

117TH CONGRESS
1ST SESSION

S. _____

To close loopholes in the immigration laws that serve as incentives to aliens to attempt to enter the United States unlawfully, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEE (for himself, Mr. LEE, Mrs. BLACKBURN, Mr. TUBERVILLE, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To close loopholes in the immigration laws that serve as incentives to aliens to attempt to enter the United States unlawfully, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Stopping Border Surges Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—UNACCOMPANIED ALIEN CHILDREN

Sec. 101. Repatriation of unaccompanied alien children.

1 habitual resident of a country that is
2 contiguous with the United States”;

3 (II) in clause (i), by inserting
4 “and” at the end;

5 (III) in clause (ii), by striking “;
6 and” and inserting a period; and

7 (IV) by striking clause (iii);
8 (iii) in subparagraph (B)—

9 (I) in the matter preceding clause
10 (i), by striking “(8 U.S.C. 1101 et
11 seq.) may—” and inserting “(8
12 U.S.C. 1101 et seq.)—”;

13 (II) in clause (i), by inserting be-
14 fore “permit such child to withdraw”
15 the following: “may”; and

16 (III) in clause (ii), by inserting
17 before “return such child” the fol-
18 lowing: “shall”; and

19 (iv) in subparagraph (C)—

20 (I) by amending the heading to
21 read as follows: “AGREEMENTS WITH
22 FOREIGN COUNTRIES.—”; and

23 (II) in the matter preceding
24 clause (i), by striking “The Secretary
25 of State shall negotiate agreements

1 between the United States and coun-
2 tries contiguous to the United States”
3 and inserting “The Secretary of State
4 may negotiate agreements between the
5 United States and any foreign country
6 that the Secretary determines appro-
7 priate”;

8 (B) by redesignating paragraphs (3)
9 through (5) as paragraphs (4) through (6), re-
10 spectively, and inserting after paragraph (2) the
11 following:

12 “(3) SPECIAL RULES FOR INTERVIEWING UNAC-
13 COMPANIED ALIEN CHILDREN.—An unaccompanied
14 alien child shall be interviewed by an immigration
15 officer with specialized training in interviewing child
16 trafficking victims.”; and

17 (C) in paragraph (6)(D) (as so redesign-
18 nated)—

19 (i) in the matter preceding clause (i),
20 by striking “, except for an unaccompanied
21 alien child from a contiguous country sub-
22 ject to exceptions under subsection (a)(2),”
23 and inserting “who does not meet the cri-
24 teria listed in paragraph (2)(A)”;

1 (ii) in clause (i), by inserting before
2 the semicolon at the end the following: “,
3 which shall include a hearing before an im-
4 migration judge not later than 14 days
5 after being screened under paragraph (4)”;

6 (2) in subsection (b)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A), by inserting
9 before the semicolon the following: “be-
10 lieved not to meet the criteria listed in sub-
11 section (a)(2)(A)”;

12 (ii) in subparagraph (B), by inserting
13 before the period the following: “and does
14 not meet the criteria listed in subsection
15 (a)(2)(A)”;

16 (B) in paragraph (3), by striking “an un-
17 accompanied alien child in custody shall” and
18 all that follows, and inserting the following: “an
19 unaccompanied alien child in custody—

20 “(A) in the case of a child who does not
21 meet the criteria listed in subsection (a)(2)(A),
22 shall transfer the custody of such child to the
23 Secretary of Health and Human Services not
24 later than 30 days after determining that such

1 child is an unaccompanied alien child who does
2 not meet such criteria; or

3 “(B) in the case of child who meets the
4 criteria listed in subsection (a)(2)(A), may
5 transfer the custody of such child to the Sec-
6 retary of Health and Human Services after de-
7 termining that such child is an unaccompanied
8 alien child who meets such criteria.”; and

9 (3) in subsection (c)—

10 (A) in paragraph (3), by inserting at the
11 end the following:

12 “(D) INFORMATION ABOUT INDIVIDUALS
13 WITH WHOM CHILDREN ARE PLACED.—

14 “(i) INFORMATION TO BE PROVIDED
15 TO HOMELAND SECURITY.—Before placing
16 a child with an individual, the Secretary of
17 Health and Human Services shall provide
18 to the Secretary of Homeland Security, re-
19 garding the individual with whom the child
20 will be placed, the following information:

21 “(I) The name of the individual.

22 “(II) The social security number
23 of the individual, if available.

24 “(III) The date of birth of the in-
25 dividual.

1 “(IV) The location of the individ-
2 ual’s residence where the child will be
3 placed.

4 “(V) The immigration status of
5 the individual, if known.

6 “(VI) Contact information for
7 the individual.

8 “(ii) SPECIAL RULE.—In the case of a
9 child who was apprehended on or after the
10 effective date of this clause, and before the
11 date of the enactment of this subpara-
12 graph, who the Secretary of Health and
13 Human Services placed with an individual,
14 the Secretary shall provide the information
15 listed in clause (i) to the Secretary of
16 Homeland Security not later than 90 days
17 after such date of enactment.”; and

18 (B) in paragraph (5)—

19 (i) by inserting after “to the greatest
20 extent practicable” the following: “(at no
21 expense to the Government)”; and

22 (ii) by striking “have counsel to rep-
23 resent them” and inserting “have access to
24 counsel to represent them”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to any unaccompanied alien child
3 apprehended on or after the date of enactment.

4 **SEC. 102. CLARIFICATION OF STANDARDS FOR FAMILY DE-**
5 **TENTION.**

6 (a) IN GENERAL.—Section 235 of the William Wil-
7 berforce Trafficking Victims Protection Reauthorization
8 Act of 2008 (8 U.S.C. 1232) is amended by adding at
9 the end the following:

10 “(j) CONSTRUCTION.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, judicial determination, consent de-
13 cree, or settlement agreement, the detention of any
14 alien child who is not an unaccompanied alien child
15 shall be governed by sections 217, 235, 236, and
16 241 of the Immigration and Nationality Act (8
17 U.S.C. 1187, 1225, 1226, and 1231). There is no
18 presumption that an alien child who is not an unac-
19 companied alien child should not be detained, and all
20 such determinations shall be in the discretion of the
21 Secretary of Homeland Security.

22 “(2) RELEASE OF MINORS OTHER THAN UNAC-
23 COMPANIED ALIENS.—In no circumstances shall an
24 alien minor who is not an unaccompanied alien child
25 be released by the Secretary of Homeland Security

1 other than to a parent or legal guardian, who is law-
2 fully present in the United States.

3 “(3) FAMILY DETENTION.—The Secretary of
4 Homeland Security shall—

5 “(A) maintain the care and custody of an
6 alien, during the period during which the
7 charges described in clause (i) are pending,
8 who—

9 “(i) is charged only with a mis-
10 demeanor offense under section 275(a) of
11 the Immigration and Nationality Act (8
12 U.S.C. 1325(a)); and

13 “(ii) entered the United States with
14 the alien’s child who has not attained 18
15 years of age; and

16 “(B) detain the alien with the alien’s
17 child.”.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the amendments in this section to section 235
20 of the William Wilberforce Trafficking Victims Protection
21 Reauthorization Act of 2008 (8 U.S.C. 1232) are intended
22 to satisfy the requirements of the Settlement Agreement
23 in *Flores v. Meese*, No. 85–4544 (C.D. Cal) as approved
24 by the court on January 28, 1997, with respect to its in-
25 terpretation in *Flores v. Johnson*, 212 F. Supp. 3d 864

1 (C.D. Cal. 2015), that the agreement applies to accom-
2 panied minors.

3 (c) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act and shall apply to all actions that occur
6 before, on, or after the date of the enactment of this Act.

7 (d) PREEMPTION OF STATE LICENSING REQUIRE-
8 MENTS.—Notwithstanding any other provision of law, ju-
9 dicial determination, consent decree, or settlement agree-
10 ment, no State may require that an immigration detention
11 facility used to detain children who have not attained 18
12 years of age, or families consisting of one or more of such
13 children and the parents or legal guardians of such chil-
14 dren, that is located in that State, be licensed by the State
15 or any political subdivision thereof.

16 **SEC. 103. SPECIAL IMMIGRANT JUVENILE STATUS FOR IM-**
17 **MIGRANTS UNABLE TO REUNITE WITH EI-**
18 **THIER PARENT.**

19 Section 101(a)(27)(J) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

21 (1) in clause (i), by striking “, and whose reuni-
22 fication with 1 or both of the immigrant’s parents
23 is not viable due to abuse, neglect, abandonment, or
24 a similar basis found under State law”; and

25 (2) in clause (iii)—

1 (A) by striking “and” at the end of sub-
2 clause (I);

3 (B) by inserting “and” at the end of sub-
4 clause (II); and

5 (C) by adding at the end the following:

6 “(III) an alien may not be grant-
7 ed special immigrant juvenile status
8 under this subparagraph if his or her
9 reunification with any one parent or
10 legal guardian is not precluded by
11 abuse, neglect, abandonment, or any
12 similar cause under State law;”.

13 **TITLE II—ASYLUM REFORM**

14 **SEC. 201. CREDIBLE FEAR INTERVIEWS.**

15 Section 235(b)(1)(B)(v) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
17 striking “claim” and all that follows, and inserting “claim,
18 as determined pursuant to section 208(b)(1)(B)(iii), and
19 such other facts as are known to the officer, that the alien
20 could establish eligibility for asylum under section 208,
21 and it is more probable than not that the statements made
22 by, and on behalf of, the alien in support of the alien’s
23 claim are true.”.

1 **SEC. 202. JURISDICTION OF ASYLUM APPLICATIONS.**

2 Section 208(b)(3) of the Immigration and Nationality
3 Act (8 U.S.C. 1158) is amended by striking subparagraph
4 (C).

5 **SEC. 203. RECORDING EXPEDITED REMOVAL AND CRED-**
6 **IBLE FEAR INTERVIEWS.**

7 (a) IN GENERAL.—The Secretary of Homeland Secu-
8 rity shall establish quality assurance procedures and take
9 steps to effectively ensure that questions by employees of
10 the Department of Homeland Security exercising expe-
11 dited removal authority under section 235(b) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1225(b)) are asked
13 in a uniform manner, to the extent possible, and that both
14 these questions and the answers provided in response to
15 them are recorded in a uniform fashion.

16 (b) CREDIBLE FEAR INTERVIEW CHECKLISTS.—The
17 Secretary of Homeland Security shall provide a checklist
18 of standard questions and concepts to be addressed in all
19 interviews under section 235(b) to immigration officers ex-
20 ercising decision-making authority in such interviews.
21 Such checklists shall be routinely updated to include rel-
22 evant changes to law and procedures and shall, at a min-
23 imum, require that all immigration officers utilizing such
24 checklists provide concise justifications of their decision
25 regardless of whether credible fear was or was not estab-
26 lished.

1 (c) FACTORS RELATING TO SWORN STATEMENTS.—

2 Where practicable, any sworn or signed written statement
3 taken of an alien as part of the record of a proceeding
4 under section 235(b)(1)(A) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-
6 panied by a recording of the interview which served as the
7 basis for that sworn statement.

8 (d) INTERPRETERS.—The Secretary shall ensure that
9 a competent interpreter, not affiliated with the govern-
10 ment of the country from which the alien may claim asy-
11 lum, is used when the interviewing officer does not speak
12 a language understood by the alien.

13 (e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—

14 There shall be an audio or audio visual recording of inter-
15 views of aliens subject to expedited removal. The recording
16 shall be included in the record of proceeding and shall be
17 considered as evidence in any further proceedings involv-
18 ing the alien.

19 (f) NO PRIVATE RIGHT OF ACTION.—Nothing in this

20 section shall be construed to create any right, benefit,
21 trust, or responsibility, whether substantive or procedural,
22 enforceable in law or equity by a party against the United
23 States, its departments, agencies, instrumentalities, enti-
24 ties, officers, employees, or agents, or any person, nor does

1 this section create any right of review in any administra-
2 tive, judicial, or other proceeding.

3 **SEC. 204. SAFE THIRD COUNTRY.**

4 Section 208(a)(2)(A) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

6 (1) by striking “if the Attorney General deter-
7 mines” and inserting “if the Attorney General or the
8 Secretary of Homeland Security determines—”;

9 (2) by striking “that the alien may be removed”
10 and inserting:

11 “(i) that the alien may be removed”;

12 (3) by striking “removed, pursuant to a bilat-
13 eral or multilateral agreement, to” and inserting
14 “removed to”;

15 (4) by inserting “, on a case by case basis,” be-
16 fore “finds that”;

17 (5) by striking the period at the end and insert-
18 ing “; or”; and

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

20 “(ii) that the alien entered, attempted to enter,
21 or arrived in the United States after transiting
22 through at least one country outside the alien’s
23 country of citizenship, nationality, or last lawful ha-
24 bitual residence en route to the United States, un-
25 less—

1 “(I) the alien demonstrates that he or she
2 applied for protection from persecution or tor-
3 ture in at least one country outside the alien’s
4 country of citizenship, nationality, or last lawful
5 habitual residence through which the alien
6 transited en route to the United States, and the
7 alien received a final judgement denying the
8 alien protection in each country;

9 “(II) the alien demonstrates that he or she
10 was a victim of a severe form of trafficking in
11 which a commercial sex act was induced by
12 force, fraud, or coercion, or in which the person
13 induced to perform such act was under the age
14 of 18 years; or in which the trafficking included
15 the recruitment, harboring, transportation, pro-
16 vision, or obtaining of a person for labor or
17 services through the use of force, fraud, or coer-
18 cion for the purpose of subjection to involuntary
19 servitude, peonage, debt bondage, or slavery,
20 and was unable to apply for protection from
21 persecution in all countries that alien transited
22 en route to the United States as a result of
23 such severe form of trafficking; or

24 “(III) the only countries through which the
25 alien transited en route to the United States

1 were, at the time of the transit, not parties to
2 the 1951 United Nations Convention relating to
3 the Status of Refugees, the 1967 Protocol Re-
4 lating to the Status of Refugees, or the United
5 Nations Convention against Torture and Other
6 Cruel, Inhuman or Degrading Treatment or
7 Punishment.”.

8 **SEC. 205. RENUNCIATION OF ASYLUM STATUS PURSUANT**
9 **TO RETURN TO HOME COUNTRY.**

10 (a) IN GENERAL.—Section 208(c) of the Immigration
11 and Nationality Act (8 U.S.C. 1158(c)) is amended by
12 adding at the end the following new paragraph:

13 “(4) RENUNCIATION OF STATUS PURSUANT TO
14 RETURN TO HOME COUNTRY.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), any alien who is granted
17 asylum status under this Act, who, absent
18 changed country conditions, subsequently re-
19 turns to the country of such alien’s nationality
20 or, in the case of an alien having no nationality,
21 returns to any country in which such alien last
22 habitually resided, and who applied for such
23 status because of persecution or a well-founded
24 fear of persecution in that country on account
25 of race, religion, nationality, membership in a

1 particular social group, or political opinion,
2 shall have his or her status terminated.

3 “(B) WAIVER.—The Secretary has discre-
4 tion to waive subparagraph (A) if it is estab-
5 lished to the satisfaction of the Secretary that
6 the alien had a compelling reason for the re-
7 turn. The waiver may be sought prior to depar-
8 ture from the United States or upon return.”.

9 (b) CONFORMING AMENDMENT.—Section 208(c)(3)
10 of the Immigration and Nationality Act (8 U.S.C.
11 1158(c)(3)) is amended by inserting after “paragraph
12 (2)” the following: “or (4)”.

13 **SEC. 206. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**
14 **PLICATIONS.**

15 (a) IN GENERAL.—Section 208(d)(4) of the Immi-
16 gration and Nationality Act (8 U.S.C. 1158(d)(4)) is
17 amended—

18 (1) in the matter preceding subparagraph (A),
19 by inserting “the Secretary of Homeland Security
20 or” before “the Attorney General”;

21 (2) in subparagraph (A), by striking “and of
22 the consequences, under paragraph (6), of knowingly
23 filing a frivolous application for asylum; and” and
24 inserting a semicolon;

1 (3) in subparagraph (B), by striking the period
2 and inserting “; and”; and

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

4 “(C) ensure that a written warning ap-
5 pears on the asylum application advising the
6 alien of the consequences of filing a frivolous
7 application and serving as notice to the alien of
8 the consequence of filing a frivolous applica-
9 tion.”.

10 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1158(d)(6)) is amended by striking “If the” and all that
13 follows and inserting:

14 “(A) If the Secretary of Homeland Secu-
15 rity or the Attorney General determines that an
16 alien has knowingly made a frivolous applica-
17 tion for asylum and the alien has received the
18 notice under paragraph (4)(C), the alien shall
19 be permanently ineligible for any benefits under
20 this chapter, effective as the date of the final
21 determination of such an application.

22 “(B) An application is frivolous if the Sec-
23 retary of Homeland Security or the Attorney
24 General determines, consistent with subpara-
25 graph (C), that—

1 “(i) it is so insufficient in substance
2 that it is clear that the applicant know-
3 ingly filed the application solely or in part
4 to delay removal from the United States,
5 to seek employment authorization as an
6 applicant for asylum pursuant to regula-
7 tions issued pursuant to paragraph (2), or
8 to seek issuance of a Notice to Appear in
9 order to pursue Cancellation of Removal
10 under section 240A(b); or

11 “(ii) any of the material elements are
12 knowingly fabricated.

13 “(C) In determining that an application is
14 frivolous, the Secretary or the Attorney Gen-
15 eral, must be satisfied that the applicant, dur-
16 ing the course of the proceedings, has had suffi-
17 cient opportunity to clarify any discrepancies or
18 implausible aspects of the claim.

19 “(D) For purposes of this section, a find-
20 ing that an alien filed a frivolous asylum appli-
21 cation shall not preclude the alien from seeking
22 withholding of removal under section 241(b)(3)
23 or protection pursuant to the Convention
24 Against Torture.”.

1 **SEC. 207. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.**

2 (a) ASYLUM CREDIBILITY DETERMINATIONS.—Sec-
3 tion 208(b)(1)(B)(iii) of the Immigration and Nationality
4 Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting
5 after “all relevant factors” the following: “, including
6 statements made to, and investigative reports prepared by,
7 immigration authorities and other government officials”.

8 (b) RELIEF FOR REMOVAL CREDIBILITY DETER-
9 MINATIONS.—Section 240(c)(4)(C) of the Immigration
10 and Nationality Act (8 U.S.C. 1229a(c)(4)(C)) is amended
11 by inserting after “all relevant factors” the following: “,
12 including statements made to, and investigative reports
13 prepared by, immigration authorities and other govern-
14 ment officials”.

15 **SEC. 208. CLARIFICATION OF ASYLUM ELIGIBILITY.**

16 (a) IN GENERAL.—Section 208(b)(1)(A) of the Im-
17 migration and Nationality Act (8 U.S.C. 1158(b)(1)(A))
18 is amended by inserting after “section 101(a)(42)(A)” the
19 following: “and is eligible to apply for asylum under sub-
20 section (a)”.

21 (b) PLACE OF ARRIVAL.—Section 208(a)(1) of the
22 Immigration and Nationality Act (8 U.S.C. 1158(a)(1))
23 is amended—

24 (1) by striking “or who arrives in the United
25 States (whether or not at a designated port of ar-
26 rival and including an alien who is brought to the

1 United States after having been interdicted in inter-
2 national or United States waters),”; and

3 (2) by inserting after “United States” the fol-
4 lowing: “and has arrived in the United States at a
5 port of entry,”.

6 **SEC. 209. APPLICATION TIMING.**

7 Section 208(a)(2)(B) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1158(a)(2)(B)) is amended by striking
9 “1 year” and inserting “6 months”.

10 **SEC. 210. CLARIFICATION OF BURDEN OF PROOF.**

11 Section 208(b)(1)(B)(i) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1158(b)(1)(B)(i)) is amended by
13 striking “at least one” and inserting “the”.

14 **SEC. 211. ADDITIONAL EXCEPTION.**

15 Section 208(b)(2)(A) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

17 (1) in clause (v), by striking “or” at the end;

18 (2) in clause (vi), by striking the period and in-
19 serting “; or”; and

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

21 “(vii) there are reasonable grounds for
22 concluding the alien could avoid persecu-
23 tion by relocating to another part of the
24 alien’s country of nationality or, if state-

1 less, another part of the alien’s country of
2 last habitual residence.”.

3 **SEC. 212. CLARIFICATION REGARDING EMPLOYMENT ELI-**
4 **GIBILITY.**

5 Section 208(d)(2) of the Immigration and Nationality
6 Act (8 U.S.C. 1158(d)(2)) is amended—

7 (1) by striking “180 days’” and inserting “1
8 year”; and

9 (2) by inserting “and the authorization shall ex-
10 pire 6 months after the date of issuance” before the
11 period at the end.

12 **SEC. 213. PENALTIES FOR ASYLUM FRAUD.**

13 Section 1001 of title 18, United States Code, is
14 amended by inserting at the end of the paragraph—

15 “(d) Whoever, in any matter before the Secretary of
16 Homeland Security or the Attorney General pertaining to
17 asylum under section 208 of the Immigration and Nation-
18 ality Act or withholding of removal under section
19 241(b)(3) of such Act, knowingly and willfully—

20 “(1) makes any materially false, fictitious, or
21 fraudulent statement or representation; or

22 “(2) makes or uses any false writings or docu-
23 ment knowing the same to contain any materially
24 false, fictitious, or fraudulent statement or entry,

1 shall be fined under this title or imprisoned not more than
2 10 years, or both.”.

3 **SEC. 214. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.**

4 Section 3291 of title 18, United States Code, is
5 amended—

6 (1) by striking “1544,” and inserting “1544,
7 and section 1546,”; and

8 (2) by striking “offense.” and inserting “of-
9 fense or within 10 years after the fraud is discov-
10 ered.”.

11 **SEC. 215. TECHNICAL AMENDMENTS.**

12 Section 208 of the Immigration and Nationality Act
13 (8 U.S.C. 1158) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (2)(D), by inserting
16 “Secretary of Homeland Security or the” before
17 “Attorney General”; and

18 (B) in paragraph (3), by inserting “Sec-
19 retary of Homeland Security or the” before
20 “Attorney General”;

21 (2) in subsection (b)(2), by inserting “Secretary
22 of Homeland Security or the” before “Attorney Gen-
23 eral” each place such term appears;

24 (3) in subsection (c)—

1 (A) in paragraph (1), by striking “Attor-
2 ney General” each place such term appears and
3 inserting “Secretary of Homeland Security”;

4 (B) in paragraph (2), in the matter pre-
5 ceding subparagraph (A), by inserting “Sec-
6 retary of Homeland Security or the” before
7 “Attorney General”; and

8 (C) in paragraph (3), by inserting “Sec-
9 retary of Homeland Security or the” before
10 “Attorney General”; and

11 (4) in subsection (d)—

12 (A) in paragraph (1), by inserting “Sec-
13 retary of Homeland Security or the” before
14 “Attorney General” each place such term ap-
15 pears;

16 (B) in paragraph (2), by striking “Attor-
17 ney General” and inserting “Secretary of
18 Homeland Security”; and

19 (C) in paragraph (5)—

20 (i) in subparagraph (A), by striking
21 “Attorney General” and inserting “Sec-
22 retary of Homeland Security”; and

23 (ii) in subparagraph (B), by inserting
24 “Secretary of Homeland Security or the”
25 before “Attorney General”.