

118TH CONGRESS
1ST SESSION

S. 276

To require the Inspector General of the Department of Homeland Security to investigate the vetting and processing of illegal aliens apprehended along the southwest border and to ensure that all laws are being upheld.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Mr. SCOTT of Florida (for himself, Mr. TUBERVILLE, Mr. JOHNSON, Mr. CRUZ, Mr. TILLIS, Mr. CASSIDY, Mr. RUBIO, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Inspector General of the Department of Homeland Security to investigate the vetting and processing of illegal aliens apprehended along the southwest border and to ensure that all laws are being upheld.

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.**

4 This Act may be cited as the “Upholding the Law
5 at Our Border Act”.

1 **SEC. 2. INVESTIGATION AND REPORT ON VETTING AND**
2 **PROCESSING OF ILLEGAL ALIENS APPRE-**
3 **HENDED ALONG THE SOUTHWEST BORDER**
4 **AND ENSURING THAT ALL LAWS ARE BEING**
5 **UPHELD.**

6 Not less frequently than every 60 days until there
7 have been fewer than 35,000 apprehensions per month at
8 the southwest border for 3 consecutive months, the Inspec-
9 tor General of the Department of Homeland Security shall
10 conduct an investigation and submit a report and provide
11 a briefing to the President, the Secretary of Homeland
12 Security, the Attorney General, the Committee on Home-
13 land Security and Governmental Affairs of the Senate,
14 and the Committee on Homeland Security of the House
15 of Representatives regarding, with respect to the period
16 beginning on January 20, 2021—

17 (1) the vetting procedures applicable to aliens
18 (as defined in section 101(a) of the Immigration and
19 Nationality Act (8 U.S.C. 1101(a))) seeking entry or
20 admission to the United States who were appre-
21 hended along the southwest border of the United
22 States, including the process for conducting in-per-
23 son interviews with such aliens and the number of
24 such interviews that were conducted;

25 (2) the total number of aliens who are unlaw-
26 fully present in the United States (referred to in this

1 section as “illegal aliens”) who were processed and
2 released into the interior of the United States;

3 (3) the number of illegal aliens who received pa-
4 role (humanitarian or otherwise);

5 (4) the results of the audit of parole applica-
6 tions, including the justification for any instances in
7 which parole was granted;

8 (5) the total number of illegal aliens who have
9 been placed in removal proceedings pursuant to sec-
10 tion 240 of the Immigration and Nationality Act (8
11 U.S.C. 1229a), including—

12 (A) how many of such illegal aliens have
13 been removed; and

14 (B) how many of such illegal aliens are eli-
15 gible for any immigration benefit, such as asy-
16 lum or lawful permanent residence;

17 (6) the results of the audit of asylum applica-
18 tion under section 208 of the Immigration and Na-
19 tionality Act (8 U.S.C. 1158);

20 (7) the total number of illegal aliens who have
21 been placed in expedited removal proceedings pursu-
22 ant to section 235(b)(1) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1225(b)(1)), including how
24 many have been removed;

1 (8) the efforts of the Department of Homeland
2 Security to continually monitor all of the illegal
3 aliens who were apprehended along the southwest
4 border of the United States and then released on pa-
5 role, including—

6 (A) the number of such illegal aliens who
7 were given a “notice to report” to a U.S. Immi-
8 gration and Customs Enforcement office;

9 (B) the number of such illegal aliens who
10 actually reported in compliance with such notice
11 to report;

12 (C) the number of such illegal aliens who
13 were given a “notice to appear” before an im-
14 migration judge; and

15 (D) the number of such illegal aliens who
16 have prior criminal convictions or terms of im-
17 prisonment in the United States or outside of
18 the United States;

19 (9) the total number of illegal aliens who were
20 processed and released into the interior of the
21 United States without participating in an alter-
22 natives to detention program, such as using an ankle
23 monitor or another tracking monitor; and

24 (10) the States and counties in which the De-
25 partment of Homeland Security or the Department

1 of Health and Human Services has resettled illegal
2 aliens since January 20, 2021.

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