

# National Security Supplemental

The United States faces a set of pressing national security challenges that threaten to upend the post-World War II order and demand our immediate attention. This bill would ensure the United States continues to lead the international community by delivering urgently needed aid to Ukraine, Israel, Taiwan, and civilians in Gaza. This bill would also take steps to improve our broken asylum system and provide the president with new tools to consider asylum claims and treat people arriving at the border more fairly.

## ***National Security Supplemental Funding for Fiscal Year 2024***

The bill includes **\$118.28 billion** in supplemental funding across eight agencies to address national security needs for fiscal year 2024. A full summary is available through the Appropriations Committee.

Some highlights include:

- **\$60.6 billion** to continue supporting Ukraine;
- **\$14.1 billion** in security assistance for Israel;
- **\$4.83 billion** to counter China and support regional partners in the Indo-Pacific;
- **\$10 billion** for the State Department and USAID to provide lifesaving humanitarian assistance in Gaza and the West Bank, Ukraine, and other conflict zones across the globe;
- **\$2.33 billion** to continue support for Ukrainians displaced by Putin's war of aggression and other refugees fleeing persecution;
- **\$8.8 billion** for DHS to implement new border policy changes, including **\$3.995 billion** to hire new asylum officers and open additional facilities;
- **\$350 million** will be provided to hire counsel for unaccompanied children;
- **\$400 million** for the Nonprofit Security Grant Program to increase the safety of nonprofits and places of worship.

## ***Border Policy Changes***

This bill makes reforms to border management and the asylum approval system that are designed to triage the challenges at the border and give the administration additional tools to process asylum claims in a more orderly, humane manner.

**Reforms to the Asylum System:** Today, too small a percentage of individuals who are allowed into the country to make an asylum claim actually win their case. And the process of determining a claim takes far too long – 10 years or more in some cases. We need an asylum system that identifies likely meritorious claims of asylum quicker and processes cases in a more expeditious way while preserving due process rights. Here’s what the bill does to reform our broken asylum system:

- **Modestly Raise the Asylum Screening Standard:** The bill would modestly raise the initial credible fear screening standard that asylum seekers must meet to be eligible for asylum to “reasonable possibility” of persecution or torture. Importantly, the bill would NOT change the standard to prove their underlying protection claim, preserving settled law.
- **New Border Asylum Process Without Detention:** This bill would modernize asylum processing at the border by establishing a new asylum adjudication process, known as provisional noncustodial removal proceedings. This new process would allow authorities to release asylum applicants into the interior under community supervision, allowing a new, legal pathway for the credible fear interview and asylum determination to occur outside of detention. The bill would also ensure that asylum seekers receive their decision faster, delivering certainty for thousands of individuals.
  - In this new process, asylum cases would be exclusively processed by specialized USCIS asylum officers, prohibiting law enforcement officers from conducting asylum screenings. The bill allows for appeals of decisions by USCIS officers. This new process does NOT apply to unaccompanied minors or anyone in the interior – it only applies to individuals who would be subject to detention at the border under current law.
  - USCIS would have an adjudication goal of 180 days, made possible in part by giving USCIS asylum officers the power to adjudicate and decide an entire asylum claim, instead of claims being referred to backlogged immigration courts. *(continued)*

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- *(from previous)* For the first time in law, asylum officers conducting a credible fear screening could approve a clear and convincing asylum claim in that interview, circumventing the entire asylum claim merits process. The bill also provides \$3.995 billion in funding for USCIS to ensure it can meet these timelines and requires Congress to appropriate the necessary funds, instead of relying on the fees that fund USCIS.
- **Immediate Work Authorizations:** Importantly, the bill would allow asylum seekers to receive immediate work authorization upon either a positive credible fear screening or, if administrative delays result in a delay in the screening, approximately 90 days after the individual enters the country. This will ensure that asylum seekers can take care of themselves and their families pending resolution of their claim.
- **Right to Counsel:** The bill codifies the right to counsel for all asylum seekers in expedited removal. Never again will the government be able to deny an asylum seeker the ability to access a lawyer for their credible fear interview or their asylum claim.
- **Provide Government Mandated Counsel for all Children 13 and Under:** Extremely vulnerable populations such as young children are required to navigate our complex immigration system and appear before a prosecutor and a judge with no guaranteed assistance or advocacy. For the first time ever, this bill would provide guaranteed counsel for unaccompanied children.

**Protects the President's Parole Authority:** The bill would narrow the use of parole at the land borders but preserve the president's use of class-based parole, particularly at the airports. The bill does not eliminate status for any individuals currently in the U.S. that have been paroled, including recipients of relief through the Uniting for Ukraine and the Parole Processes for Cuba, Haiti, Nicaragua and Venezuela programs and specifically allows those programs to continue.

**Border Emergency Authority:** The bill would create a new authority that allows the president to temporarily stop processing the asylum claims of individuals who arrive between ports of entry. The border emergency authority could only be activated if certain encounter-based thresholds are met and would be suspended at a specified level of encounters over a defined time-period. *(continued)*

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*(from previous)* To protect against a president who might abuse the authority, various safeguards have been built into the text, including:

- a cap on the number of days that the authority can be used in a calendar year;
- a minimum number of asylum applications that must be processed daily at ports of entry when the authority is in use;
- a requirement that during the authority's use, exigent cases will still be processing between the ports of entry; and
- a sunset of the authority in three years.

**Policy Changes to Support Families and Pathways to Citizenship:** This bill would expand legal pathways for people to come to the U.S. and increase access to work authorization, and eventually citizenship for certain populations. Specifically, the bill would provide:

- **A Quarter Million New Family and Work Visas:** An additional 250,000 new family and work visas over the next five fiscal years.
- **Pathway to Citizenship for Afghans:** A pathway to citizenship for Afghans evacuated during Operation Allies Welcome, many of whom were indispensable to the United States in fighting the Taliban. It would also extend the Afghan SIV program and create a new special immigrant category for Afghan nationals who are immediate family members of U.S. service members and veterans.
- **Protection for Children of H1B Holders:** Critical protections to ensure that individuals who accompanied their parents on a work visa as children do not lose their place in line for a green card when they turn 21 as a result of lengthy backlogs.
- **A New Visa to Visit Family in the U.S.:** A new temporary visa to allow non-citizens to visit their family in the U.S.
- **Increased Resources for Cities and States:** \$1.4 billion in support for organizations that provide lifesaving resources to individuals released into the U.S. through the Shelter and Services Program. This investment returns federal dollars back to states, helps cities and nonprofits provide basic services, and keeps vulnerable children and families off the streets. *(continued)*

*(from previous)*

- **Quicker Citizenship for Immigrants Who Serve in the Military:** Shortened wait for non-citizens serving in the Armed Forces, dropping naturalization wait times from an average of five years to about one year.
- **FEND Off Fentanyl Act:** Allow U.S. government agencies to more effectively disrupt illicit opioid supply chains and penalize those facilitating the trafficking of fentanyl.

## What's **Not** in This Bill

Democrats rejected many of the harmful and draconian policies pushed by Republicans in H.R. 2. This bill **does not** include:

- Expansion of expedited removal within the interior;
- Adoption of impossible asylum standard or hundreds of new asylum bars;
- Transit ban;
- Family detention or elimination of the Flores settlement agreement;
- Return of Title 42;
- Restrictions to the President's ability to maintain or expand humanitarian parole programs such as CHNV (Cuba, Haiti, Nicaragua and Venezuela parole program).