

TITLE—COMMITTEE ON THE JUDICIARY

Subtitle A—Immigration and Law Enforcement Matters

Part I—Immigration Fees

Sec. 101. Applicability of Immigration Laws.

This section clarifies that any terms in the bill are defined as in the Immigration and Nationality Act (INA) and provides that any statutory references are to the INA.

Sec. 102. Asylum Fee.

This section requires a minimum \$1,000 fee for any alien who applies for asylum. The section directs 50 percent of the fees received from applications filed in immigration court to the Executive Office for Immigration Review (EOIR) and 50 percent of the fees received from applications filed with U.S. Citizenship and Immigration Services (USCIS) to USCIS. The remaining fees collected will be directed to the Treasury for deficit reduction.

Sec. 103. Employment Authorization Document Fees.

(a) Asylum applicants. This section requires at minimum a \$550 employment authorization application fee for any asylum applicant who seeks employment authorization while the alien's asylum application is pending. The section directs 25 percent of the fees received from such applications to USCIS, with a portion devoted to detecting and preventing immigration benefit fraud. The remaining fees collected will be directed to the Treasury.

(b) Parole. This section requires a \$550 employment authorization application fee for any alien paroled into the country who seeks employment authorization. The section directs these fees paid by parolees to be deposited in the Treasury's general fund.

(c) Temporary Protected Status. This section requires a \$550 employment authorization application fee for any alien granted Temporary Protected Status (TPS) who seeks employment authorization. The section directs all fees collected to be deposited in the Treasury general fund.

Sec. 104. Immigration Parole Fee.

This section requires a \$1,000 fee for any alien who is paroled into the U.S. other than in limited circumstances (such as medical emergencies, funerals, etc.) in accordance with the "case-by-case" limitation in the current statute. Fees collected under this section will be directed to the Treasury.

Sec. 105. Special Immigrant Juvenile Fee.

This section requires an alien who files an application for Special Immigrant Juvenile (SIJ) status to pay a \$500 fee if reunification with one parent or legal guardian is possible. Fees collected under this section will be directed to the Treasury for deficit reduction.

Sec. 106. Temporary Protected Status Fee.

This section requires a \$500 fee for an alien who files an application for TPS and who has not been admitted to the U.S. or who entered the U.S. on a temporary visa but who failed to comply with the terms of the visa, including by not complying with the period of authorized stay. Fees collected under this section will be directed to the Treasury for deficit reduction.

Sec. 107. Visa Integrity Fee.

This section requires DHS to assess a \$250 fee on aliens who travel to the U.S. pursuant to a nonimmigrant visa. The fee may be reimbursed under certain conditions. Fees collected under this section will be directed to the Treasury for deficit reduction.

Sec. 108. Form I-94 Fee.

This section imposes a fee of \$24 on the Form I-94. This fee is in addition to the current \$6 fee, increasing the total fee for the Form I-94 from \$6 to \$30. The Form I-94 acts as the arrival and departure record for certain categories of aliens traveling temporarily to the U.S. An increased portion of the funds will be redirected to the agency for cost recovery. In addition, a portion of each fee will be directed to the Treasury for deficit reduction.

Sec. 109. Annual Asylum Fee.

This section requires a \$100 fee in each calendar year that an alien's asylum application remains pending. The section directs all fees collected to the Treasury for deficit reduction.

Sec. 110. Fee for Continuances Granted in Immigration Court Proceedings.

This section requires a \$100 fee for any alien who seeks and is granted a continuance in immigration court, unless the continuance is granted based on exceptional circumstances. The section directs all fees collected to the Treasury for deficit reduction.

Sec. 111. Fee Relating to Renewal and Extension of Employment Authorization for Parolees.

This section requires a \$550 fee for any alien paroled into the country who seeks a renewal or an extension of employment authorization and directs all fees collected to the Treasury for deficit reduction.

Sec. 112. Fee Relating to Renewal or Extension of Employment Authorization for Asylum Applicants.

This section requires a \$550 fee for any asylum applicant who seeks a renewal or extension of employment authorization. The fee applies to an employment authorization for a term of up to six months and clarifies this employment authorization terminates: (1) immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an immigration judge; (2) thirty days after the date on which an immigration judge denies an asylum application, unless the alien files a timely appeal with the Board of Immigration Appeals (BIA); and (3) immediately following the denial of an alien's appeal by the BIA. The section directs all fees collected to the Treasury for deficit reduction.

Sec. 113. Fee Relating to Renewal and Extension of Employment Authorization for Aliens Granted Temporary Protected Status.

This section requires a \$550 fee for any alien granted TPS who seeks a renewal or extension of employment authorization. The fee applies to an employment authorization for a term of up to six months and directs all fees collected to the Treasury for deficit reduction.

Sec. 114. Diversity Immigrant Visa Fees.

(a) Fee for filing a diversity immigrant visa application. This section requires a \$400 diversity immigrant visa application fee for any alien who is selected through the diversity visa lottery and who is authorized to apply for a diversity immigrant visa. The section directs 10 percent of the fees to offset program costs associated with the diversity visa program, including fraud detection and prevention; 10 percent to ICE for detention, immigration enforcement, and removal operations; and the remaining fees received to the Treasury for deficit reduction.

(b) Fee for aliens who register for the diversity immigrant visa program. This section requires a \$250 fee for any alien who registers for the diversity immigrant visa lottery. The section directs 10 percent of the fees to offset costs of the diversity immigrant visa program, including fraud detection and prevention; 10 percent to ICE for detention, immigration enforcement, and removal operations; and the remaining fees received to the Treasury for deficit reduction.

Sec. 115. Fees Relating to Applications for Adjustment of Status.

(a) Fee for filing an application to adjust status to that of a lawful permanent resident. This section requires a fee of \$1,500 for any alien whose application for adjustment of status is adjudicated by an immigration judge. The section directs no more than 50 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(b) Fee for filing an application for waiver of grounds of inadmissibility. This section requires a fee of \$1,050 for any alien who files with an immigration court an application for waiver of grounds of inadmissibility or whose application for such a waiver is adjudicated by an immigration judge. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(c) Fee for filing an application for Temporary Protected Status. This section requires a fee of \$500 for any alien who files with an immigration court an application for TPS or whose application for TPS is adjudicated by an immigration judge. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(d) Fee for filing an appeal from a decision of an immigration judge. This section requires a fee of \$900 for any alien who files an appeal from a decision of an immigration judge. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(e) Fee for filing an appeal from a decision of an officer of the Department of Homeland Security (DHS). This section requires a fee of \$900 for any alien who files an appeal from a decision of a DHS officer. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(f) Fee for filing an appeal from a decision of an adjudicating official in a practitioner disciplinary case. This section requires a fee of \$1,325 for any practitioner who files an appeal from a decision of an adjudicating official in a practitioner disciplinary case. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(g) Fee for filing a motion to reopen or a motion to reconsider. This section requires a fee of \$900 for any alien who files a motion to reopen or a motion to reconsider a decision of an immigration judge or the BIA. The section clarifies that such a fee does not apply to motions to reopen a removal order entered in absentia if the motion is based on the alien (1) failing to receive proper notice of the proceeding or (2) failing to attend the proceeding because the alien was in state or federal custody and the failure to appear was through no fault of the alien. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(h) Fee for filing an application for suspension of deportation. This section requires a fee of \$600 for any alien who files with an immigration court an application for suspension of deportation. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(i) Fee for filing an application for cancellation of removal for certain permanent residents. This section requires a fee of \$600 for any alien who files an application for cancellation of removal for certain permanent residents. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

(j) Fee for filing an application for cancellation of removal and adjustment of status for certain nonpermanent residents. This section requires a fee of \$1,500 for any alien who files an application for cancellation of removal and adjustment of status for certain nonpermanent residents. The section directs no more than 25 percent of the fees received to EOIR and the remaining fees to the Treasury for deficit reduction.

Sec. 116. Electronic System for Travel Authorization Fee.

This section increases the fee for the Electronic System for Travel Authorization (ESTA), which is required to be used by aliens who travel to the U.S. via the Visa Waiver Program, from \$21 to \$40. Currently, \$4 of the fee goes to the agency for cost recovery and \$17 goes to the Travel Promotion Fund. This section would change that allocation such that \$10 of each fee collected is directed to the agency to achieve cost recovery. \$13 per fee is allocated to the Treasury for deficit reduction. Finally, this section extends Customs and Border Protection's (CBP) authority to charge ESTA fees until 2034.

Sec. 117. Immigration User Fees.

Currently, air and sea passengers arriving from a foreign location on a commercial aircraft or sea vessel pay this fee. This section increases the current \$7 fee to \$10 and eliminates a partial exemption for certain commercial sea passengers. This fee would be applied in the following manner: \$9 is directed to the agency for cost recovery and \$1 is directed to the Treasury for deficit reduction.

Sec. 118. Electronic Visa Update System Fee.

The Electronic Visa Update System (EVUS) provides a mechanism through which information updates can be obtained from aliens holding a U.S. nonimmigrant visa of a designated category in a passport issued by an identified country. EVUS requires travelers with such visas to provide updated biographic and travel information to CBP via a publicly accessible website prior to initial travel on the visa and then at least every two years from the date of visa issuance for the

duration of visa validity. This section establishes in statute an EVUS fee of \$30. While most of the funds are allocated to the agency for cost recovery, a portion of the funds raised are allocated to the Treasury for deficit reduction.

Sec. 119. Fee for Sponsor of Unaccompanied Alien Children Who Fail to Appear in Immigration Court.

This section requires the sponsor of a UAC to pay a \$5,000 fee prior to the release of such UAC to the sponsor. The sponsor may receive reimbursement for the fee if the sponsor demonstrates that (1) the UAC was not ordered removed in absentia or (2) the in absentia order is rescinded.

Sec. 120. Fee for aliens ordered removed in absentia.

This section requires a \$5,000 fee for any alien who (1) is ordered removed in absentia after failing to appear at an immigration court hearing and (2) is subsequently arrested by ICE. This section includes an exception for cases in which an in absentia order is rescinded.

Sec. 121. Inadmissible Alien Apprehension Fee.

This section requires a \$5,000 fee for any inadmissible alien who is apprehended between ports of entry.

Sec. 122. Amendment to Authority to Apply for Asylum.

This section amends the INA to require fees for asylum applications and employment authorization applications for asylum applicants. The section also removes the limitation that any such fees cannot exceed the costs of adjudicating such applications.

Part II—Immigration and Law Enforcement Funding

Sec. 151. Appropriation for the Department of Homeland Security.

This section provides \$2,055,000,000 in funding to DHS for the following purposes:

1. Hiring and training CBP agents and staff to carry out immigration enforcement activities;
2. Funding transportation costs associated with alien departures and removals;
3. Funding the department to make personnel assignments to support immigration enforcement and related efforts;
4. Background checks on all aliens coming into or intending to remain in the United States;
5. Funding to protect alien children from exploitation through the use of fingerprinting and DNA;
6. Funding the transportation cost of asylum applicants to and from contiguous countries awaiting asylum adjudication;
7. Funding state and local homeland security efforts;
8. Removal of unaccompanied alien children who voluntarily withdraw their application for admission;
9. Expedited removal of criminal aliens;
10. Removal of certain criminal aliens without further hearing;
11. Criminal and gang checks for unaccompanied children; and
12. Information technology (IT) investments to support immigration purposes.

Sec. 152. Appropriation for U.S. Immigration and Customs Enforcement.

This section provides \$29,850,000,000 in funding to ICE for the following purposes:

1. Hiring and training of Immigration and Customs Enforcement (ICE) personnel to carry out immigration enforcement activities;
2. Performance, signing, and retention bonuses for ICE personnel;
3. Recruitment, hiring, and onboarding costs for additional ICE personnel;
4. Transportation costs associated with alien removal operations;
5. IT investments to support enforcement and removal operations;
6. ICE facility upgrades to support enforcement and removal operations;
7. ICE fleet modernization to support enforcement and removal operations;
8. Promoting family unity by detaining alien parents with their children;
9. Funding §287(g) agreements for state and local law enforcement participation;
10. Hiring and training additional staff at ICE's Victims of Immigration Crime Engagement (VOICE) Office; and
11. Hiring and training Office of the Principal Legal Advisor attorneys and staff.

Sec. 153. Appropriation for Federal Law Enforcement Training Centers.

This section provides \$750,000,000 in funding to ICE for the following purposes:

1. Training of newly hired law enforcement personnel; and
2. Construction, maintenance, improvements, and equipping of FLETC facilities.

Sec. 154. Appropriation for the Department of Justice.

This section provides \$3,320,000,000 in funding to DOJ for the following purposes:

1. Hiring immigration judges and staff;
2. Combating drug trafficking and illegal drug use;
3. Investigating and prosecuting immigration-related crimes;
4. Hiring additional attorneys and staff to defend the interests of the United States in litigation;
5. Funding for Byrne JAG and COPS grants for state and local law enforcement;
6. Hiring additional attorneys and staff to promote the settlement of lawsuits for payment to the U.S. government rather than payment to third parties; and
7. Compensating state and local governments for the incarceration of criminal aliens.

Sec. 155. Bridging Immigration-Related Deficits Experienced Nationwide Reimbursement Fund.

This section provides \$3,500,000,000 in funding to DOJ to issue grants to state and local governments for:

1. Locating and apprehending aliens who are illegally present in the US or who have committed crimes;
2. Conducting investigations to counter gang or other criminal activity;
3. Investigating and prosecuting crimes committed by aliens, as well as drug and human trafficking crimes;
4. Court operations related to the prosecution of crimes committed by aliens, as well as drug and human trafficking crimes;
5. Temporary criminal detention of aliens
6. Transporting illegal aliens and aliens who have committed crimes; and

7. Vehicle maintenance, logistics, transportation, and other support for operations to locate and apprehend illegal aliens and aliens who have committed crimes.

Sec. 156. Appropriation for the Bureau of Prisons.

This section provides \$5,000,000,000 in funding to the Bureau of Prisons (BOP) as follows:

1. At least \$3,000,000,000 for hiring and training of new BOP employees; and
2. Not more than \$2,000,000,000 for BOP facility maintenance and repairs.

Sec. 157. Appropriation for the United States Secret Service.

This section provides \$1,170,000,000 in funding to the Secret Service for personnel, training facilities, programming, and technology.

Subtitle B—Judiciary Matters

Sec. 201 Appropriation to the Administrative Office of the United States Courts.

This section provides \$1,250,000 in funding to the U.S. Courts' Administrative Office Director to continue statutorily mandated analyses and reporting, including the taxpayer costs associated with nationwide injunctions.

Sec. 202. Appropriation to the Federal Judicial Center.

This section provides \$1,000,000 in funding for the Federal Judicial Center for continuing education and training programs for judges and other judicial branch personnel, including legal problems and taxpayer costs associated with nationwide injunctions.

Sec. 203. Restriction on Enforcement.

This section holds that a preliminary injunction or temporary restraining order against the United States may only be issued if an injunction bond is imposed, as required under existing rules.

Subtitle C—Other Matters

Sec. 301. Limitation on Donations Made Pursuant to Settlement Agreements to Which the United States is a Party.

This section prohibits, with narrow exceptions, U.S. government officials from entering into or enforcing settlement agreements that make payment to a third party. It establishes penalties on officials who do so.

Sec. 302. Definition of Solicitation of Orders.

This section clarifies the tax treatment of certain interstate commercial activities regarding solicitation of orders. It clarifies that the prohibition on states taxing companies that only solicit orders in their states includes routine business steps that companies engage in during the solicitation and fulfillment of orders.

Subtitle D—Radiation Exposure Compensation Matters

Sec. 401. Extension of Fund.

This section reauthorizes the *Radiation Exposure Compensation Act* (RECA) and sunsets the RECA Trust Fund on December 31, 2028.

Sec. 402. Claims Relating to Atmospheric Testing.

This section makes changes to eligibility under the existing RECA statute for victims and on-site participants (e.g. military personnel) exposed to fallout due to atmospheric testing prior to 1962 at the Nevada Test Site. It adds affected areas and permits first-time eligibility for claims related to the Trinity Test. It modifies qualifying cancers and adjusts one-time compensation levels to account for inflation.

Sec. 403. Claims Relating to Uranium Mining.

This section permits eligibility for RECA compensation for uranium mine workers who worked in mines across the United States related to the government's nuclear program and developed cancers. It makes changes to eligibility standards such as work history, permitted occupations at the mines, dates employed in the mines (e.g. permitted up to the end of the Cold War), and the eligible disease list.

Sec. 404. Claims Relating to Manhattan Project Waste.

This section permits eligibility for RECA compensation for other victims of negligently disposed nuclear material. It provides for one-time compensation and defines standards for receiving such compensation if an individual develops certain cancers after a residency period in affected areas.

Sec. 405. Limitation on Claims

This section sunsets the window for filing new claims on December 31, 2027.