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Representing the 14th District of Georgia

## **Protect America First Act**

### ***Section-by-Section***

#### ***Section 1. Short Title, Table of Contents, Severability, Definitions***

#### ***Section 2. Purpose***

States that it is the purpose of this Act to:

- cease all foreign immigration to the United States for a period of four years until the border is secured and Americans can return to work.
- Further purposes:
  - to repeal certain executive orders which endanger the security of the United States,
  - re-assert a zero-tolerance immigration policy,
  - ensure the safe return of unaccompanied alien children,
  - reduce human trafficking, deport criminal aliens, and
  - end chain migration

#### ***Section 3. Findings***

Finds the following:

- Article I, Section 8, Clause 4 of the United States Constitution clearly states that Congress has absolute power to create a uniform rule of naturalization.
- Between 2013 and 2014, the number of unaccompanied children apprehended at the border increased nearly 80 percent, from 38,759 in fiscal year 2013 (October 2012-September 2013) to 68,541 in fiscal year 2014 (October 2013-September 2014).
- The New York Times concluded that the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457, hereafter “Wilberforce Act”) enacted during the transition to the Obama administration was at the root of the calamitous flow of unaccompanied minors to the nation’s southern border in 2014.
- According to Cable News Network (CNN), the Wilberforce Act contributed to the surge of child migrants from Central America by preventing the United States from sending the children back without an asylum hearing.
- According to then-Presidential Candidate Biden, it is a “moral failing when children are locked away in overcrowded detention centers (cages).”

- Yet, we know the cages were actually built under President Obama, Vice President Biden, Homeland Security Secretary Jeh Johnson, and Deputy Secretary Mayorkas.
- Outlines President Biden’s “open border” executive orders
- Reminds the American people that President Trump supported deporting all undocumented immigrants (“inadmissible aliens”) and called for an end to unnaturalized birthright citizenship in the United States.
- Border detentions significantly increased under the Trump Administration.

#### ***Section 4. Sense of Congress***

Expresses the Sense of Congress that:

(a) The legal immigration system of the United States should be curtailed to those that can contribute not only economically but have demonstrated respect for this nation’s culture and rule of law.

(b) America’s borders must be defended, and illegal immigration must be stopped without exception.

(c) A measure of a country’s greatness is the value recognized in being a citizen. As such, America cannot tarnish the citizenship designation by rewarding those who fail to follow the laws at the expense of those who do.

(d) Amnesty must be rejected in all forms.

(e) Unnaturalized birthright citizenship—which actively encourages hostile interests to undermine the legitimacy of democratic self-governance by engaging in subversive “birth tourism” and chain migration—is contrary to the intent of the 14th Amendment to the Constitution.

(f) Federally imposed refugee resettlement programs should be rejected due both to disruption to local communities and the corruption rampant within these programs.

#### ***Section 5. Reduced Removal Period for Aliens Ordered Removed***

Expedites the period between when an alien is ordered removed and actually deported from 90 days to 30 days.

*With rampant overcrowding and backlogs in our immigration system, we need to expedite the timeline between determination and removal.*

#### ***Section 6. Temporary Immigration Moratorium; Expedited Deportation***

- Provides that notwithstanding any other immigration law, any person who unlawfully enters the United States will be treated as an “inadmissible alien”, assumed to be carrying COVID-19, and be subject to immediate detention and deportation within 30 days.
- Such persons detained will not be required to go through an immigration adjudication hearing before a judge.
- No one apprehended pursuant to this section will be allowed to leave law enforcement custody while awaiting deportation (no “Catch and Release”).
- This section will apply for 4 years following the enactment date of this Act.

## ***Section 7. ICE Detention of Violent Aliens***

*“Sarah’s Law” From the 114<sup>th</sup> Congress*

This bill amends the Immigration and Nationality Act to require the detention of an alien:

(1) who was not inspected and admitted into the United States, who held a revoked nonimmigrant visa (or other nonimmigrant admission document), or who is deportable for failing to maintain nonimmigrant status; and

(2) who has been charged in the United States with a crime that resulted in the death or serious bodily injury of another person.

U.S. Immigration and Customs Enforcement shall make reasonable efforts to:

- obtain information about the identity of any victims of the crimes for which such alien was charged or convicted; and
- provide the victim, or a parent, guardian, spouse, or closest living relative of a deceased victim, with information about such alien, including name, date of birth, nationality, immigration status, criminal history, and a description of any related removal efforts.

**Co-Sponsors (114<sup>th</sup> Congress):** Gohmert, Babin, Bridenstine, Weber, Brooks, Brat, Barletta, Fleming, Blum, Gosar, McClintock, Pittenger, Lamar Smith, Hice, McKinley, Palmer, Chabot, Adrian Smith, Grothman, Loudermilk, Wilson, Duncan, Schweikert, and LaMalfa (24)

## ***Section 8. No Funding For Sanctuary Cities***

*Language Drawn from Rep. Duncan Hunter Bill, 114<sup>th</sup> Congress (H.R. 3009, [Passed House with Overwhelming Republican Support](#))*

- Amends the Immigration and Nationality Act to make a state or local subdivision ineligible for state criminal alien assistance program funding if it:
  - (1) has in effect any law, policy, or procedure prohibiting or restricting communication with the Immigration and Naturalization Service or other government entity regarding an individual's citizenship or immigration status; or
  - (2) prohibits state or local law enforcement officials from gathering information regarding an individual's citizenship or immigration status.
- Withholds specified Department of Justice funds (for the State Criminal Alien Assistance Program, the Community-Oriented Policing Services program, and the Byrne JAG program) under parts Q and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 from such states or local subdivisions.

## ***Section 9. Empowering Local Law Enforcement to Ensure Immigration Security*** *CLEAR Act of 2015 (H.R. 2964, Rep. Blackburn, 114<sup>th</sup> Congress)*

States that:

- (1) state and local law enforcement personnel, in the course of their routine duties, have the inherent authority to investigate, apprehend, or transfer to federal custody aliens in the United States (including interstate transportation of such

aliens to detention centers) in order to assist in the enforcement of U.S. immigration laws; and

- (2) effective on enactment of this Act, a state that has in effect a statute, policy, or practice prohibiting such law enforcement assistance shall not receive certain federal incarceration assistance.

- Provides for the listing of immigration violators in the National Crime Information Center database.
- Directs states and localities to provide the Department of Homeland Security (DHS) with specified information about apprehended aliens who are believed to be in violation of U.S. immigration laws. Provides federal reimbursement for related state and local costs. (States that such provision shall not require state or local enforcement officials to provide DHS with information related to a victim of a crime or witness to a criminal offense.)
- Directs DHS to make grants to states and political subdivisions that enforce immigration laws in the course of their routine law enforcement duties for special equipment and facilities related to arresting, detaining, or transporting illegal aliens.
- Amends the Immigration and Nationality Act regarding illegal aliens apprehended by state or local authorities to provide for:
  - (1) federal custody upon state or local request, and
  - (2) state or local compensation for related incarceration and transportation costs.
- Directs the Department of Justice or DHS to ensure that the detention of an alien subject to removal is in an adequate state or local prison, detention center, or other comparable facility prior to his or her removal examination.
- *Provides:*
  - (1) personal liability immunity to the same extent as corresponding federal immunity for state or local personnel enforcing immigration laws within the scope of their duties under this Act, and
  - (2) civil rights money damage immunity for state or local agencies enforcing immigration laws unless their personnel violated criminal law in such enforcement.
- Continues the institutional removal program, which shall be expanded to all states.
- Authorizes state or local detention of an illegal alien after completion of such alien's prison sentence for:
  - (1) up to 14 days to facilitate federal transfer, or
  - (2) until transfer to U.S. Immigration and Customs Enforcement.

**Co-Sponsors (114<sup>th</sup> Congress):** Barton, Brooks, Weber, Grothman, Fincher, Cole, Price, McClintock, Young, Benishek, Culberson, Chris Smith, Jeff Duncan, Trent Franks, Lamar Smith, Diane Black, Bridenstine, Rouzer, John Duncan, Trent Kelly, Lance, Olson, Allen, Jenkins, Pittenger, Sam Johnson, Hanna, Gosar **(30)**

### ***Section 10: Build the Wall***

*Similar to Rep. Biggs Language from 117<sup>th</sup> Congress (H.R. 58)*

- Creates a fund at the Treasury to build the wall
- Appropriates President Trump's original estimate for the cost of the wall (\$22 billion)
- Names the Border Wall "President Donald J. Trump Wall"

### ***Section 11. Reasserting President Trump's Zero Tolerance Immigration Policy***

- Reasserts President Trump's executive orders on immigration related to our Southern border

### ***Section 12. Repeal of Biden's Open Border Executive Orders***

- Rescinds all of President Biden's immigration-related executive orders

### ***Section 13. Rescinding DACA & DAPA***

- Rescinds original Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parental Accountability (DAPA) memoranda.

### ***Section 14. Prohibition of Financial Aid to Mexico, Central, and South American Countries***

- Prohibits federal funds in fiscal years 2021 and every year thereafter to Mexico or any Central or South American country if their citizens are detained and deported pursuant to Sections 5, 6, and 7 of this Act.

*With \$28+ trillion in debt and an ongoing healthcare pandemic, American Taxpayer dollars should not be going to countries whose citizens violate our immigration laws. This provision will also incentivize countries to keep their citizens in their own countries rather than allowing them to illegally migrate to the United States.*