASE.—

17 (1) PROVISION OF INFORMATION TO THE  
18 NCIC.—Not later than 180 days after the date of the  
19 enactment of this Act and periodically thereafter as  
20 updates may require, the Under Secretary for Bor-  
21 der and Transportation Security of the Department  
22 of Homeland Security shall provide the National  
23 Crime Information Center of the Department of  
24 Justice with such information as the Under Sec-  
25 retary may possess regarding any aliens against

1 whom a final order of removal has been issued, any  
2 aliens who have signed a voluntary departure agree-  
3 ment, any aliens who have overstayed their author-  
4 ized period of stay, and any aliens whose visas have  
5 been revoked. The National Crime Information Cen-  
6 ter shall enter such information into the Immigra-  
7 tion Violators File of the National Crime Informa-  
8 tion Center database, regardless of whether—

9 (A) the alien concerned received notice of  
10 a final order of removal;

11 (B) the alien concerned has already been  
12 removed; or

13 (C) sufficient identifying information is  
14 available with respect to the alien concerned.

15 (2) INCLUSION OF INFORMATION IN THE NCIC  
16 DATABASE.—

17 (A) IN GENERAL.—Section 534(a) of title  
18 28, United States Code, is amended—

19 (i) in paragraph (3), by striking  
20 “and” at the end;

21 (ii) by redesignating paragraph (4) as  
22 paragraph (5); and

23 (iii) by inserting after paragraph (3)  
24 the following new paragraph:



1           “(4) acquire, collect, classify, and preserve  
2 records of violations by aliens of the immigration  
3 laws of the United States, regardless of whether any  
4 such alien has received notice of the violation or  
5 whether sufficient identifying information is avail-  
6 able with respect to any such alien and even if any  
7 such alien has already been removed from the  
8 United States; and”.

9           (B) EFFECTIVE DATE.—The Attorney  
10 General shall ensure that the amendment made  
11 by paragraph (1) is implemented by not later  
12 than 6 months after the date of the enactment  
13 of this Act.

14       (d) STATE AND LOCAL LAW ENFORCEMENT PROVI-  
15 SION OF INFORMATION ABOUT APPREHENDED ALIENS.—

16       (1) PROVISION OF INFORMATION.—In compli-  
17 ance with section 642(a) of the Illegal Immigration  
18 Reform and Immigrant Responsibility Act of 1996  
19 (8 U.S.C. 1373) and section 434 of the Personal Re-  
20 sponsibility and Work Opportunity Reconciliation  
21 Act of 1996 (8 U.S.C. 1644), each State, and each  
22 political subdivision of a State, shall provide the Sec-  
23 retary of Homeland Security in a timely manner  
24 with the information specified in subsection (b) with  
25 respect to each alien apprehended in the jurisdiction

1 of the State, or in the political subdivision of the  
2 State, who is believed to be in violation of the immi-  
3 gration laws of the United States.

4 (2) INFORMATION REQUIRED.—The information  
5 referred to in subsection (a) is as follows:

6 (A) The alien's name.

7 (B) The alien's address or place of resi-  
8 dence.

9 (C) A physical description of the alien.

10 (D) The date, time, and location of the en-  
11 counter with the alien and reason for stopping,  
12 detaining, apprehending, or arresting the alien.

13 (E) If applicable, the alien's driver's li-  
14 cense number and the State of issuance of such  
15 license.

16 (F) If applicable, the type of any other  
17 identification document issued to the alien, any  
18 designation number contained on the identifica-  
19 tion document, and the issuing entity for the  
20 identification document.

21 (G) If applicable, the license plate number,  
22 make, and model of any automobile registered  
23 to, or driven by, the alien.

24 (H) A photo of the alien, if available or  
25 readily obtainable.

1 (I) The alien's fingerprints, if available or  
2 readily obtainable.

3 (3) ANNUAL REPORT ON REPORTING.—The  
4 Secretary shall maintain and annually submit to  
5 Congress a detailed report listing the States, or the  
6 political subdivisions of States, that have provided  
7 information under subsection (d)(1) in the preceding  
8 year.

9 (4) REIMBURSEMENT.—The Secretary of  
10 Homeland Security shall reimburse States, and po-  
11 litical subdivisions of a State, for all reasonable  
12 costs, as determined by the Secretary, incurred by  
13 the State, or the political subdivision of a State, as  
14 a result of providing information under subsection  
15 (d)(1).

16 (5) AUTHORIZATION OF APPROPRIATIONS.—  
17 There are authorized to be appropriated to the Sec-  
18 retary \$200,000,000 to remain available until ex-  
19 pended to carry out this section.

20 (6) CONSTRUCTION.—Nothing in this section  
21 shall require law enforcement officials of a State, or  
22 of a political subdivision of a State, to provide the  
23 Secretary of Homeland Security with information re-  
24 lated to a victim of a crime or witness to a criminal  
25 offense.

1           (e) FINANCIAL ASSISTANCE TO STATE AND LOCAL  
2 POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT  
3 OF IMMIGRATION LAWS.—

4           (1) GRANTS FOR SPECIAL EQUIPMENT FOR  
5 HOUSING AND PROCESSING CERTAIN ALIENS.—From  
6 amounts made available to make grants under this  
7 section, the Secretary of Homeland Security shall  
8 make grants to States, and to political subdivisions  
9 of States, for procurement of equipment, technology,  
10 facilities, and other products that facilitate and are  
11 directly related to investigating, apprehending, ar-  
12 resting, detaining, or transporting aliens who have  
13 violated the immigration laws of the United States,  
14 including additional administrative costs incurred  
15 under this Act.

16           (2) ELIGIBILITY.—To be eligible to receive a  
17 grant under this section, a State, or a political sub-  
18 division of a State, must have the authority to, and  
19 shall have a written policy and a practice to, assist  
20 in the enforcement of the immigration laws of the  
21 United States in the course of carrying out the rou-  
22 tine law enforcement duties of such State or political  
23 subdivision of a State. Entities covered under this  
24 section may not have any policy or practice that pre-

1 vents local law enforcement from inquiring about a  
2 suspect's immigration status.

3 (3) FUNDING.—There are authorized to be ap-  
4 propriated to the Secretary for grants under this  
5 section \$200,000,000 for fiscal year 2021 and each  
6 subsequent fiscal year.

7 (4) GAO AUDIT.—Not later than three years  
8 after the date of the enactment of this Act, the  
9 Comptroller General of the United States shall con-  
10 duct an audit of funds distributed to States, and to  
11 political subdivisions of a State, under subsection  
12 (e)(1).

13 (f) FEDERAL CUSTODY OF ALIENS UNLAWFULLY  
14 PRESENT IN THE UNITED STATES APPREHENDED BY  
15 STATE OR LOCAL LAW ENFORCEMENT.—

16 (1) STATE APPREHENSION.—

17 (A) IN GENERAL.—Title II of the Immi-  
18 gration and Nationality Act (8 U.S.C. 1151 et  
19 seq.) is amended by inserting after section  
20 240C the following:

21 “CUSTODY OF ALIENS UNLAWFULLY PRESENT IN THE  
22 UNITED STATES

23 “SEC. 240D. (a) TRANSFER OF CUSTODY BY STATE  
24 AND LOCAL OFFICIALS.—If a State, or a political subdivi-  
25 sion of the State, exercising authority with respect to the  
26 apprehension or arrest of an alien who is unlawfully

1 present in the United States submits to the Secretary of  
2 Homeland Security a request that the alien be taken into  
3 Federal custody, the Secretary—

4           “(1) not later than 48 hours after the conclu-  
5 sion of the State, or the political subdivision of a  
6 State, charging process or dismissal process, or if no  
7 State or political subdivision charging or dismissal  
8 process is required, not later than 48 hours after the  
9 alien is apprehended, shall take the alien into the  
10 custody of the Federal Government and incarcerate  
11 the alien; or

12           “(2) shall request that the relevant State or  
13 local law enforcement agency temporarily incarcerate  
14 or transport the alien for transfer to Federal cus-  
15 tody.

16           “(b) POLICY ON DETENTION IN STATE AND LOCAL  
17 DETENTION FACILITIES.—In carrying out section  
18 241(g)(1), the Attorney General or the Secretary of  
19 Homeland Security shall ensure that an alien arrested  
20 under this Act shall be detained, pending the alien’s being  
21 taken for the examination under this section, in a State  
22 or local prison, jail, detention center, or other comparable  
23 facility. Notwithstanding any other provision of law or reg-  
24 ulation, such facility is adequate for detention, if—

1           “(1) such a facility is the most suitably located  
2           Federal, State, or local facility available for such  
3           purpose under the circumstances;

4           “(2) an appropriate arrangement for such use  
5           of the facility can be made; and

6           “(3) such facility satisfies the standards for the  
7           housing, care, and security of persons held in cus-  
8           tody of a United States marshal.

9           “(c) REIMBURSEMENT.—The Secretary of Homeland  
10          Security shall reimburse States, and political subdivisions  
11          of a State, for all reasonable expenses, as determined by  
12          the Secretary, incurred by the State, or political subdivi-  
13          sion, as a result of the incarceration and transportation  
14          of an alien who is unlawfully present in the United States  
15          as described in subparagraphs (A) and (B) of subsection  
16          (a)(1). Compensation provided for costs incurred under  
17          such subparagraphs shall be the average cost of incarcer-  
18          ation of a prisoner in the relevant State, as determined  
19          by the chief executive officer of a State, or of a political  
20          subdivision of a State, plus the cost of transporting the  
21          alien from the point of apprehension to the place of deten-  
22          tion, and to the custody transfer point if the place of de-  
23          tention and place of custody are different.

24          “(d) SECURE FACILITIES.—The Secretary of Home-  
25          land Security shall ensure that aliens incarcerated in Fed-

1 eral facilities pursuant to this Act are held in facilities  
2 that provide an appropriate level of security.

3 “(e) TRANSFER.—

4 “(1) IN GENERAL.—In carrying out this sec-  
5 tion, the Secretary of Homeland Security shall es-  
6 tablish a regular circuit and schedule for the prompt  
7 transfer of apprehended aliens from the custody of  
8 States, and political subdivisions of a State, to Fed-  
9 eral custody.

10 “(2) CONTRACTS.—The Secretary may enter  
11 into contracts, including appropriate private con-  
12 tracts, to implement this subsection.

13 “(f) DEFINITION.—For purposes of this section, the  
14 term ‘alien who is unlawfully present in the United States’  
15 means an alien who—

16 “(1) entered the United States without inspec-  
17 tion or at any time, manner or place other than that  
18 designated by the Secretary of Homeland Security;

19 “(2) was admitted as a nonimmigrant and who,  
20 at the time the alien was taken into custody by the  
21 State, or a political subdivision of the State, had  
22 failed to—

23 “(A) maintain the nonimmigrant status in  
24 which the alien was admitted or to which it was  
25 changed under section 248; or



1           “(B) comply with the conditions of any  
2           such status;

3           “(3) was admitted as an immigrant and has  
4           subsequently failed to comply with the requirements  
5           of that status; or

6           “(4) failed to depart the United States under a  
7           voluntary departure agreement or under a final  
8           order of removal.”.

9           (B) CLERICAL AMENDMENT.—The table of  
10           contents of such Act is amended by inserting  
11           after the item relating to section 240C the fol-  
12           lowing new item:

13       **“SEC. 240D. CUSTODY OF ALIENS UNLAWFULLY PRESENT**  
14           **IN THE UNITED STATES.”.**

15           (2) GAO AUDIT.—Not later than three years  
16           after the date of the enactment of this Act, the  
17           Comptroller General of the United States shall con-  
18           duct an audit of compensation to States, and to po-  
19           litical subdivisions of a State, for the incarceration  
20           of aliens unlawfully present in the United States  
21           under section 240D(a) of the Immigration and Na-  
22           tionality Act (as added by subsection (a)(1)).

23           (g) IMMUNITY.—

24           (1) PERSONAL IMMUNITY.—Notwithstanding  
25           any other provision of law, a law enforcement officer

1 of a State or local law enforcement agency who is  
2 acting within the scope of the officer's official duties  
3 shall be immune, to the same extent as a Federal  
4 law enforcement officer, from personal liability arising  
5 out of the performance of any duty described in  
6 this Act.

7 (2) AGENCY IMMUNITY.—Notwithstanding any  
8 other provision of law, a State or local law enforcement  
9 agency shall be immune from any claim for  
10 money damages based on Federal, State, or local  
11 civil rights law for an incident arising out of the enforcement  
12 of any immigration law, except to the extent a law enforcement  
13 officer of such agency committed a violation of Federal, State,  
14 or local criminal law in the course of enforcing such immigration  
15 law.

16 (h) INSTITUTIONAL REMOVAL PROGRAM.—

17 (1) CONTINUATION AND EXPANSION.—

18 (A) IN GENERAL.—The Secretary of  
19 Homeland Security shall continue to operate  
20 and implement the program known as the Institutional  
21 Removal Program (IRP) which—

- 22 (i) identifies removable criminal aliens  
23 in Federal and State correctional facilities;  
24 (ii) ensures such aliens are not released  
25 into the community; and

1 (iii) removes such aliens from the  
2 United States after the completion of their  
3 sentences.

4 (B) EXPANSION.—The Institutional Re-  
5 moval Program shall be extended to all States.  
6 Any State that receives Federal funds for the  
7 incarceration of criminal aliens shall—

8 (i) cooperate with officials of the In-  
9 stitutional Removal Program;

10 (ii) expeditiously and systematically  
11 identify criminal aliens in its prison and  
12 jail populations; and

13 (iii) promptly convey such information  
14 to officials of such Program as a condition  
15 of receiving such funds.

16 (2) AUTHORIZATION FOR DETENTION AFTER  
17 COMPLETION OF STATE OR LOCAL PRISON SEN-  
18 TENCE.—Law enforcement officers of a State, or of  
19 a political subdivision of a State, are authorized to—

20 (A) hold a criminal alien for a period of up  
21 to 14 days after the alien has completed the  
22 alien's State prison sentence in order to effec-  
23 tuate the transfer of the alien to Federal cus-  
24 tody when the alien is removable or not lawfully  
25 present in the United States; or

1           (B) issue a detainer that would allow  
2           aliens who have served a State prison sentence  
3           to be detained by the State prison until per-  
4           sonnel from United States Immigration and  
5           Customs Enforcement can take the alien into  
6           custody.

7   **SEC. 10. BUILD THE WALL.**

8           (a) ESTABLISHMENT OF FUND.—At the end of sub-  
9   chapter III of chapter 33 of title 31, United States Code,  
10 insert the following:

11   **“SEC. 3344. SECURE THE SOUTHERN BORDER FUND.**

12           “(a) IN GENERAL.—Not later than 30 days after the  
13   date of enactment of this section, the Secretary of the  
14   Treasury shall establish an account in the Treasury of the  
15   United States, to be known as the ‘Secure the Southern  
16   Border Fund’, into which funds shall be deposited in ac-  
17   cordance with subsections (c) and (d) below.

18           “(b) APPROPRIATION.—Funds deposited in the Se-  
19   cure the Southern Border Fund shall be available until  
20   expended. Such funds are authorized to be appropriated,  
21   and are appropriated, to the Secretary of Homeland Secu-  
22   rity only—

23           “(1) to plan, design, construct, or maintain a  
24   barrier along the international border between the  
25   United States and Mexico; and

1           “(2) to purchase and maintain necessary vehi-  
2           cles and equipment for U.S. Border Patrol agents.

3           “(c) LIMITATION.—Not more than 5 percent of the  
4 funds deposited in the Secure the Southern Border Fund  
5 may be used for the purpose described in subsection  
6 (b)(2).

7           “(d) INITIAL AUTHORIZATION OF APPROPRIATION.—  
8 There is authorized to be appropriated \$22,000,000,000  
9 to the Secure the Southern Border Fund, to remain avail-  
10 able until expended.”.

11           (b) CONSTRUCTION OF BORDER WALL.—

12           (1) IMPROVEMENT OF BARRIERS AT BORDER.—

13           Section 102 of the Illegal Immigration Reform and  
14 Immigrant Responsibility Act of 1996 (Division C of  
15 Public Law 104–208; 8 U.S.C. 1103 note) is amend-  
16 ed—

17           (A) by amending subsection (a) to read as  
18 follows:

19           “(a) IN GENERAL.—Not later than December 31,  
20 2021, the Secretary of Homeland Security shall take such  
21 actions as may be necessary (including the removal of ob-  
22 stacles to detection of illegal entrants) to design, test, con-  
23 struct, and install physical barriers, roads, and technology  
24 along the international land border between the United

1 States and Mexico to prevent illegal crossings in all  
2 areas.”;

3 (B) in subsection (b)—

4 (i) in paragraph (1)—

5 (I) in the paragraph heading, by  
6 striking “ADDITIONAL FENCING” and  
7 inserting “FENCING”;

8 (II) by striking subparagraph (A)  
9 and inserting the following:

10 “(A) PHYSICAL BARRIERS.—In carrying  
11 out subsection (a), the Secretary of Homeland  
12 Security shall construct physical barriers, in-  
13 cluding secondary barriers in locations where  
14 there is already a fence, along the international  
15 land border between the United States and  
16 Mexico that will prevent illegal entry and will  
17 assist in gaining operational control of the bor-  
18 der (as defined in section 2(b) of the Secure  
19 Fence Act of 2006 (8 U.S.C. 1701 note; Public  
20 Law 109–367)).”;

21 (III) by striking subparagraph  
22 (B) and redesignating subparagraphs  
23 (C) and (D) as subparagraphs (B)  
24 and (C), respectively;

1 (IV) in subparagraph (B), as so  
2 redesignated—

3 (aa) by striking clause (i)  
4 and inserting the following:

5 “(i) IN GENERAL.—In carrying out  
6 this section, the Secretary of Homeland  
7 Security shall, before constructing physical  
8 barriers in a specific area or region, con-  
9 sult with the Secretary of the Interior, the  
10 Secretary of Agriculture, appropriate Fed-  
11 eral, State, local, and tribal governments,  
12 and appropriate private property owners in  
13 the United States to minimize the impact  
14 on the environment, culture, commerce,  
15 and quality of life for the communities and  
16 residents located near the sites at which  
17 such physical barriers are to be con-  
18 structed. Nothing in this paragraph should  
19 be construed to limit the Secretary of  
20 Homeland Security’s authority to move  
21 forward with construction after consulta-  
22 tion.”;

23 (bb) by redesignating clause  
24 (ii) as clause (iii); and

1 (cc) by inserting after clause  
2 (i), as amended, the following  
3 new clause:

4 “(ii) NOTIFICATION.—Not later than  
5 60 days after the consultation required  
6 under clause (i), the Secretary of Home-  
7 land Security shall notify the Committees  
8 on the Judiciary of the House of Rep-  
9 resentatives and of the Senate, the Com-  
10 mittee on Homeland Security of the House  
11 of Representatives, and the Committee on  
12 Homeland Security and Governmental Af-  
13 fairs of the Senate of the type of physical  
14 barriers, tactical infrastructure, or tech-  
15 nology the Secretary has determined is  
16 most practical and effective to achieve situ-  
17 ational awareness and operational control  
18 in a specific area or region and the other  
19 alternatives the Secretary considered be-  
20 fore making such a determination.”; and

21 (V) by striking subparagraph  
22 (C), as so redesignated, and inserting  
23 the following:

24 “(C) LIMITATION ON REQUIREMENTS.—  
25 Notwithstanding subparagraph (A), nothing in



1 this paragraph shall require the Secretary of  
2 Homeland Security to install fencing, physical  
3 barriers, or roads, in a particular location along  
4 the international border between the United  
5 States and Mexico, if the Secretary determines  
6 that there is a pre-existing geographical barrier  
7 or pre-constructed, impenetrable wall. The Sec-  
8 retary must notify the House and Senate Com-  
9 mittees on the Judiciary, the House Committee  
10 on Homeland Security, and the Senate Com-  
11 mittee on Homeland Security and Govern-  
12 mental Affairs of any decision not to install  
13 fencing in accordance with this provision within  
14 30 days of a determination being made.”;

15 (C) in paragraph (2)—

16 (i) by striking “Attorney General”  
17 and inserting “Secretary of Homeland Se-  
18 curity”; and

19 (ii) by striking “fences” and inserting  
20 “physical barriers and roads”;

21 (D) in paragraph (3)—

22 (i) by striking “Attorney General”  
23 and inserting “Secretary of Homeland Se-  
24 curity”; and

1 (ii) by striking “additional fencing”  
2 and inserting “physical barriers and  
3 roads”; and

4 (E) in subsection (c), by amending para-  
5 graph (1) to read as follows:

6 “(1) IN GENERAL.—Notwithstanding any other  
7 provision of law, the Secretary of Homeland Security  
8 shall have the authority to waive all legal require-  
9 ments the Secretary, in the Secretary’s sole discre-  
10 tion, determines necessary to ensure the expeditious  
11 design, testing, construction, installation, deploy-  
12 ment, operation, and maintenance of physical bar-  
13 riers, roads, and technology under this section. Any  
14 such decision by the Secretary shall be effective  
15 upon publication in the Federal Register.”.

16 (c) ACHIEVING OPERATIONAL CONTROL ON THE  
17 BORDER.—Subsection (a) of section 2 the Secure Fence  
18 Act of 2006 (8 U.S.C. 1701 note) is amended, in the mat-  
19 ter preceding paragraph (1), by striking “18 months after  
20 the date of the enactment of this Act” and inserting “De-  
21 cember 31, 2021”.

22 (d) IN GENERAL.—The Southern border barrier  
23 (“wall”) shall be referred to as the “President Donald J.  
24 Trump Wall.”

1 **SEC. 11. RE-ASSERTING ZERO-TOLERANCE IMMIGRATION**  
2 **POLICY.**

3 (a) IN GENERAL.—Notwithstanding any executive  
4 action to the contrary, the following executive declarations  
5 and orders shall be the policy of the United States and  
6 have the force of law upon the enactment date of this Act:

- 7 (1) Executive Order 13767.  
8 (2) Executive Order 13768.  
9 (3) Executive Order 13780.  
10 (4) Executive Order 13788.  
11 (5) Executive Order 13802.  
12 (6) Presidential Memorandum, Issued April 6,  
13 2018, ending “Catch-and-Release”.  
14 (7) Department of Justice Zero-Tolerance Pol-  
15 icy, Adopted April 6, 2018.  
16 (8) Department of Homeland Security Migrant  
17 Protection Protocols, Issued January 24, 2019.  
18 (9) Proclamation 9844, February 15, 2019.  
19 (10) Executive Order 13888.  
20 (11) Orders from the Centers for Disease Con-  
21 trol, issued October 10, 2020.

22 **SEC. 12. REPEAL OF CERTAIN EXECUTIVE ORDERS SIGNED**  
23 **AFTER JANUARY 19, 2021.**

24 (a) IN GENERAL.—Notwithstanding any executive  
25 action to the contrary, the following executive declara-  
26 tions, proclamations, and orders are hereby null and void:

1 (1) Proclamation 10141.

2 (2) Proclamation 10142.

3 (3) Executive Order 13993.

4 (4) Memorandum from Acting Secretary of the  
5 Department of Homeland Security, issued January  
6 20, 2021.

7 (5) Memorandum on Deferred Action for Child-  
8 hood Arrivals (DACA) issued January 20, 2021.

9 (6) Executive Order 14010.

10 (7) Executive Order 14011.

11 (8) Executive Order 14012.

12 (9) Executive Order on Promoting Access to  
13 Voting, issued March 7, 2021.

14 **SEC. 13. RESCINDING DEFERRED ACTION FOR CHILDHOOD**  
15 **ARRIVALS (DACA) AND DEFERRED ACTION**  
16 **FOR PARENTAL ACCOUNTABILITY (DAPA).**

17 (a) IN GENERAL.—The following executive memo-  
18 randa are hereby rescinded:

19 (1) Memorandum from the Department of  
20 Homeland Security entitled “Exercising Prosecu-  
21 torial Discretion with Respect to Individuals Who  
22 Came to the United States as Children”, issued  
23 June 15, 2012.

24 (2) Memorandum from the Department of  
25 Homeland Security entitled “Exercising Prosecu-

