

## CR SUMMARY

### **H.R. 2 – THE SECURE THE BORDER ACT OF 2023 (MINUS E-VERIFY)**

- H.R. 2, the Secure the Border Act of 2023, without the E-Verify title

### **CR WITH 7.8% CUT TO NON-DEFENSE SPENDING & BORDER RIDERS**

#### *Core CR Text*

- Continues funding for the 12 appropriations bills at an annualized rate of \$1,590 BB (1% cut from current levels) until October 31, 2023, unless any of the full year appropriations bills are enacted before.
  - Accomplishes this through an across-the-board 7.8085% cut to discretionary funding, while exempting the following items:
    - 1. Defense Funding (DOD, DOE, etc.)
    - 2. Veterans Affairs Funding
    - 3. Disaster Relief Funding
  - Continues the following existing law immigration provisions that would otherwise expire on October 1, 2023, through the duration of the CR:
    - Conrad30, which allows foreign medical graduates who study in the US to be eligible for visa to practice in certain medically underserved areas;
    - Religious workers visa program for noncitizen ministers;
    - H2-B – Temporary Non-Agricultural Workers visa program;
    - E-Verify as it currently exists in law (i.e., not mandatory).
    - **NOTE:** These are commonly included CR extenders that HJC has not opposed in the past.
  - Allows entitlements and other mandatory programs whose budget authority was provided under the FY 2023 omnibus to continue at the level provided by that bill.

#### *Border Security Riders*

- **H.R. 2 Implementing Language on Releases:** Ensures that none of the funds made available by the bill can be used in contravention of H.R. 2's provisions on releases (drafted by HJC).
- **CBPOne:** Prohibits funding for/use of CBPOne, or similar applications, to facilitate the parole of any aliens into the US (included in House DHS approps bill).
- **Transport:** Prohibits funding from being used for the transportation of aliens unlawfully present in, paroled into, or inadmissible to the US in the interior, with the exception of UACs (included in House DHS approps bill).
- **EADs:** Prohibit funding to issue an employment authorization document or similar document to any alien whose application for asylum in the United States has been denied, or who is convicted of a crime (included in House DHS approps bill).
- **Wall:** None of the funds made available by this act may be used or transferred to another entity to dismantle, demolish, remove, or damage existing border wall barriers, unless the barrier is simultaneously being repaired or replaced (included in House DHS approps bill).

- **ICE Memos:** Defunds Mayorkas’ “Guidelines for the Enforcement of Civil Immigration Law” memo & Kerry Doyle’s (ICE’s legal advisor) memo, or any similar or successor memos, [which](#) limit ICE’s ability to remove aliens by encouraging the use of prosecutorial discretion (included in House DHS approps bill).
- **CBP Rule:** Defunds CBP’s “Emergency Driving and Vehicular Pursuits” rule, which limits CBP’s ability to pursue and detain aliens in vehicles at the border (included in House DHS approps bill).
- **Credible Fear:** Defunds DHS/DOJ’s “Procedures or Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers,” [which](#) allows “asylum officers to release aliens into the United States using parole and make final asylum decisions for aliens who pass their credible fear screenings” (included in House DHS approps bill).
- **CLAP:** Defunds Biden’s post-Title 42 “Circumvention of Lawful Pathways” rule, which [empowers](#) use of the CBP One App to parole immigrants into the U.S. and will lead to more bogus asylum claims (included in House DHS approps bill).

*Continuing Resolution “Anomalies”*

- Continues funding for USDA’s Farm Service Agency—Agricultural Credit Insurance Fund Program Account, which provides loans to farmers that cannot get credit elsewhere.
- Continues funding for USDA’s Rural Housing Service—Rental Assistance Program to allow payment of monthly rental assistance to participating property owners during the CR.
- Extends authorization of USDA Livestock Mandatory Reporting Program, which mandates price reporting for cattle, boxed beef, and swine for duration of CR.
- Gives full flexibility for DoD to initiate new starts and to have procurement flexibility.
- Ensures DoD can get the next Columbia Class Submarine on contract.
- Extends for 1 additional year personal security services for former/retired DoD officials – there are currently specific threats against a very small number of former senior DoD officials.
- Ensures funding necessary for the Dept. of Energy to carry out a planned domestic uranium enrichment technology demonstration at a rate of operation of \$220 MM.
- Allows SBA to meet anticipated increased demand for small business financing in the 7(a), Small Business Investment Company, Secondary Market Guarantee, & 504 programs during period of the CR.
- Provides Washington, D.C. with authority to spend local tax revenues.
- Makes available to FEMA the full annual amount provided for the Disaster Relief Fund (approx. \$20B). **NOTE:** This is a standard CR provision and does not satisfy Biden’s disaster funding request.
- Extends the National Flood Insurance Program through duration of the CR.
- To avoid cutting wildland firefighter pay during the CR, transfers excess Forest Service funds from the “bipartisan infrastructure bill” to the Dept. of Interior, without redesignating it as emergency spending.
- Prevents cancellation of military construction funds whose execution was delayed because they were previously deferred.